UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION 3

STATEMENT OF BASIS

BENJAMIN MOORE & COMPANY

COLONIAL HEIGHTS, VIRGINIA

EPA ID NO. VAD 042 197 772

March 2, 2009

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I. INTRODUCTION

A. Facility Name

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) for the Benjamin Moore & Company Facility located at 880 West Roslyn Road, Colonial Heights, VA 23834 (hereinafter referred to as the Facility).

The Facility is subject to the Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. Sections 6901 to 6992k. The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property.

Information on the Corrective Action program can be found by navigating http://www.epa.gov/reg3wcmd/correctiveaction.htm.

B. Proposed Decision

This SB explains EPA's proposed decision that Corrective Action is complete and no land use controls are required for the Facility. EPA's proposed decision is based on a review of EPA and Virginia Department of Environmental Quality (VDEQ) files regarding the environmental history of the Facility as presented in the Final RCRA Site Visit Report submitted on June 18, 2008. Based on this review, EPA has concluded that there are no current or unaddressed releases of hazardous waste or hazardous constituents from the Facility.

C. Importance of Public Input

Before EPA makes a final decision on its proposal for the Facility, the public may participate in the remedy selection process by reviewing this SB and documents contained in the

Administrative Record (AR) for the Facility. The AR contains the complete set of reports that document Facility conditions, including a map of the Facility, in support of EPA's proposed decision. EPA encourages anyone interested to review the AR. A copy of the AR is available for public review from the EPA Region 3 office, the address of which is provided in Section V, below.

EPA will address all significant comments received during the public comment period. If EPA determines that new information or public comments warrant a modification to the proposed decision, EPA will modify the proposed decision or select other alternatives based on such new information and/or public comments. EPA will approve its final decision in a document entitled the Final Decision and Response to Comments (FDRTC).

II. FACILITY BACKGROUND

The Benjamin Moore & Company is located at 880 West Roslyn Road in Chesterfield County, Colonial Heights, Virginia. The Facility was constructed on cultivated land between 1965 and 1966; it was expanded in 1986. It is located on a 10.5-acre site in a light industrial region.

The Facility operations included paint manufacturing, raw material storage, product mixing and thinning, packaging, warehousing/shipping, and a quality assurance/quality control (QA/QC) laboratory.

Benjamin Moore's manufacturing activities ceased in 2001, at which point the Facility was decommissioned.

The Facility at one time operated under interim permit status for a container and tank storage. Additionally the facility was a small quantity generator of hazardous waste.

III. SUMMARY OF ENVIRONMENTAL HISTORY

Benjamin Moore had contracted ENVIRON International Corporation (ENVIRON) to perform a Phase I Site Assessment in 1999 for the Facility. Phase I and Phase II Site Assessment follow-up work commenced in April 2002.

Based on a May 2002 Phase II Site Assessment Report prepared by Terracon, the Benjamin Moore site maintained a fenced-in, asphalt-paved storage area for liquid raw material totes and drums, a trash compactor, compressor room where condensate was discharged across the pavement into the municipal storm water lines, and two Quonset huts for pigment storage. A non-paved drum storage area and railroad tracks used for shipping were also located on-site. As of May 2001, Benjamin Moore operated as a conditionally exempt small quantity generator (CESQG) of hazardous waste.

The Quonset huts had been utilized since the mid-1990s for the storage of paint pigments and packaging materials. The huts were located west of the main building. The fenced-in area located north of the Quonset huts was used for the storage of liquid ammonia, silicon-based antifoaming

agents, kelsol, ethylene glycol, glycerin, and xylenes contained in tote containers. This fenced-in area was the former location of the aboveground storage tanks (ASTs) at the site.

Benjamin Moore first applied for a hazardous waste management permit on November 10, 1980. On August 5, 1981, Benjamin Moore met the requirements for interim status under the RCRA Regulations.

In March 1983, Benjamin Moore requested that the Commonwealth of Virginia withdraw their Part A Hazardous Waste Interim Status Authorization, due to operating process changes that required storage to not exceed 90 days. Benjamin Moore operated a designated storage area for containers and tanks on-site under Interim Status. The facility qualified for Interim Status as a storage facility since the RCRA Regulations allow a facility to operate until final disposition of its RCRA Permit Application.

The container and tank storage areas under RCRA Interim Status were closed in March of 1983. The closure plan was received by the Virginia State Department of Health on April 1, 1983. The closure plan for the storage areas were public noticed on May 20, 1983. The closure plan and the clean closure certification of the container and tank storage areas were approved on August 19, 1983.

After closure of the container storage and tank storage areas under Interim Status, the Benjamin Moore facility maintained its status as a generator of hazardous waste under 40 CFR § 262.34.

On May 7, 1984, the Bureau of Hazardous Waste Management, Virginia Department of Health, requested the facility to complete its permit application. On May 10, 1984, the Benjamin Moore facility responded that it would not be submitting the permit application, and that the facility closed the Interim Status container and tank storage areas and was operating as a generator of hazardous waste under 40 CFR § 262.34. Subsequently, Interim Status was terminated on July 16, 1984.

According to the EPA's RCRA Info Database, the facility operated as a small quantity generator (SQG) from 1983 to 1991. However, RCRA information indicates that the facility was classified as a large quantity generator (LQG) in 1991 and 1993, where hazardous wastes were generated and shipped off-site to a Treatment, Storage, and Disposal (TSD) facility.

