



# **FINAL DECISION AND RESPONSE TO COMMENTS**

**HAMPTON INDUSTRIAL PLATING**

**EPA ID NO. VAD037426228**

**TABB, VIRGINIA**

## I. FINAL DECISION

The Virginia Department of Environmental Quality (DEQ) has determined that no further action is required to make this property suitable for any type of land use. This is based on our findings detailed in the Statement of Basis, dated May 28, 2014. This determination is consistent with EPA's February 2003 Final Guidance of Completion of Corrective Action Activities at RCRA Facilities (reference 68 FR 8757).

## II. PUBLIC COMMENT PERIOD

On May 28, 2014, DEQ proposed a determination of "Corrective Action Complete without Controls". Consistent with public participation provisions under the Resource Conservation and Recovery Act (RCRA), DEQ requested comments from the public on the proposed determination described in the Statement of Basis. The commencement of a thirty (30)-day comment period was announced in the Daily Press newspaper on June 2, 2014 and on the DEQ website. The public comment period ended on July 2, 2014.

## III. RESPONSE TO COMMENTS

DEQ received no comments on its proposed determination for the Facility. Consequently, DEQ's determination did not change from the determination proposed in the SB.

## IV. AUTHORITY

DEQ 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. Sections 6901 to 6992k.

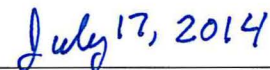
## V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the Hampton Industrial Plating facility, DEQ has determined that the Final Remedy selected in this Final Decision and Response to Comments is protective of human health and the environment.



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Durwood Willis, Director  
Office of Remediation Programs  
Virginia Department of Environmental Quality



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Date

Attachment A: Statement of Basis, dated May 28, 2014



**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION OF LAND PROTECTION AND REVITALIZATION**

**OFFICE OF REMEDIATION PROGRAMS**

**STATEMENT OF BASIS**

**HAMPTON INDUSTRIAL PLATING**

**TABB, VIRGINIA**

**EPA ID NO. VAD037426228**

**MAY 28, 2014**

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## **1.0 INTRODUCTION**

### **1.1 Facility Name**

The Virginia Department of Environmental Quality (VDEQ) has prepared this Statement of Basis (SB) for the Hampton Industrial Plating facility located at 109 Industry Drive, Tabb, Virginia 23602 (hereinafter referred to as the Facility, Site, or “Hampton Plating”).

The Facility is subject to the Corrective Action (CA) 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. §§ 6901 et seq. (Corrective Action Program). 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>.

VDEQ has prepared this SB in cooperation with the United States Environmental Protection Agency (EPA) and is providing the opportunity for public comment and review on its proposed decision.

### **1.2 Proposed Decision**

VDEQ has reviewed all available Facility data and has determined that there are no unaddressed releases of hazardous waste or hazardous constituents from the Facility. Based on its review, VDEQ’s proposed decision is that no additional characterization or remediation is necessary. VDEQ’s proposed decision represents “Corrective Action Complete without Controls” as described in EPA’s “Final Guidance on Completion of Corrective Action Activities at RCRA Facilities”, (68 FR 8757, February 25, 2003). VDEQ 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.

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

### **1.3 Public Participation**

Interested persons are invited to comment on VDEQ’s proposed decision by reviewing this SB and the documents contained in the AR. The information presented in this SB can be found in greater detail in the work plans and reports submitted by the Facility to VDEQ and EPA. To gain a more comprehensive understanding of the RCRA activities that have been conducted at the Facility, VDEQ encourages the public to review these

documents, which are found in the AR. A copy of the AR is available for public review, in paper or electronic format, from the VDEQ contact person, the address and telephone number of which is provided in Section 6.0 below.

When making a determination regarding the proposed decision, VDEQ will consider all written comments received during the comment period (see Section 6.0). If VDEQ determines that new information or public comments warrant a modification to the proposed decision, VDEQ will modify the proposed decision or select other alternatives based on such new information and/or public comments. VDEQ will announce its final decision and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC).

