



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

STATEMENT OF BASIS

**FIRST ENERGY CORPORATION
RICHMOND, VIRGINIA
EPA ID NO. VAD086293719**

**Prepared by
Office of Remediation
Land and Chemicals Division
August 2012**

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Section 1: Introduction

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) for the First Energy Corporation facility located at 2nd and Maury Streets, Richmond, Virginia (hereinafter referred to as the Facility). EPA's review of available information indicates that there are no unaddressed releases of hazardous waste or hazardous constituents from the Facility. Based on that assessment, our proposed decision is that no further investigation or cleanup is required. 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.

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 as well as a fact sheet for the Facility can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which EPA's proposed decision is based. See Section 5, Public Participation, for information on how you may review the AR.

Section 2: Facility Background

The former First Energy Corporation (FEC) wastewater treatment facility is located on a fenced, approximately 1-acre parcel at the intersection of 2nd and Maury Streets in Richmond, Virginia. A large building (metal, approximately 5,000 square feet) occupies the central portion of the site. The remainder of the site contains a trailer formerly used to store tools, supplies and miscellaneous equipment including sampling equipment for wastewater, two concrete containment areas and gravel covered areas. Wastewater is no longer treated at the Facility.

During its operation, the Facility treated wastewater in tanks using microorganisms to remove the contaminants. Treated wastewater was then discharged to the City of Richmond publicly-owned treatment works (POTW) pursuant to a pretreatment permit. Wastewater treatment was accomplished in the treatment building using eight (8) aboveground storage tanks (ASTs) and an oil/water separator. The equipment consisted of:

- three 550-gallon ASTs (including a surge tank)
- three 20,000-gallon Frac Tanks (ASTs)

- one 15,000-gallon AST
- one 2,000-gallon AST
- one oil/water separator

There were also three (3) 8,000-gallon tank trucks onsite and 27 drums on the outside containment pad. Finally, there was a 20 cubic yard roll-off onsite.

According to reviewed documents, wastes historically generated, handled, and stored at the facility include waste ignitable liquids and petroleum, oils and lubricant (POL) and water impacted with POLs.

Section 3: Summary of Environmental History

The investigations and necessary clean-up activities at the facility were implemented in accordance with the conditions and requirements of a 1999 Consent Order issued to the Facility by EPA, a subsequent Facility Lead Agreement (FLA) between the facility and the EPA executed in 2008, and a combined closure/RCRA Facility Investigation work plan approved by the Virginia Department of Environmental Quality (VDEQ) in 2009.

The 1999 EPA Order specified fourteen compliance tasks to be completed, including removal of all wastes from the Facility, decontamination of the concrete floor and pads, and, if FEC elected not to continue treatment activities, decontamination and removal of all tanks and equipment. FEC submitted documentation of completion of these tasks to both EPA and the VDEQ. The EPA then responded with a letter dated December 28, 1999, acknowledging completion of the compliance tasks, with the exception of the Part B Permit Application. FEC elected not to pursue issuance of a Permit, and therefore, did not submit a Part B Permit Application.

On June 28, 2006, EPA, VDEQ and facility representatives conducted a RCRA Site Visit and identified three hazardous waste management units (HWMUs), one SWMU, and one AOC at the Facility. These units were described in the RCRA Site Visit report dated December 6, 2006, and are summarized below:

- HWMU-1 Wastewater Treatment Building (also referred to as SWMU-1) consisted of the building which formerly housed the wastewater treatment system for the facility. The system was used to treat petroleum contaminated wastewater using a series of reactors that contained engineered microorganisms designed to metabolize benzene and other petroleum constituents. The system within the building consisted of a 500-gallon surge tank, three 20,000-gallon aboveground reactor tanks, one 15,000-gallon AST, two 550-gallon ASTs, one 2,000-gallon AST, and an oil-water separator. All tanks and equipment were cleaned and removed from the building in 1999. Several small thin cracks were observed in the concrete flooring and curbing inside the building.
- HWMU-2 Truck Unloading and Containment Area (also referred to as SWMU-2) consisted of the truck unloading station and containment area, located on the southwest

Section 3: Summary of Environmental History (continued)

side of the treatment building. Several thin cracks were observed in the concrete pad and curbing.

- HWMU-3 Southeast Containment Area (also referred to as SWMU-3) consisted of an area located to the southeast of the treatment building where three 8,000 gallon tank trailers and a number of drums were left when ERC abandoned the facility in or about 1995. According to FEC, this area was never used for the staging of tank trailers or drums during operation of the facility. The area consisted of a concrete pad and curbing, with a secondary containment area. All of the tank truck and drums were removed from this area in 1999 under the EPA order. The concrete pad and containment curbing was observed to be intact. Several thin cracks were observed in the concrete pad and curbing.
- SWMU Storage Trailer (also referred to as SWMU-4) consisted of a rectangular storage trailer, located southwest of the Truck Unloading Area. The trailer appeared to have been used to store tools, supplies and miscellaneous equipment, including sampling equipment for wastewater. The trailer was emptied and removed from the site sometimes between 2008 and 2010.
- AOC Former Roll-off Storage Area consisted of the former roll-off storage area located to the northeast of the treatment building. Two roll-off containers were previously stored in the area. One roll-off contained oil sludge and the other contained absorbent booms. The containers were not considered a hazardous waste management unit in the RCRA Compliance Report.

