



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 3
STATEMENT OF BASIS
PUBLIC WORKS SERVICE CENTER
ROANOKE, VIRGINIA
EPA ID NO. VAD 123 725 350
AUGUST 11, 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 Public Works Service Center, Roanoke, Virginia facility located at 1802 Courtland Avenue, Roanoke, VA 24012 (hereinafter referred to as the Facility or PWSC Roanoke).

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 waste 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>.

EPA has prepared this SB in cooperation with the Virginia Department of Environmental Quality (“VDEQ”). EPA has reviewed all available Facility data and has determined that no additional characterization or remediation is necessary for the Facility to satisfy its federal RCRA Corrective Action obligations. Based on its review, in this SB EPA is proposing its final remedy for the Facility and providing the opportunity for public comment and review on its proposal.

B. Proposed Decision

This SB explains EPA’s proposed decision that no further actions to remediate soil, groundwater or indoor air contamination are necessary to protect human health and the environment given current land use. EPA’s proposed remedy requires the Facility to develop and maintain certain property restrictions known as Institutional Controls (ICs). The proposed ICs are discussed in Section V below. These controls will provide assurance that the land use, as currently known and anticipated, does not change without additional investigation or work and prior notification to the EPA. EPA’s proposed decision represents “Corrective Action Complete with Controls” as described in EPA’s “Final Guidance on Completion of Corrective Action Activities at RCRA Facilities”, (68 FR 8757, February 25, 2003).

This SB summarizes information that can be found in greater detail in the work plans and reports reviewed by EPA and VDEQ, which can be found in the Administrative Record (AR).

C. Importance of Public Input

The purpose of this document is to solicit public comment on EPA's proposed remedy prior to EPA making its final remedy selection for the Facility. The public may participate in the remedy selection process by reviewing this SB and documents contained in the Administrative Record in support of EPA's proposed decision and submitting written comments to EPA during the public comment period. The information presented in this SB can be found in greater detail in the work plans and reports submitted by the Facility to EPA and to VADEQ. To gain a more comprehensive understanding of the RCRA activities that have been conducted at the Facility, EPA encourages the public to review these documents, which are found in the Administrative Record. A copy of the AR is available for public review from the EPA Region 3 office, the address and telephone number 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 Facility is located at 1802 Courtland Avenue in Roanoke, Virginia, 24012. The Public Works Service Center for the City of Roanoke, Virginia, is a vehicle, street, and building maintenance facility, which includes warehousing, refueling, fleet vehicle maintenance, and vehicle washing operations. Interstate 581 borders the Facility on the west and Highway 460 to the south. Light industrial and residences exists to the north and east of the Facility.

Facility construction started in 1974 on an approximately 20-acre parcel of former agricultural land. The Facility property subsequently expanded to approximately 32 acres. However, only 17 acres are currently in use by PWSC Roanoke; approximately 15 acres, located at the southern portion of the Facility, are currently for sale by the City.

The Facility utilizes the public water supply and sanitary sewer systems which is operated and maintained by the Western Virginia Water Authority.

III. SUMMARY OF ENVIRONMENTAL HISTORY

In the summer of 1997, a citizen's report of unpermitted land disposal of hazardous waste from the Facility triggered an audit by the City of Roanoke's (City) environmental consultant. The audit report indicated the existence of a surface water discharge from an active oil/water separator. On March 17, 1998, VDEQ issued a Notice of Violation

(NOV) to the Facility for the unpermitted treatment and discharge to state waters; unpermitted treatment, storage and disposal (TSD) of hazardous waste; and failure to notify both EPA and VDEQ of TSD activities from the Facility.

However, subsequent testing and documentation by the City revealed that the outfall from the oil/water separator had discharged to the City's sanitary sewer system (the local Publicly Owned Treatment Works (POTW)). The oil/water separator satisfied the definition of a tank under the Virginia Hazardous Waste Management Regulations (VHWMR) and EPA's Hazardous Waste Management System Regulations. The outfall discharge to the POTW system qualified the unit and discharge for the wastewater treatment exclusion. The VDEQ subsequently indicated that the unit was not considered a hazardous waste unit requiring a permit; and, therefore, the unit was allowed to continue to operate. According to a January 28, 1999 correspondence from VDEQ, no further enforcement action regarding the unit was required.

From the late 1970s through 1991, PWSC Roanoke disposed of solid and hazardous wastes in the southern portion of the Facility. Some waste was placed on the surface of the ground while other waste was buried. The wastes disposed of at the Facility included contaminated soils, wood waste, automobile parts, waste tires, chain link fence, wood pallets, appliances, concrete with rebar, drum tops with bungs, license plates, road signs, metal tanks, pipes, pressure vessels, guardrails, 55-gallon drums and other containers. Some of the drums and containers contained solid waste, petroleum waste, and hazardous waste.

