



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

SIMS METAL MANAGEMENT
1177 HOSIER ROAD
SUFFOLK, VIRGINIA
EPA ID NO. VAD980918221

I. FINAL REMEDY

The United States Environmental Protection Agency (“EPA”) has selected monitored natural attenuation and land- and groundwater-use restrictions as the final remedy for Sims Metal Management (the “Facility” or “Site”) located at 1177 Hosier Road in Suffolk, Virginia.

The final remedy for the Facility will be implemented through an enforceable agreement, order, and/or Environmental Covenant entered into pursuant to the Virginia Uniform Environmental Covenants Act (“UECA”), § 10.1-1238 et seq. of the Code of Virginia which will be recorded with the deed for the Facility property.

A. Monitored Natural Attenuation

EPA’s final remedy for the groundwater beneath the Facility is Monitored Natural Attenuation (“MNA”). Natural attenuation refers to a system where a variety of physical, chemical, or biological processes act without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of contaminants in soil or groundwater. As decomposition of the contaminants takes place, compounds called “breakdown products” are produced. Ultimately, the breakdown products are also decomposed resulting in compounds which are not a threat to human health or the environment. MNA simply refers to the act of collecting samples to “monitor” the natural attenuation process. The monitoring at the Facility will be conducted in accordance with the EPA-approved Long-Term Groundwater Monitoring Plan as incorporated by reference and included as an attachment to the June 4, 2013 Statement of Basis for the Facility.

B. Institutional Controls

ICs are non-engineered mechanisms such as administrative and/or legal controls that minimize the potential for human exposure to contamination and protect the integrity of a remedy. Under this final remedy, contaminants remain in the Facility soils and groundwater beneath the Facility above levels appropriate for residential uses, but below levels appropriate for non-residential (industrial) uses. Because contaminants remain in the soil and groundwater at the Facility, EPA’s final remedy requires that compliance with and maintenance of land and/or groundwater restrictions at the Facility be implemented through an enforceable agreement, order, or Environmental Covenant with the following elements:

1. Groundwater at the Facility shall not be used for any purpose other than the monitoring activities required by VADEQ and/or EPA, unless it is demonstrated to EPA, in consultation with VADEQ, that such use will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy and EPA, in consultation with VADEQ, provides prior written approval for such use;
2. The Facility property shall not be used for residential, agricultural or recreational purposes unless it is demonstrated to EPA, in consultation with VADEQ, that such use will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy, and EPA, in consultation with VADEQ, provides prior written approval for such use;

3. All earth moving activities including excavation, drilling and construction activities that would result in direct exposure to soil, in the areas at the Facility where any contaminants remain in soils above EPA's Screening levels for non-residential use shall be prohibited unless it is demonstrated to EPA, in consultation with VADEQ, that such activity will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy, and EPA, in consultation with VADEQ, provides prior written approval for such use;
4. The Facility property will not be used in a way that will adversely affect or interfere with the integrity and protectiveness of the final remedy;
5. No new wells will be installed on Facility property unless it is demonstrated to EPA, in consultation with VADEQ, that such wells are necessary to implement the final remedy and EPA provides prior written approval to install such wells.
6. The Facility owner shall allow EPA, VADEQ, and/or their authorized agents and representatives, access to the Site to inspect and evaluate the continued effectiveness of the final remedy and, if necessary, to conduct additional remediation to ensure the protection of the public health and safety and the environment.

In addition, any Environmental Covenant or order will require the Facility owner to continue the groundwater monitoring program already in place.

II. PUBLIC COMMENT PERIOD

In June 2013, EPA issued a Statement of Basis ("SB") which summarized the information gathered during the environmental investigations at the Facility and described EPA's proposed remedy for the Facility. Consistent with public participation provisions under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 *et seq.*, EPA requested comments from the public on the proposed remedy as described in the SB. The commencement of a thirty (30)-day public comment period was announced in the Suffolk News-Herald newspaper on June 27, 2013. The public comment period ended on July 26, 2013. EPA received no comments on the SB. The SB is hereby incorporated into this Final Decision and Response to Comments ("Final Decision") by reference and made a part hereof as Attachment A.

III. RESPONSE TO COMMENTS

EPA received no comments on the proposed remedy. Consequently, the final remedy is unchanged from the proposed.

IV. AUTHORITY

EPA is issuing this Final Decision under the authority of the Solid Waste Disposal Act, as amended by RCRA, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901 to 6992k.

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V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the Sims Metal Management Facility, EPA has determined that the final remedy selected in this Final Decision is protective of human health and the environment.

for
Wayne Taylor
John A. Armstead, Director
Land & Chemicals Division
U.S. EPA Region III

8/14/12
Date