



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 21, 2023

Stacy Willoughby
Gary Willoughby Logging LLC
PO Box 52
Arvonnia, VA 23004
garywilloughbylogging@aol.com

VIA ELECTRONIC MAIL

**RE: Long Term Stewardship Evaluation Report
Former Allied Concrete Products, LLC and GRR-Arvonnia, Inc. - Arvonnia VA
EPA IDs VAD042755082, VAD098443443, VAR000518878**

Dear Ms. Willoughby:

The Virginia Department of Environmental Quality, Office of Remediation Programs (VDEQ) has prepared the attached report following the Long-Term Stewardship inspection performed on July 20, 2023 at the former Allied Concrete Products, LLC and Giant Resource Recovery- Arvonnia, Inc. site located in Arvonnia, Virginia. The inspection found no outstanding items with compliance of engineering and institutional controls. However, please note that a required 5-yr Activity and Use Limitation report is outstanding (originally due March 2022), along with the UECA ownership transfer fees.

You may contact me to discuss any questions. I can be reached at 804-659-1377 or by e-mail at ryan.kelly@deq.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads 'Ryan J. Kelly'.

Ryan J. Kelly
Corrective Action Project Manager
Office of Remediation Programs



ECC: Tara Mason, – VDEQ-CO
Shawn Weimer – VDEQ-PRO
Jacqueline Morrison, John Hopkins, Caitlin Elverson – USEPA Region III

Attachments



**Long-Term Stewardship Assessment Report
Former Allied Concrete Products, LLC
and
GRR-Arvonia, Inc.
EPA IDs VAD042755082, VAD098443443, VAR000518878**

Prepared by: Ryan Kelly

Date: August 21, 2023

Introduction:

Long-term stewardship (LTS) refers to the activities necessary to ensure that engineering controls (ECs) are maintained and that institutional controls (ICs) continue to be observed. The purpose of the EPA Region 3 LTS program is to periodically assess the efficacy of the implemented remedies (i.e, ECs and ICs) and to update the community on the status of the RCRA Corrective Action facilities. The assessment is conducted in two-fold, which consists of a record review and a field inspection, to ensure that the remedies are implemented and maintained in accordance to the final decision.

The RCRA Corrective Action Program has identified key elements of effective Long-Term Stewardship for Corrective Action cleanups. The LTS Report took into consideration the following elements while preparing this report:

- Element 1 – Legal Authorities
- Element 2 – Information Regarding Engineering and Institutional Controls
- Element 3 – Long-Term Facility Oversight, Monitoring, and Maintenance
- Element 4 – Recordkeeping and Tracking
- Element 5 – Meaningful Engagement and Consultation
- Element 6 – Funding
- Element 7 – Enforcement
- Element 8 – Enforceable Mechanisms
- Element 9 – Dedicated Resources

Site Background:

The former Allied Concrete Products, LLC (formerly referred to as Solite LLC) facility and the former Giant Resource Recovery - Arvonia Inc. facility (collectively referred to as “facility”) is

located along Bridgeport Road, Arvonias, Virginia 23004. The Facility includes EPA ID Nos. VAD042755082, VAD098443443, and VAR000518878.

The former Solite LLC facility manufactured lightweight aggregate used in the manufacture of lightweight masonry units, lightweight precast units, and structural concrete. The facility operated three rotary lightweight aggregate industrial kilns that utilized liquid hazardous wastes as fuel. The hazardous waste fuel was stored and mixed/blended in a contiguous Hazardous Waste Management Permitted facility site owned and operated by Giant Resource Recovery-Arvonias, Inc (formerly Oldover, Inc.) under EPA ID No. VAD VAD098443443. The GRR facility transferred the hazardous derived fuel through pipes to the nearby Solite LLC kilns (under EPA ID VAD042755082) for burning.

The former lightweight aggregate kiln dust settling pond (SWMU #9) was conveyed by Solite Corporation to Giant Resource Recovery, Inc. in 2005. In 2010, a separate Final Hazardous Waste Management Permit for the Corrective Action of Solid Waste Management Unit #9 (VAR000518878) was issued to Giant Resource Recovery – Arvonias, Inc.