As a result of PWSC Roanoke's land disposal activities, VDEQ issued several Consent Orders (COs) to the City of Roanoke. The first of these COs, signed March 21, 2000, required the Facility to develop a Closure Plan for the characterization, removal, and proper disposal of the waste materials, characterization of contaminated soils, proper disposal of contaminated soils, and evaluation and monitoring of the groundwater beneath the disposal areas, identified as the "Middle Lot", or Solid Waste Management Units (SWMUs) Nos. 1 and 2 of the Facility. These requirements were established through the development of a Closure Plan, Contingent Closure Plan, and a Post-Closure Plan for the SWMUs. These SWMUs were designated as Hazardous Waste Management Units (HWMUs) Nos. 1 and 2, (Middle Lot) in the COs due to the disposal of hazardous waste in these units.

On June 28, 2000, VDEQ received the final Closure Plans for the Facility from PWSC Roanoke. On October 23, 2000, VDEQ published notification of the approval of the Closure Plan.

In conjunction with the Closure Plans, considerable excavation had already occurred within the southwestern portions of the Facility (HWMUs Nos. 1 and 2) pursuant to the CO. However, VDEQ was concerned about possible residual soils and groundwater contamination that may have been present elsewhere on the southern portion of the Facility. To address these concerns, the City sought clean closure of the entire southern portion of the Facility, not just the "Middle Lot", under the Virginia Hazardous Waste

Management Regulations (VHWMR – 9 VAC 20-60-10) and, therefore, filed revised Facility Closure Plans with the VDEQ. The revised Closure Plans (Rev 3, March 12, 2001) were formally approved by VDEQ on May 8, 2001; this approval expanded the effective closure or remediation area beyond HWMUs Nos. 1 and 2 to across the remainder of the southern portion of the Facility property.

The VDEQ granted approval of a risk-based unrestricted “clean closure” for unsaturated soils and saturated soils, or groundwater, for HWMU No. 1 in correspondence to the City of Roanoke, dated, August 1 and 2, 2002 respectively.

VDEQ approved a risk-based restricted “clean closure” for unsaturated soils for HWMU No. 2 in a letter from VDEQ to the City on July 11, 2002. VDEQ approved unrestricted risk based “clean closure” for saturated soils or groundwater on August 2, 2002.

On May 20, 2002, the City of Roanoke City Counsel approved a Notice of Use Limitation (“Notice”) in connection with HWMU No. 2 as identified with Tax map No. 3070316 at the Facility and subsequently recorded with the Circuit Court for the City of Roanoke on May 20, 2002. The Notice, which sets forth permissible activities and uses, and inconsistent uses, for the HWMU No. 2 was submitted to the VDEQ by the Facility on April 1, 2002.

Subsequent to the “clean closure” of HWMUs Nos. 1 and 2, the City became aware of significant structural deterioration of the Victory Stadium (circa 1940s) due to age and exposure to recurrent flooding. The City considered several locations for the development of a new stadium-amphitheater complex and determined that the southern portion of the PWSC Facility was appropriate for the new stadium due to its centralized location adjacent to Interstate 581.

In the middle of 2003, the City began to prepare the southern portion of the Facility for redevelopment as a new stadium-amphitheater. This southern portion of the PWSC Facility included the former “clean closed” HWMU Nos. 1 and 2. The construction activities associated with the proposed stadium/amphitheater complex was permissible under the above noted “Notice of Land Use Limitation”.

During excavation activities in the southern portion of the PWSC Facility in 2003, several buried drums with waste materials and contaminated soil were identified. Documentation provided by the City’s environmental consultant indicated that the disposal of the following containers most likely occurred in the mid to late 1970s.

- On August 25, 2003, two drums of road marking paint were discovered approximately 15 feet southwest of Former HWMU No. 1; VDEQ was notified. No soil staining, odor, or any other evidence of a release from any of these drums was identified. The contents were determined to be non-hazardous and were properly disposed.