## **2.0 FACILITY BACKGROUND**

The Hampton Industrial Plating property is located between the Industry Drive cul-de-sac and Victory Boulevard (Route 171). The property is flat with drainage ditches that run adjacent to the western property boundary and Victory Boulevard (Route 171). The plating facility faces the Industry Drive cul-de-Sac to the north. The Living Word Academy and Living Word Academy Recreational/Picnic Area is located to the east. A chain link fence provides site security and separates the Site from neighboring properties. Groundwater is shallow ranging from approximately 5 to 10 feet below ground surface (bgs). There are no known private drinking water wells or production wells in the area.

The Industrial Plating Corporation operated on the two acre Hampton Industrial Plating Site at 109 Industry Drive, Tabb, Virginia 23693, as a metal electroplating and finishing facility from 1984 to 1989. On March 30, 1989, at the request of the Commonwealth of Virginia, Department of Waste Management (DWM) (predecessor to the VDEQ), the Virginia State Police issued a warrant against Industrial Plating Corporation due to repeated violations of the Virginia Hazardous Waste Management Regulations (VHWMR). On March 31, 1989, Industrial Plating Corporation ceased operations at the facility site. A follow-up inspection by DWM, on May 1, 1989, noted continuing violations of the VHWMR and RCRA. The facility was issued a Consent Order by the DWM on July 19, 1989. However, the Consent Order was not signed by the owner and the owner did not remove chemicals used in the manufacturing process. On February 26, 1991, the DWM referred the site to the U. S. Environmental Protection Agency (EPA) for an emergency removal action (or cleanup action). From June 21, 1991 through June 30, 1992 the EPA performed a CERCLA emergency hazardous waste removal action for the Metal Plating Shop (40 by 71 ft), the Shed (small metal building at the southwest corner of the Metal Plating Shop which was used for hazardous waste drum storage), and the fenced Rear Yard, to mitigate any immediate threats to human health and the environment.

The Rear Yard, which was used as a hazardous waste container storage area, was excavated to a depth of 12 inches and backfilled with 12 inches of clean fill. A total of 156 cubic yards (251.5 tons) of contaminated soil was sent for disposal. These cleanup activities did not constitute a final RCRA closure. On April 29, 1992, EPA informed the

DWM that the immediate hazard to human health and the environment had been removed and that no further EPA emergency removal action was deemed necessary.

In October 2000, the VDEQ also placed Hampton Industrial Plating in the Virginia VDEQ Brownfields Program to promote economic development. Subsequent site investigation work was performed under the VDEQ Brownfields program. A *Brownfields Site Screening Report*, dated September 20, 2001 was prepared by Waste Policy Institute & Virginia Polytechnic Institute and State University.

York County seized the property to pay back taxes and subsequently sold the property to Sembilan Enterprises, LLC. On September 18, 2004 Sembilan Enterprises, LLC accepted an invitation into EPA's Facility Lead Program for investigation and cleanup of the site. The site has been vacant and unused to-date, and the current owner plans to redevelop the property in the near future.

### **3.0 SUMMARY OF ENVIRONMENTAL HISTORY**

Following is a list of RCRA Corrective Action milestones that have been completed at the Facility and are relevant to VDEQ's decision to recommend a "Corrective Action Complete Without Controls" determination:

- September 18, 2004, Facility Lead Corrective Action Agreement between EPA and (signed by) Sembilan Enterprises, LLC.
- March 2005, Revised *Facility Lead Agreement Work Plan*. Bay Environmental, Inc.
- April 2011, *RCRA Corrective Action Site Investigation Work Plan*. Bay Environmental, Inc.
- May 5, 2011, *Corrective Action Site Investigation Work Plan* was approved by Virginia Department of Environmental Quality.
- June 14, 2013, *Tentative Evaluation of Site Issues*. Included as an attachment: *Technical Review: Revised Soil Risk Assessment Results for Closure and Corrective Action at Hampton Industrial Plating Memo*, dated June 6, 2013. Virginia Department of Environmental Quality.
- August 20, 2013, *RCRA Facility Investigation Report, Corrective Action*. Bay Environmental, Inc.
- December 4, 2013, *RCRA Facility Investigation Report, Corrective Action Addendum*. Bay Environmental, Inc.