On August 30, 2011, Solite, LLC transferred the property it owned at the Facility to Allied Concrete Products, LLC (Allied), and the name of the permittee under the two operating permits at the Facility (VAD098443443 and VAD042755082) was changed to Allied. Allied thereafter operated the tank farm and kilns until closure was completed in 2012. The corrective action requirements under the lightweight aggregate kiln permit VAD042755082 were transferred to the hazardous waste tank farm storage permit in 2013 and permit VAD042755082 was then allowed to expire, and thus that ID was submitted as recommendation for removal from the Corrective Action Progress track during the 2013 Pilot VAR000518878 was added to the Corrective Action Progress Track as part of the 2022 EPA Pilot.

Current Site Status:

On June 30, 2015, Allied transferred the property it owned at the Facility to Eagle Real Estate, LLC, a related entity.

In September 2016, the facility's Hazardous Waste Management Permits were modified to incorporate a final remedy detailed in a Statement of Basis developed by the Virginia Department of Environmental Quality (DEQ), which included groundwater monitoring and institutional controls. The modified Permits became effective on September 27, 2016 and represents Remedy Selection and Remedy Construction Complete determinations in accordance with the Corrective Action process. On March 23, 2017 VDEQ approved a request to discontinue groundwater monitoring at the facility.

On September 7, 2017, Giant Resource Recovery, Inc. recorded an environmental covenant with the Buckingham County Circuit Court to establish land use controls. The Hazardous waste Management Permit associated with EPA ID VAR000518878 expired on October 29, 2018.

On September 7, 2017, Eagle Real Estate, LLC recorded an environmental covenant with the Buckingham County Circuit Court to establish land use controls. Eagle Real Estate, LLC conveyed all of its interest in the property to RMA Enterprises, Inc. on February 15, 2018. The Hazardous waste Management Permit associated with EPA ID VAD098443443 expired on October 29, 2018.

The entire facility is currently owned by Gary Willoughby Logging LLC and a small portion is currently being used for equipment and vehicle storage and maintenance.

Element 1: Legal Authorities

The remedy was imposed by Class 2 Modifications of the Facility’s Hazardous Waste Management Permits on September 27, 2016. Two Environmental Covenants compliant with the Uniform Environmental Covenant Act (UECA) were recorded on September 7, 2017 in Buckingham County Circuit Court, thus the Facility’s Permits were allowed to expire. The UECA Covenants serve as the authority for enforcing the final remedy at the site. DEQ is listed as the Agency in both Covenants.

Element 2: Information Regarding Engineering and Institutional Controls

The following controls are required as part of the CA remedy:

Associated Tax Parcel	Restriction	Applies to Polygon
<p><u>Tax Maps:</u> 30-32 30-33 30-36</p>	<p>1. The soils restriction areas of the Facility shall not be used for residential purposes or for children’s (under the age of 16) daycare facilities, schools, or playground purposes.</p> <p>2. Excavation and/or management of soil in the soil restriction areas shall be conducted in accordance with a VDEQ-approved Materials Management Plan. Future modifications at the Facility that could be reasonably understood to adversely affect or interfere with the integrity or protectiveness of the final remedy will be evaluated to identify and address those potential impacts or interferences. No removal, disturbance, or alteration shall occur to any corrective action components installed at the soil and groundwater restriction areas of the property, including, but not limited to groundwater monitoring wells, without VDEQ approval.</p>	<p>Restriction Areas: #1 (0.077 acre) #2 (0.076 acre) #3 (3.597 acres) #4 (4.206 acres) #5 (1.88 acre)</p>

Associated Tax Parcel	Restriction	Applies to Polygon
<u>Tax Map:</u> 30-33	Groundwater beneath the designated groundwater restriction area of the Allied facility shall not be used for any purposes except for environmental monitoring and testing, or for non-contact industrial use as may be approved by VDEQ. Any new groundwater wells installed in the designated groundwater restriction area must be approved VDEQ.	Groundwater Restriction Area

Element 3 – Long-Term Facility Oversight, Monitoring and Maintenance

The UECA Covenants require that, by the end of March 2022 and the end of every fifth March thereafter, the then current owner of the Property shall submit to the Agency written documentation stating whether or not the activity and use limitations in the environmental covenants are being observed. The Department received the first documentation for EPA ID VAR000518878 on March 30, 2022. Documentation for EPA IDs VAD042755082 and VAD098443443 has not been received.