- On September 9, 2003, one drum containing a solidified petroleum material was discovered approximately 100 yards south of the boundary of HWMU Nos. 1 and 2. Some petroleum odor and staining were noted in soils adjacent to the drum. The drum, its contents, and approximately 60 tons of soil, some of which was petroleum-contaminated soil, were removed and properly disposed as solid non-hazardous waste. No staining, odor, or any other evidence of a release in remaining soils was found following this removal activity.
- On October 7, 2003, one 30-gallon drum and four 5-gallon pails of paint material were discovered near the former vehicle impoundment lot, which was beyond the northern boundary of HWMU Nos. 1 and 2. The contents of these containers were determined to be hazardous wastes. The containers and their contents were properly manifested and disposed of off-site at a RCRA-permitted hazardous waste management facility as hazardous waste.
- On December 30, 2003, one partially crushed 55-gallon drum containing absorbent material was discovered beneath the former School Board Bus Maintenance area near the northeastern boundary of the proposed stadium construction site. Some petroleum odor and staining were noted in soils adjacent to the drum. The drum, its contents, and approximately 7 tons of petroleum-contaminated soil were removed and properly disposed of off-site. Confirmatory soil sampling for total petroleum hydrocarbons (TPH) indicated that all petroleum-contaminated soils were removed from the Facility in accordance with the applicable VDEQ Regulations.

On July 2, 2004, the VDEQ issued a CO to the City regarding the documented findings of disposed wastes in the southern portion of the PWSC Facility. Adequate documentation was submitted by the Facility to the VDEQ to demonstrate to the VDEQ that the newly discovered wastes and contaminated soils in the southern portion of the PWSC Facility had been sufficiently characterized. These wastes were subsequently disposed offsite in accordance with the Virginia Hazardous Waste Management Regulations (VHWMR), Virginia Solid Waste Management Regulations (VSWMR), and EPA's Hazardous Waste Management System Regulations. Confirmatory soil sampling documented that all petroleum-contaminated soil was removed and disposed in accordance with applicable VDEQ requirements. Based upon the findings of VDEQ, no further remediation activities were deemed necessary for the southern portion of the PSWC Facility.

On July 9, 2004, the VDEQ issued a civil penalty of \$3,000 to the City in connection with the July 2, 2004 CO. In accordance with the terms of the July 2, 2004 CO, the two COs issued by VDEQ, on March 21, 2000 and July 2, 2004, were terminated upon receipt of the civil penalty funds from the City. Since all the activities required under the COs were completed satisfactorily and the subsequent termination of the COs, this effectively closed the VDEQ's closure activities and remediation activities associated with the HWMU Nos. 1 and 2 and the various waste areas as identified above.

On February 17, 2004, the City Council decided to cease further development of the stadium-amphitheater project, citing the need for newly elected, incoming members of

Council to consider the renovation of Victory Stadium as an alternative to the planned new construction at the southern portion of the PWSC Facility. The stadium-amphitheater excavation and re-grading activities at the Facility were more than 95% complete at the time this decision was issued. Due to the previous investigation and remediation performed in the southern portion of the Facility, the City determined that no further investigation or a corrective action at the Facility was warranted. The VDEQ concurred with this determination.

The City's Economic Development Department listed the southern portion of the Facility as available for redevelopment, and, at the time of the May 21, 2008, EPA/VDEQ Final Site Visit Report, the City Council was prepared to negotiate with interested parties for possible redevelopment of the property.

In summary, VDEQ made a "clean closure" determination for the soil and groundwater for HWMU No. 1, a "clean closure" determination for the saturated soils or groundwater of HWMU No.2, and a risk-based restricted "clean closure" for unsaturated soils of HWMU No. 2.

EPA's proposed remedy for the Facility requires the implementation of institutional controls such as use restrictions, title notices and proprietary controls to ensure that the remedy remains protective of human health and the environment. The Notice of Use Limitation discussed below (Section V), as well as other institutional control mechanisms, are necessary to prevent HWMU No. 2 from posing a risk to human health and the environment. With the implementation of the Notice of Use Limitation, along with other institutional control mechanisms, no further action (NFA) is needed regarding closure and/or corrective action for the Facility. Therefore, EPA is proposing a "corrective action complete with controls" determination for this Facility.

IV. EVALUATION OF EPA'S PROPOSED DECISION

This section provides a description of the criteria EPA uses to evaluate proposed remedies under the Corrective Action Program. The criteria are applied in two phases. In the first phase, EPA evaluates three criteria, known as Threshold Criteria. In the second phase, EPA may consider seven balancing criteria to select among alternative solutions, if more than one alternative is proposed. The Facility has demonstrated that the current conditions meet the threshold criteria established by EPA. Because EPA is not selecting among several alternatives, a complete evaluation of the balancing criteria is not necessary.

The following is a summary of EPA's evaluation of the Threshold Criteria:

1. Protect Human Health and the Environment – The proposed remedy protects human health and the environment from exposure to contaminants. EPA's proposed decision meets this standard for current and anticipated land use.

EPA recognizes VDEQ's "clean closure" determination for the soil and groundwater for HWMU No. 1, its "clean closure" determination for the saturated soils (groundwater) of HWMU No.2, and a risk-based restricted "clean closure" for unsaturated soils of HWMU No. 2, as protective to human health and the environment.

