UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 19 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE
NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

OLEM – 9360.3-170

MEMORANDUM

SUBJECT: Headquarters Concurrence on the Union Chemical Co., Inc. Superfund Site Notice of Intent to Delete

FROM: James E. Woolford, Director
Office of Superfund Remediation and Technology Innovation

TO: Alexandra Dapolito Dunn, Regional Administrator
Region 1

Background

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Delegation of Authority 14-17, National Priorities List (NPL) Determinations, pursuant to CERCLA's section 105 requires formal Office of Land and Emergency Management (OLEM) concurrence before a Regional Administrator signs the notice of intent to delete. This memorandum completes the Headquarters concurrence requirement.

Consistent with section 300.425 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), releases may be deleted from or re-categorized on the NPL where no further response is appropriate. In consultation with the state, the U.S. Environmental Protection Agency (EPA) shall consider whether any of the following criteria have been met: "(i) responsible parties or other persons have implemented all appropriate response actions required; (ii) all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or (iii) the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate."

Headquarters Review

Headquarters reviewed the Union Chemical Co., Inc. Superfund site's draft notice of intent to delete and sent written comments to Region 1 based on that review. The Region's Superfund office addressed the comments accordingly. Upon completing its review, Headquarters agrees that the proposed deletion action meets the relevant NCP deletion criteria summarized above. The attached checklist summarizes

that the notice of intent to delete meets both NCP and EPA guidance deletion requirements. The deletion docket is available in the local, regional and electronic repositories.

Action

Headquarters concurs with the Union Chemical Co., Inc. site's proposed deletion; please sign and process the appropriate deletion documents. If you have questions, please call me at 703-603-8960 or your staff may call Chuck Sands at 703-603-8857.

Attachment

cc: Barry Breen, OLEM
Dana Stalcup, OLEM/OSRTI
Schatzi Fitz-James OLEM/OSRTI
Bryan Olson, Region 1
Cyndy Mackey, OECA/OSRE
Chuck Sands, OLEM/OSRTI

Headquarters Deletion Concurrence – Checklist
Union Chemical Co., Inc. Superfund Site (South Hope, Maine)

SITE MILESTONES

✓ Is the site being deleted based on Resource Conservation Recovery Act deferral? If yes, skip to "deletion criteria."

No.

✓ Is the site construction complete?

Yes, as of 9/30/1997.

✓ Does the site require five-year reviews (FYRs)? If EPA has completed an FYR, what was the last completion date? What is the site's site-wide protectiveness determination?

Yes; Region 1 completed the fourth statutory FYR of the site on September 14, 2017 because hazardous substances remained on site above levels that allow for unlimited use and unrestricted exposure. The Region found the site remedy currently protects human health and the environment, and there was one issue and recommendation. The recommendation was to add PFOA, PFAS, PFBS and 1,4- dioxane to an upcoming monitoring event to determine if these chemicals are associated with the site. Monitoring for 1,4-dioxane began in 2010, and the compound was found in 2 monitoring wells. Maine's groundwater exposure criteria for 1,4-dioxane are a To Be Considered (TBC) standard for the site. The Settling Defendants conducted this sampling on October 23, 2017 at overburden and bedrock wells and surface waters. One overburden well, the historically most contaminated well located immediately downgradient of the former facility's discharge trench, exceeded PFAS criteria. However, other more distant monitoring wells and surface waters did not exceed criteria. The site remedy's protectiveness is not impacted because the 12-acre site has a Technical Impracticability waiver implemented in the 2013 ROD Amendment which waives restoration of groundwater standards due to site-specific hydrogeological factors. In addition, there is no exposure of concern to human or ecological receptors. Some 1,4-dioxane was also noted, but again, these criteria were waived. The chemicals will be added to the long-term monitoring events, and the FYR recommendation is completed. The next FYR is scheduled for September 2022.

✓ Are the environmental indicators Human Exposure Under Control and Ground Water Migration Under Control?

Yes – Human Exposure
Yes – Contaminated Groundwater Migration

✓ Has the site been determined to be "Sitewide Ready for Anticipated Use"?

✓ **Yes,** as of 8/17/2017.

✓ Are institutional controls (ICs) required at the site? Are ICs in a decision document?