From 1987 to 2001, the site emitted a total of 8,000 pounds of air emissions to the atmosphere that included ethyl glycol, ethylene glycol, xylenes, and zinc/zinc compounds. These air emissions equated to an average of less than approximately 575 pounds per year.

In addition, Benjamin Moore properly manifested (shipped) a total of approximately 7,300 pounds of glycol ethers, xylenes, zinc/zinc compounds, and ethylene glycol to a permitted off-site TSD facility from 1987 to 2001 (*i.e.*, less than an average of 525 pounds per year).

The VDEQ issued a letter on February 8, 1999 to Benjamin Moore indicating that the Facility was exempt from the air permitting requirements outlined in the Virginia Air Pollution Control Regulations since (1) the facility had an estimated uncontrolled volatile organic compound

(VOC) emission rate of three tons per year, which was lower than the exemption level of 10 tons per year; (2) the size of each of the emission sources (tanks and filling machine) was below the 40,000 gallons per tank exemption threshold for size; and (3) the priority toxic pollutant emissions were lower than exemption levels outlined in the Virginia Air Pollution Control Regulations.

According to ENVIRON's 1999 Phase I Site Assessment, the former Benjamin Moore facility maintained 29 ASTs ranging in capacity from 5,000 to 12,000 gallons, with a total capacity of 200,000 gallons for raw materials storage. Contents of the ASTs included acrylic and vinyl acrylic resins (latex), linseed/soy/sunflower alkyd resins, odorless mineral spirits (OMS), Isopar L solvent (an aromatic hydrocarbon-based solvent), and naphtha/medium aliphatic solvents, propylene glycol, Shell 140, and texanol (an ester glycol).

During an April 2002 site inspection, significant amounts of spilled paint were identified in areas within the batch mixing area, the tank house, and along the exterior of the building. Paint chips were also found on pallets by the tank house; however, none of the chip samples from these areas exhibited concentrations of lead above laboratory detection limits.

A limited Phase II Site Assessment was conducted in April 2002, which indicated a release of petroleum hydrocarbons had occurred in the vicinity of the former tank house (interior of the building). Chromium, lead, and mercury concentrations were also identified in site soils, but concentrations were also found across the site location and at levels suggesting these metals may be naturally occurring at the site.

The presence of non-friable asbestos containing material (ACM) was identified in vinyl floor tile and its associated mastic from the front area of the site including the kitchen area, front offices, and QA/QC laboratory.

Soil and groundwater samples were collected as part of the site assessment activities in April 2002. Ten soil borings were advanced (four deep and 5 shallow). Soil samples from each of the 10 borings, and groundwater samples from the deep borings were analyzed for VOCs; chromium, cadmium, lead, and mercury; and total petroleum hydrocarbons (TPH) – gasoline range organics (GRO) and TPH – diesel range organics (DRO).

Soil boring B-4 (located within the tank house on the northwestern portion of the warehouse area) exhibited variably elevated Photoionization Detector (PID) readings. Petroleum odors at depths of approximately 8 to 20 feet were noted. Slight petroleum odors and staining were observed in soil boring B-10S (located at the western side of the compressor room and adjacent to a storm drain). Based on the laboratory analyses, with the exception of the groundwater sample collected from boring B-4 (which contained TPH at a concentration exceeding the Virginia Petroleum Storage Tank Program reporting limit of 1 mg/L), no other constituents were detected in any of the samples at levels exceeding applicable VDEQ criteria or USEPA Region III Risk-Based Concentrations.

MW-1 was installed in the eastern portion of the former tank house, and sampled in May 2002 for TPH-DRO and TPH-GRO analysis.

Laboratory analytical results of the groundwater sample collected from MW-1 indicated concentrations of TPH-DRO of 0.5 mg/L and TPH-GRO of 0.43 mg/L. The sum of these concentrations is less than the Virginia Petroleum Storage Tank Program reporting limit of 1 mg/L. Environ collected an additional groundwater sample from MW-1 on June 13, 2003, at the request of VDEQ, and analyzed this sample for TPH-DRO and TPH-GRO. TPH-DRO was not detected in the sample (0.5 mg/L detection limit), and TPH-GRO was detected at a concentration of 160 µg/L, which is significantly lower than the VDEQ reporting limit of 1.0 mg/L. Therefore, based on the two rounds of confirmatory groundwater sampling from MW-1 conducted in May 2002, and June 2003, and the fact that TPH did not exceed the 1.0 mg/l TPH regulatory limit under the Tank Program, ENVIRON proposed to the VDEQ, in a letter dated June 27, 2003, that no further action was required related to the low-level detections of TPH in MW-1. No subsequent correspondence from VDEQ Tank Program was received by ENVIRON or Benjamin Moore on this matter.

IV. EVALUATION OF EPA'S PROPOSED DECISION

EPA has determined that its proposed decision for the Facility is protective of human health and the environment and that no further corrective action or controls are necessary at this time.

V. PUBLIC PARTICIPATION

Interested persons are invited to comment on EPA's proposed decision. The public comment period will last thirty (30) calendar days from the date the notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Denis Zielinski at the address listed below.

A public meeting will be held upon request. Requests for a public meeting should be made to Mr. Denis Zielinski at the address listed below. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed decision at this Facility. To receive a copy of the Administrative Record, contact Mr. Denis Zielinski at the address below:

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