Due to the previous investigation and remediation activities conducted in the southern portion of the Facility, and no required corrective action for the remainder of the facility, further investigation or corrective actions are not necessary to protect human health and the environment.

The signed and certified "Notice of Land Use Limitation" associated with the soil for HWMU No. 2, as identified with Tax Map No. 3070316, was submitted to the VDEQ as noted above.

2. Achieve Media Cleanup Objectives – EPA's proposed remedy meets the appropriate cleanup objectives based on assumptions regarding current and reasonably anticipated land and water resource uses.

Currently, the northern portion of the Facility operates as a vehicle, street, and building maintenance facility, which includes warehousing, refueling, fleet vehicle maintenance, and vehicle washing operations. It is anticipated that this use will continue.

The southern portion of the Facility currently is vegetated. There are no Facility operations occurring in the southern portion of the Facility. The implementation of institutional controls at the Facility will restrict any activities that may have a negative impact to human health and the environment.

The Facility utilizes the public water supply and sanitary sewer systems, which are operated and maintained by the Western Virginia Water Authority.

No further investigations or corrective actions are necessary to protect human health and the environment given the current and reasonably anticipated land and water resource uses.

3. Remediating the Source of Releases – In all remedy decisions, EPA seeks to eliminate or reduce further releases of hazardous waste and hazardous constituents that may pose a threat to human health and the environment. The Facility has remediated the sources of releases by modification of work practices to prevent any future releases from the handling, storage and disposal of product and waste.

V. INSTITUTIONAL CONTROLS

Institutional Controls ("ICs") are generally non-engineered mechanisms such as administrative and/or legal controls that minimize the potential for human exposure to contamination and/or protect the integrity of a remedy. Under this proposed remedy,

some concentrations of contaminants will remain in the groundwater and soil at the Facility above levels appropriate for residential and domestic uses. As a result, the proposed remedy will require the Facility to implement ICs in order to restrict use of the Facility soil and groundwater to prevent human exposure to contaminants while contaminants remain in place.

The “Notice of Land Use Limitation,” which was recorded on May 20, 2002 in the Office of the Clerk of the Circuit Court for the City of Roanoke, sets forth certain permitted activities, use limitations and obligations and conditions associated with HWMU No. 2. Permitted activities include the following:

1. Construction, including grading, for a parking area for private and City owned vehicles,
2. Construction of a stadium/amphitheater complex, and
3. Such other uses, which in the opinion of an independent Registered Professional Engineer retained by the City, with the approval of VDEQ, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this paragraph.

Land uses, which are inconsistent with the Notice, and which, if implemented at HWMU No. 2, may result in a significant risk of harm to health, safety, public welfare or the environment, are as follows:

1. Construction and occupancy of residential dwellings,
2. Playgrounds for children,
3. Childcare centers, and
4. Public garden spaces.

In addition, the Notice specifies the following obligations and conditions to be undertaken in connection with HWMU No. 2 in order to minimize a risk of harm to human health and the environment:

1. No construction in or on HWMU No. 2 shall be undertaken without prior consultation with, and written approval from, the Virginia Department of Environmental Quality and EPA.
2. All soil removed from within the boundaries of HWMU No. 2 shall be tested and if found to be a RCRA hazardous waste, shall be treated and disposed of as such.
3. All workers involved in disturbing the soils by digging from HWMU No. 2 shall be properly trained and provided with proper personal protective equipment before they engage in any such activity.
4. Incorporation of the Notice into deeds, mortgages, leases, and instrumentation of transfer in which an interest in and/or a right to use HWMU No. 2 is conveyed.

In addition to the use limitations, obligations and conditions, set forth in the Notice discussed above, the Facility owner and any subsequent owners may be required to submit to the EPA written documentation following the transfer of the property

concerning changes in the use of the Facility property. This includes the filing of applications for building permits for the property or proposals for any Facility work potentially affecting the area of contamination on the property subject to the Notice.

ICs include, among other mechanisms, the possibility of issuing an EPA order to implement the IC requirements set forth in this Section V.

VI. ENVIRONMENTAL INDICATORS

Under the Government Performance and Results Act (“GPRA”), EPA has set national goals to address RCRA corrective action facilities. Under GPRA, EPA evaluates two key environmental clean-up indicators for each facility: (1) Current Human Exposures Under Control and (2) Migration of Contaminated Groundwater Under Control. The Facility met these indicators on January 22, 2009.

VII. FINANCIAL ASSURANCE

Since no further investigations of corrective actions are anticipated, financial assurance is not required for the Facility.

VIII. PUBLIC PARTICIPATION

Interested person 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 its proposed remedy for the Facility. To receive a copy of the Administrative Record, contact Mr. Denis Zielinski at the address below:

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