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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

February 2, 2000

Mr. Michael F. Garvey
Nova Chemicals, Inc.
700 Worcester Street
Springfield, MA 01151

Re: RCRA Corrective Action Jurisdiction
Nova Chemicals, Inc., Springfield, Massachusetts
EPA ID No. MAD 981 887 268

Dear Mr. Garvey,

The purpose of this letter is to respond to your letter of September 29, 1999 regarding Resource Conservation and Recovery Act (RCRA) Corrective Action jurisdiction at your facility, the Nova Chemicals, Inc.'s (Nova), Indian Orchard, Springfield, Massachusetts, facility (facility). The United States Environmental Protection Agency (EPA) appreciates your efforts to clarify the appropriateness of Corrective Action at your facility. Based upon the available information, EPA would concur with your analysis that Nova has not conducted a regulated activity requiring a RCRA permit and is not subject to Corrective Action under RCRA Section 3004(u), 42 U.S.C. § 6924(u), or 3008(h), 42 U.S.C. § 6928(h).

However, you should know that EPA has additional statutory authority to address releases of substances that may pose a threat to human health and the environment (e.g., RCRA 3013, 42 U.S.C. § 6934, RCRA Section 7003, 42 U.S.C. § 6973, and CERCLA Section 106, 42 U.S.C. § 9606). Our records indicate that the Nova facility is of concern due, in large part, to the documented release of approximately 17,000 pounds of styrene monomer and polystyrene from the facility in 1988. Apparently, this release may have impacted the air, the Chicopee River and the banks of that river. This release is a principle reason why Nova was included on EPA's Government Performance and Results Act of 1993 (GPRA) national baseline listing.

At this point in time, the RCRA Corrective Action program's highest priority is to "stabilize" contaminated facilities by achieving the two Environmental Indicators, "Current Human Exposures Under Control" and "Migration of Contaminated Groundwater Under Control." Most of our resources are dedicated to this stabilization goal. In order to decide whether the cleanup of the Nova facility merits further federal resources or whether, as you suggest, EPA should defer oversight to the state, EPA must know what cleanup progress Nova has made thus far – i.e., if Nova has stabilized the site. The easiest way to make this determination would be for Nova to complete EPA's Environmental Indicator checklist (attached) and provide supporting documentation. From

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Nova's perspective, the benefits of demonstrating environmental success by way of the Environmental Indicator checklist would include the reflection of such achievement on EPA's national database and internet web site. This checklist originally was developed for agency use, so parts of it may seem confusing or inapplicable to you. Please contact Raphael Cody at (617) 918-1366 if you need assistance filling out the checklist.

We thank you for your time, the resources you have dedicated so far to cleaning up your facility, and for your cooperation in helping EPA decide how to proceed at your facility. Please call me at (617) 918-1361 or Raphael Cody at (617) 918-1366 with any questions about this letter.

Sincerely,


Matthew R. Hoagland
Chief, RCRA Corrective Action

cc: Mr. Edward Weagle, MADEP
Gary Gosbee, EPA
Catherine Smith, EPA
Raphael Cody, EPA