- February 4, 2014, *Hampton Industrial Plating Site RCRA Facility Investigation Report and Addendum Approval Letter*. Virginia Department of Environmental Quality.

### RCRA Closure Activities

The *Hazardous Waste Management Units Closure Plan for the Industrial Plating Site* (Closure Plan), which was prepared and approved by VDEQ in September 1997, addressed three (3) hazardous waste management units (HWMUs) as follows:

- Container Storage Area. An approximately 60 by 80 foot Rear Yard located south of the Metal Plating Shop where hazardous waste materials were stored. Closure activities are described in the March 31, 2014 *RCRA Facility Closure Report*.
- Three tanks located within the Metal Plating Shop. V51: Wastewater Treatment System, V53: Effluent Tank and V54: Clean Solvent Tank. Bay Environmental, Inc. submitted an *Alternate Closure Plan for the Vats* in a letter report dated July 13, 2005. On June 13, 2006, the VDEQ approved vat disposal, and the Facility disposed of the three vats in the Shop Area. The *Closure Certification for the Vats* was prepared and submitted to VDEQ on October 5, 2006.
- Metal Plating Shop Area. A 40 by 71 foot area inside the building where former plating operations were undertaken. Closure activities are described in the March 31, 2014 *RCRA Facility Closure Report*.

For the Container Storage Area and Metal Plating Shop Area, VDEQ completed a risk assessment and fate and transport modeling based on available data. This information is summarized in the March 31, 2014 *Closure Report*, and includes closure certifications by the Owner/Operator and a Professional Engineer, dated March 27, 2014 and April 4, 2014, respectively. VDEQ approved clean closure for the entire site on April 16, 2014.

### RCRA Corrective Action Activities

Sembilan Enterprises, LLC, signed the Facility Lead Corrective Action Agreement with EPA on September 18, 2004, and subsequently submitted the *Facility Lead Agreement Work Plan, dated* January 27, 2005. From 2005 to 2011 Sembilan and their consultant Bay Environmental Inc. worked with the VDEQ to identify the activities and data necessary to characterize site conditions.

The April 2011 *Corrective Action Site Investigation Work Plan (Work Plan)* was approved by VDEQ on May 5, 2011. The *Work Plan* addressed those areas not addressed by the facility's Closure Plan referenced above. After VDEQ's approval of the *Work Plan* the investigation activities were initiated by the facility.



In the fall and winter of 2012/2013 soil samples were collected from the East, West, and Rear Yards, and the Rear and West Drainage Ditches. Samples were also collected from additional areas that had not been identified as SWMUs, HWMUs, or AOCs (such as an existing concrete pad and soil pile). Three groundwater monitoring wells were installed and several iterations of groundwater sampling were completed.

A risk assessment, dated June 6, 2013, performed by VDEQ indicated that the soil in the West Yard, East Yard, and Ditch areas were acceptable for unrestricted/residential use. Confirmatory groundwater sampling conducted in September 2013 identified total cadmium concentration in MW-2 that was below the maximum contaminant level (MCL). The RCRA Facility Investigation Report (August 20, 2013) and the RCRA Facility Investigation Report Addendum (December 4, 2013) describe the sampling results and the VDEQ's risk assessment. The Report and Addendum concluded that soil and groundwater quality do not pose a threat to human health or the environment, and meet the standards under a residential scenario. The conclusions in the report were approved by the VDEQ in a letter dated February 4, 2014. All investigations required under the CA program have been completed at the facility.