Yes; the 1990 ROD and 2013 ROD Amendment required the implementation of ICs for the Site Property and nearby properties to protect human health and the environment. On August 2, 2017, Maine Department of Environmental Protection (MEDEP) recorded a Declaration of Environmental Covenant in the chain of title for the two lots comprising the Site Property. MEDEP, as the receiver of the Site Property pursuant to a 1986 court order, granted the property rights under the Declaration of Environmental Covenant to itself, and will also serve as the holder of these property interests. EPA has third party rights of enforcement under the instrument. Among other things, the Declaration of Environmental Covenant: (1) prohibits the extraction of groundwater; (2) prohibits the destruction, obstruction, tampering, or disruption of wells; (3) prohibits the discharge or injection of liquids to the subsurface; (4) prohibits the accumulation, storage, or stockpiling of wastes, and operation of a junkyard or automotive scrapyard (former site activities), (5) requires a sub-slab vapor barrier and ventilation system or a sub-slab depressurization system for any constructed buildings, and (6) provides for EPA and MEDEP access to the Site Property.

In addition to ICs for the Site Property, the 1990 ROD also identified institutional controls that could be taken for properties beyond the Site Property. These controls included a restriction on the use of groundwater from existing bedrock wells that are hydraulically connected to the Site, specifically the well on Town of Hope's Tax Map 8 Lot 45, and advisory controls (e.g. well advisories) on surrounding properties. The Settling Defendants entered a Lease and Indenture Agreement with the owners of Map 8 Lot 45 on May 18, 1992 and the State of Maine, acting by and through MEDEP. This agreement prohibited the use of the bedrock well in perpetuity unless released by the Settling Defendants and MEDEP.

✓ Did the region complete a final close-out report (FCOR)? Was the FCOR complete and consistent with guidance? Is the FCOR date in SEMS?

Yes; Region 1 completed an FCOR on 5/21/2018. EPA has successfully completed all site response actions in accordance with "Close Out Procedures for National Priorities List Sites" (OSWER Directive 9320.2-09A-P).

DELETION CRITERIA

✓ Does the Region have the state concurrence letter?

Yes; the MEDEP concurred with the proposed deletion action on 5/25/2018.

✓ Is the state concurrence and FCOR in the deletion docket? Is the docket available in the site repositories?

Yes.

✓ Has a Federal Docket Management System docket phase been opened for the deletion? Are the deletion docket documents uploaded or referenced in this docket?

Yes.

✓ Were all of the Headquarters regional coordinator's significant comments addressed and/or resolved?

Yes.

✓ If a direct deletion, were both documents sent to Headquarters for review?

N/A.

✓ Does the document use the most current deletion templates?

Yes.

✓Are there any community concerns about the site?

No.

✓ Are there any reuse/redevelopment opportunities?

No; any redevelopment opportunity is limited. The 12-acre site is in a rural residential area of Maine, and on a major road connecting Augusta with the coast. Redevelopment is limited because of the ICs – no use of groundwater and there is no public water system available. In addition, the site is too small for many recreational uses, such as a ballfield. There is a Right-of-Way across the property that further complicates potential permissible site activities. As the site is in a rural area, there are many other properties with wells available for potable water supplies and no land use restrictions should a development opportunity seek land in the area.

✓ Is the Region planning an event for the deletion?

No. The Region will issue a press release.

BASIS FOR SITE DELETION

Verify the following information is included in the "basis for site deletion" section (as appropriate):

✓ Site Background and History
- Provide nearest city, county, state;
- Describe the physical locations and boundaries of the site;
- Describe former use;
- Describe site conditions resulting in listing;
- Provide *Federal Register* citation of proposed and final NPL listing;
- Describe removals conducted (if applicable); and
- Describe ongoing or potential redevelopment (if applicable).

✓ Remedial Investigation and Feasibility Study
- Describe scope of remedial investigation; and
- Describe findings from feasibility study.

✓ Record of Decision Findings
- Describe the major components of the selected remedy;
- Describe remedial action objectives; and
- Describe any explanation of significant differences or ROD amendments.

- ✓ Response Actions
  - Summarize remedial design/remedial action activities.

- ✓ Cleanup Standards
  - Describe information or data obtained to demonstrate that cleanup levels have been achieved.

- ✓ Operation and Maintenance (if applicable)
  - Describe ongoing or completed O&M;
  - Describe any continuing site monitoring; and
  - Describe institutional controls implemented, including where filed and how verified.

- ✓ Five-Year Review (if applicable)
  - Describe results of any previous FYR; and
  - Indicate the schedule for the next FYR.

- ✓ Community Involvement
  - Describe major community involvement activities; and
  - Describe community involvement activities associated with deletion.

- ✓ Determination that the Site Meets the Criteria for Deletion
  - Explain why the site meets the substantive NPL deletions criteria; and
  - Describe how the region has followed 40 CFR 300.425(e) procedures.