After the RCRA Site Visit, FEC performed closure activities and a RCRA facility investigation at the site in accordance with a combined closure/RCRA Facility Investigation Work Plan, dated July 2008. The closure activities included 1) an assessment of the cracks in the concrete containment surfaces and 2) an assessment and possible removal of soil beneath any cracks that breach the concrete containment surfaces. Additionally, the identified SWMU and AOC were investigated to determine if a release had occurred and if additional evaluation was necessary to meet the Corrective Action objectives. Soil and subsoil sampling was conducted and evaluated in accordance with the Facility's approved Closure Plan, Sampling and Analysis Plan (SAP), and RFI Work Plan. The results indicated that there were no releases above health-based screening levels from the SWMU and AOC, as indicated in the VDEQ letter dated November 19, 2010. However, the three HWMUs needed further evaluation for arsenic as the clean closure performance standards for these units had not been met. Additional background soil sampling was performed in January 2011 to recalculate the facility background concentration for arsenic and evaluate the need for remediating arsenic in soil beneath the three HWMUs. Two of the three HWMUs (HWMU-1 and HWMU -2) did not exceed the new background concentrations; however, sample locations from the Southeast Containment Area (HWMU-3, concrete pad) still exceeded the statistical background for arsenic.

Section 3: Summary of Environmental History (continued)

In a letter dated December 19, 2011, the Facility proposed a final closure plan to remediate the soil beneath the Southeast Containment Area (HWMU-3, concrete pad). Closure plan activities included excavation of contaminated soil and the collection of soil samples from the bottom of the excavation. One soil sample and one duplicate were collected from the bottom of the excavation (36"- 42") on February 20, 2012. The sample results showed a maximum arsenic concentration of 5.9 mg/Kg, which was below the Site statistical background concentration for total arsenic of 6.61 mg/Kg. Because the total arsenic results from the bottom of the excavation soil sample and its duplicate are below the Site statistical background for total arsenic, clean closure at the Site has been achieved and no further action is required. VDEQ approved clean closure of the HWMUs by letter dated July 10, 2012.

Section 4: Environmental Indicators

EPA sets national goals to measure progress toward meeting the nation's major environmental goals. For Corrective Action, EPA evaluates two key environmental indicators (EI) for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. The Facility met the human exposures under control EI on September 1, 2009 (the Human Health Environmental Indicator Determination report has been updated as of July 10, 2012), and the migration of contaminated groundwater under control EI on June 21, 2012.

Section 5: Public Participation

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 for the Facility. The AR contains all information considered by EPA in reaching this proposed decision. It is available for public review during normal business hours at:

U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Mr. Mike Jacobi (3LC20)
Phone: (215) 814-3435
Fax: (215) 814-3113
Email: jacobi.mike@epa.gov

Interested parties are encouraged to review the AR and comment on EPA's proposed decision. The public comment period will last thirty (30) calendar days from the date that notice is published in a local newspaper. You may submit comments by mail, fax, or e-mail to Mr. Mike Jacobi. EPA will hold a public meeting to discuss this proposed decision upon request.

Requests for a public meeting should be made to Mr. Mike Jacobi.

EPA will respond to all relevant comments received during the comment period. If EPA determines that new information 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 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 Mr. Mike Jacobi at the address listed above.

Index to Administrative Record

Reference(s):

- Environmental Restoration (Richmond) Corporation, Hazardous Waste Storage/Treatment Facility Closure Plan, dated May 1996
- EPA Consent Order with First Energy Corporation, dated June 15, 1999
- EPA letter dated Dec 28, 1999; to Mr. Stearns, General Manager, First Energy Corporation
- Draper Aden Associates letter dated November 22, 2004; Closure Plan
- RCRA Site Visit Report, dated December 6, 2006 , 2006
- First Energy Corporation Sampling and Analysis Plan, dated June 15, 2007
- EPA letter dated March 25, 2008; Facility Lead Agreement First Energy Corporation
- FEC Former Wastewater Treatment Facility Closure Plan & Phase I RFI Work Plan, dated July 2008
- FEC Bioremediation Facility, Closure and Phase I RFI Report, dated October 2010
- VDEQ letter dated November 19, 2010; Closure/RFI Report – Notice of Deficiency and Comments
- Draper Aden Associates letter dated February 24, 2011; Results of Additional Background Soil Sampling, First Energy Corporation
- Draper Aden Associates letter dated June 17, 2011; REAMS Model Assessment, RCRA Closure & Phase 1 RFI, First Energy Corporation
- Draper Aden Associates letter dated October 11, 2011; Supplemental Memorandum
- Draper Aden Associates letter, dated November 29,2011; Request for Closure Plan Minor Amendment, First Energy Corporation
- Draper Aden Associates letter dated December 19, 2011; Request for Closure Plan Minor Amendment, First Energy Corporation
- Draper Aden Associates letter dated May 29; 2012FEC Closure Report Addendum – Closure and Phase I RFI letter,
- VDEQ Letter dated June 21, 2012; Groundwater Environmental Indicator Determination Report (CA 750) for FEC Bioremediation Facility
- VDEQ letter dated July 10, 2012; Closure Report Addendum – Approval
- Human Health Environmental Indicator Determination updated report, dated July 10, 2012