#### **4.0 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 September 18, 2008 and August 12, 2013, respectively.

#### **5.0 FINANCIAL ASSURANCE**

Since no further investigations or corrective actions are anticipated based on the available information, financial assurance for corrective action is not required for the Facility.

#### **6.0 PUBLIC PARTICIPATION**

Interested persons are encouraged to review the AR and are invited to comment on VDEQ's proposed decision. The Administrative Record contains all the information considered by VDEQ for its proposed remedy for the Facility. 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, e-mail, or phone to Ryan Kelly at the address listed below. VDEQ will hold a public meeting to discuss the proposed decision upon request. Requests for a public meeting should be made to Ryan Kelly.

Virginia Department of Environmental Quality  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218  
Contact: Mr. Ryan J. Kelly  
Phone: (804) 698 - 4045  
Email: [ryan.kelly@VDEQ.virginia.gov](mailto:ryan.kelly@VDEQ.virginia.gov)

VDEQ will respond to all relevant comments received during the comment period. If VDEQ determines that new information warrant a modification to the proposed decision, VDEQ will modify the proposed decision or select other alternatives based on such new information and/or public comments. VDEQ will announce its final decision and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC). All persons who comment on this proposed decision will receive a copy of the FDRTC. Others may obtain a copy by contacting Ryan Kelly at the address listed above.

Date:

*May 28, 2014*



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Durwood Willis, Director  
Office of Remediation Programs  
Virginia Department of Environmental Quality

HAMPTON INDUSTRIAL PLATING  
TABB, VIRGINIA  
EPA ID NO. VAD037426228

ADMINISTRATIVE RECORD  
INDEX OF DOCUMENTS FOR STATEMENT OF BASIS DATED  
MAY 28, 2014

This index includes all documents VDEQ relied upon to evaluate and propose the final decision of “Corrective Action Complete Without Controls” described in the Statement of Basis.

1. September 1997, *Hazardous Waste Management Units Closure Plan for the Industrial Plating Site*, prepared and approved by VDEQ.
2. September 20, 2001, *Brownfields Site Screening Report*, Waste Policy Institute & Virginia Polytechnic Institute and State University
3. September 18, 2004, Facility Lead Corrective Action Agreement between EPA and (signed by) Sembilan Enterprises, LLC.
4. March 2005, Revised *Facility Lead Agreement Work Plan*. Bay Environmental, Inc.
5. July 13, 2005, *Alternate Closure Plan for the Vats*. Bay Environmental, Inc.
6. June 13, 2006, VDEQ approved vat disposal
7. October 5, 2006, *Closure Certification for the Vats* submitted to VDEQ.
8. September 18, 2008, *Environmental Indicator: Current Human Exposures Under Control Determination*, Virginia Department of Environmental Quality.
9. April 2011, *RCRA Corrective Action Site Investigation Work Plan*. Bay Environmental, Inc.
10. May 5, 2011, *Corrective Action Site Investigation Work Plan* was approved by Virginia Department of Environmental Quality.
11. June 14, 2013, *Tentative Evaluation of Site Issues*. Included as an attachment: *Technical Review: Revised Soil Risk Assessment Results for Closure and*

- Corrective Action at Hampton Industrial Plating Memo*, dated June 6, 2013. Virginia Department of Environmental Quality.
12. August 12, 2013, *Environmental Indicator: Migration of Contaminated Groundwater Under Control Determination*, Virginia Department of Environmental Quality.
  13. August 20, 2013, *RCRA Facility Investigation Report, Corrective Action*. Bay Environmental, Inc.
  14. December 4, 2013, *RCRA Facility Investigation Report, Corrective Action Addendum*. Bay Environmental, Inc.
  15. February 4, 2014, *Hampton Industrial Plating Site RCRA Facility Investigation Report and Addendum Approval Letter*. Virginia Department of Environmental Quality.
  16. March 31, 2014, *RCRA Facility Closure Report*. Bay Environmental, Inc.
  17. April 16, 2014, *Clean Closure Approval*, Virginia Department of Environmental Quality.