In addition, within one (1) month after any of the events listed in Section 5(b) of the Environmental Covenant, the then current owner of the Property shall submit to the Agency written documentation describing the event.

Portions of the Facility are located within the Regulatory Floodway, 1% Annual Chance, and 0.2% Annual Chance Flood Hazard Areas as indicated on [FEMA’s National Flood Hazard Layer \(NFHL\) Viewer](#). Remedies are therefore possibly susceptible to climate impacts based on these flood criteria.

Element 4 – Recordkeeping and Tracking

The UECA Covenant provides visual representation of the activity and use limitations.

Mapping: The EPA Facility website figure has been updated with a Geospatial PDF showing the use restriction boundaries. The map was field-verified and no issues were noted.

Element 5 – Meaningful Engagement and Consultation

The Facility is currently inactive with no off-site impacts. The EPA Region 3 website maintains updated information and key documents for the facility. In addition, the community may request information and documents from the VDEQ Office of Remediation Programs.

Element 6 – Funding

Financial Assurance: Financial Assurance is not required for this Facility since there is only monitoring and maintenance of activity and use limitations required.

Element 7 – Enforcement

The UECA allows DEQ and the Grantor listed in the Covenants the Authority to enforce the remedy. EPA, without limitation, reserves its right to take administrative enforcement action under RCRA or other federal law for violations.

Element 8 – Enforceable Mechanisms

Two Environmental Covenants compliant with the Uniform Environmental Covenant Act (UECA) were recorded on September 7, 2017, thus the Facility's Permits were allowed to expire. The UECA serves the authority for enforcing the final remedy at the site. DEQ is listed as the Agency in the Covenants.

Element 9 – Dedicated Resources

The Performance Partnership Grant Workplan provides for Long-Term Stewardship activities. The Programmatic goal is to evaluate 20% of facilities with remedies older than 10 years.

Long-term Stewardship Site Visit: On July 20, 2023

DEQ conducted a long-term stewardship site visit to discuss and assess the status of the implemented remedies at the site. A field report is included with this letter.

Follow-up Activities:

The UECA five-year report is outstanding (originally due March 31, 2022) for a portion of the facility. In addition, the UECA regulations require a fee to be paid to the Agency when the property ownership is transferred, these fees are outstanding since ownership recently changed within the past year. VDEQ will follow up with the owner to ensure that these items are completed.

Conclusion:

The engineering and institutional controls selected and defined within the 2017 UECA Covenants are implemented and remain intact and undamaged.

DEQ Long Term Stewardship Facility Map Allied/GRR – Arvonía, Virginia



Allied/GRR Arvonnia
2023 Long Term Stewardship Evaluation

Select Site Photos

Photos by: Ryan Kelly
Taken July 20, 2023



Restricted Parcel 1 – facing South



Restricted Parcel 2 – facing West

Allied/GRR Arvonía
2023 Long Term Stewardship Evaluation



Restricted Parcel 2 – facing North



Restricted Parcel 3 - facing North

Allied/GRR Arvonía
2023 Long Term Stewardship Evaluation



Restricted Parcel 3 - facing West



Restricted Parcel 4 - facing North

Allied/GRR Arvonja
2023 Long Term Stewardship Evaluation



Restricted Parcel 5 - facing East



Groundwater Restricted Area - facing Northwest towards Slate River

Allied/GRR Arvonía
2023 Long Term Stewardship Evaluation

Field Checklist

VADEQ - Long Term Stewardship Checklist
ALLIED CONCRETE PRODUCTS, LLC and
GIANT RESOURCE RECOVERY - ARVONIA, INC.
EPA ID NO. VAD042755082, VAD098443443, VAR000518878

Date of Visit
July 20, 2023

DEQ Personnel
Ryan Kelly, Corrective Action PM

Facility Representatives

Stacy Willoughby _____

Selected Remedies:

Compliance with and Maintenance of Institutional and Engineering Controls (ICs and ECs)

AULs:

Associated Tax Parcel	Restriction	Applies to Polygon
<u>Tax Maps:</u> 30-32 30-33 30-36	1. The soils restriction areas of the Facility shall not be used for residential purposes or for children’s (under the age of 16) daycare facilities, schools, or playground purposes. 2. Excavation and/or management of soil in the soil restriction areas shall be conducted in accordance with a VDEQ-approved Materials Management Plan. Future modifications at the Facility that could be reasonably understood to adversely affect or interfere with the integrity or protectiveness of the final remedy will be evaluated to identify and address those potential impacts or interferences. No removal, disturbance, or alteration shall occur to any corrective action components installed at the soil and groundwater restriction areas of the property, including, but not limited to groundwater monitoring wells, without VDEQ approval.	Restriction Areas: #1 (0.077 acre) #2 (0.076 acre) #3 (3.597 acres) #4 (4.206 acres) #5 (1.88 acre)

Allied/GRR Arvonía
 2023 Long Term Stewardship Evaluation

Associated Tax Parcel	Restriction	Applies to Polygon
Tax Map: 30-33	Groundwater beneath the designated groundwater restriction area of the Allied facility shall not be used for any purposes except for environmental monitoring and testing, or for non-contact industrial use as may be approved by VDEQ. Any new groundwater wells installed in the designated groundwater restriction area must be approved VDEQ.	Groundwater Restriction Area

<u>IC Review and Assessment Questions:</u>	<u>Yes</u>	<u>No</u>	<u>Notes</u>
• Have the ICs specified in the remedy been fully implemented? Implementation mechanism in place?	X		<i>Corrective Action Permits Modifications 9/27/2016 to incorporate remedy.</i> <i>UECAs recorded Buckingham County Circuit Court, 9/07/2017, thus Permits allowed to expire on 10/26/2015.</i>
• Do the ICs provide control for the entire extent of contamination (entire site or a specific portion)?	X		
• Are the ICs eliminating or reducing exposure of all potential receptors to known contamination?	X		
• Are the ICs effective and reliable for the activities (current and future) at the property to which the controls are applied?	X		
• Have the risk of potential pathway exposures addressed under Corrective Action changed based on updated screening levels and new technologies?		X	
• Are modifications to the IC implementation mechanism needed? (i.e. UECA Covenant, Permit or Order)		X	
• Are there plans to develop or sell the property?		X	

Allied/GRR Arvonía
 2023 Long Term Stewardship Evaluation

• Have all reporting requirements been met?		X	Missing 5-yr Report, originally due March 2022
<u>Groundwater Remedy Review and Assessment Questions:</u>	<u>Yes</u>	<u>No</u>	<u>Notes</u>
• For wells where groundwater monitoring is no longer required, have the wells be decommissioned?	X		Well Abandonment report provided 5/12/2017

<u>Surface and Subsurface IC Review and Assessment Questions:</u>	<u>Yes</u>	<u>No</u>	<u>Notes</u>
• Is the facility being used for residential purposes?		X	
• Have there been recent construction or earth-moving activities or future plans for such?		X	Sawmill structure demolished

<u>Engineered Cap or Cover Review and Assessment Questions:</u>	<u>Yes</u>	<u>No</u>	<u>Notes</u>
• Have vegetative landfill caps been properly maintained?			NA
• Does vegetative cover in Riparian Buffer area remain intact?			NA
• Have any repairs been necessary? (i.e. regrading, filling, root removal)			NA
• Is the leachate collection system operating and effectively preventing groundwater contamination?			NA

<u>Miscellaneous EC Review and Assessment Questions:</u>	<u>Yes</u>	<u>No</u>	<u>Notes</u>
• Is the security fence intact?			Not required in remedy.

Allied/GRR Arvonía
2023 Long Term Stewardship Evaluation

• Is the appropriate signage posted?			Not required in remedy.
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Additional Notes:

Recent sale of properties to current owner (Gary Willoughby Logging LLC), UECA fee for transfer outstanding.