



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LU-16J

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

June 13, 2018

Karyn Selle, Project Manager
Maple Street Commerce LLC,
c/o IRG Realty Advisors LLC
4020 Kinross Lakes Parkway Suite 200
Richfield, Ohio 44286

Re: Notice of Deficiency
March 18, 2018 RCRA Facility Investigation Work Plan
Maple Street Commerce, 101 E. Maple, North Canton, Ohio
OHD 004 462 131

Dear Ms. Selle:

EPA has reviewed the RCRA Facility Investigation (RFI) Work Plan (Work Plan), dated March 18, 2018, Hull & Associates submitted on behalf of Maple Street Commerce, LLC (MSC). MSC submitted the Work Plan under the Resource Conservation and Recovery Act Section 3008(h) Administrative Order on Consent, RCRA-05-2016-0012, EPA executed with MSC on May 24, 2016 (the 2016 AOC). EPA plans to request modifications under Paragraph 27 of the 2016 AOC, and issues this Notice of Deficiency to provide MSC an opportunity to cure deficiencies, consistent with that paragraph. The deficiencies are summarized below.

- 1) The Work Plan must include further investigation at buildings 8, 9 and 15 for PCBs. EPA has previously discussed the need for PCB sampling with MSC. EPA's October 9, 2017 *Revised CCR Approval* specified the need for certain PCB sampling; EPA's September 9, 2017 *Phone Record* identified concerns regarding PCBs which MSC proposed to include in the RFI scope of work; EPA's June 28, 2017 *Email* summarized concerns related to the possible use of PCBs in site dye casting operations in Buildings 8, 8a, 9, 9a, and 15; Hoover's August 2003 *Final Corrective Measures Proposal* mentioned that oil stained walls and floors were present in dye casting buildings; and MSC's February 28, 2017 *Submittal of Sampling Data* indicated that wipe samples collected from the tunnels below Building 8A exceeded the 10 ug/100 cm² PCB decontamination standard at 40 C.F.R. § 761.79(b)(3). MSC's redevelopment plans for the buildings will shape the investigation activities required. MSC needs to perform bulk sampling before it demolishes any of these buildings and to conduct additional wipe sampling and decontamination at any of these building it plans to reuse. For example, MSC must revise the Work Plan to add

wipe sampling from the floors and walls of those buildings it plans to reuse. Please refer to EPA's November 2005 *Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substances Control Act (TSCA)* for guidance on concrete sampling, deed restrictions, and reuse. You may also want to sample the area around Building 8b for emergent chemical compounds perfluorooctanoic acids (PFOAs) and perfluoroalkyl substances (PFASs), since Hoover conducted Teflon coating in that building. These compounds are also known to have been used for mist suppression in plating operations. EPA is currently developing groundwater cleanup recommendations for PFOA at contaminated sites.

- 2) The Work Plan must include limited soil sampling in areas that exhibited elevated subslab VOC concentrations (VP-2, VP-15, VP-17, VP-18, VP-20, and VP-22), to identify the magnitude of possible underlying source areas and evaluate risk. VOCs were detected at significantly elevated subslab vapor concentrations where VOCs were not reasonably anticipated to be contaminants of concern (COCs) associated with the related SWMU. These newly identified VOC impacts are areas that require investigation under the 2016 AOC. Paragraph 15.b. of that AOC requires sampling locations to include, among other things, areas where screening criteria were exceeded and areas where the potential exists for the volatilization of contaminants from soil and groundwater to indoor air. The Work Plan should also add these VOC-impacted areas to the list of areas of concern. EPA considers these locations new/potential areas of concern; results confirmed these areas, which MSC targeted for subslab and indoor air sampling, were impacted; and EPA previously suggested MSC include them in the list, and anticipated MSC would update the Current Conditions Report to identify them as new areas of concern based on the data MSC collected. I enclose a list of the areas EPA proposes MSC add to the list of areas of concern, along with a figure that superimposes them on soil gas/air results from those buildings. An investigation will help evaluate source concentrations and potential active remedies, particularly in the west factory. EPA's future selection of a proposed remedy will rely on balancing criteria that includes the degree to which a remedy employs treatment that reduces the toxicity, mobility, or volume of hazardous waste and hazardous constituents.
- 3) The Work Plan must include a contingency for groundwater sampling at all HSB soil sampling locations, including HSB-142 through HSB-144, to aid in defining the limits of groundwater impacts that exceed the default vapor intrusion screening criteria. This will help further delineate the area of the related vapor intrusion restriction that will be required as part of the Institutional Controls (ICs) MSC must develop and record in the form of Uniform Environmental Covenants Act (UECA) Environmental Covenants. Restrictions were not previously proposed for this area.
- 4) The Work Plan must relocate HSB-142 to the area south of the center of Building 11, and HSB-143 to the area due south of VP-25. This will help assess potential for contaminant migration along the bedrock surface in these areas and provide information about unidentified sources of subslab VOC contamination nearby, beneath Buildings 11 and 16.

- 5) The Work Plan must include an additional HSB boring/groundwater monitoring well on Park Avenue NE, equidistant between Hower Street NE and Witwer Street NE. Since Trichloroethene (TCE) was historically present at 6 ppm in groundwater at this location, it should be monitored to evaluate contaminant conditions in groundwater and/or the potential for migration via preferential pathways. The Work Plan should also include a contingency for a soil boring north of HSB-134 if the borings proposed near the church do not identify the source of contamination. This will aid evaluating preferential pathways.
- 6) The Work Plan needs to collect more information on the source of soil gas contamination at VP-40 and VP-41. MSC can make further attempts to locate MW-17D and sample MW-17D and PZ-17D; or install MIP/HSB borings near VP-40 and VP-41 and analyze confirmation soil/groundwater samples to further evaluate the TCE contamination found in these vapor pin samples. Until more information is gathered, MSC must continue monitoring VP-40 and VP-41 on a quarterly basis due to the proximity of adjacent residences and past TCE levels of 18 parts per million at SB-128. MSC needs to investigate whether the current/recent groundwater monitoring at shallow depths misses groundwater migration that may be present at deeper intervals, since the source of contamination found in soil gas in this area has not been definitively identified.
- 7) The Work Plan must indicate that *'bis(2-ethylhexyl)phthalate (BEHP) contamination exceeding Ohio EPA's Generic Numerical Standards for direct contact was present at GP-19, SB-758, SB-797, SB-799, and SB-800 at the Regulated Unit. This area is capped but restrictions related to the cap were not previously proposed. Institutional Controls should impose restrictions on this area, including regular Operations & Maintenance inspections, repairs/cap maintenance, excavation and penetration restrictions, and reporting requirements for the area in perpetuity.'* Restrictions are needed to ensure the long-term protectiveness of the cap.
- 8) The Work Plan must indicate that *'PCB contamination exceeding the federal cleanup standard at 40 C.F.R. § 761.61(a)(4)(i)(3) was found by Hoover in the Game Patron Lot and was covered with crushed stone that does not meet the definition of a cap at 40 C.F.R. § 761.61(a)(7). MSC will work with the school district, which currently owns the Game Patron Lot, to develop institutional and/or engineering controls for this area. As part of a revised Corrective Measures Proposal (CMP), MSC will evaluate whether the existing temporary cap can provide adequate long-term protection when combined with the institutional controls. If not, MSC may need to install a cap that meets the requirements of 40 C.F.R. § 761.61(a)(7). Institutional controls should require regular Operations & Maintenance inspections; repairs/cap maintenance; restrictions on excavation and/or penetration of the cap, waste disposal, and groundwater use; and reporting requirements for the area in perpetuity.'* Similar concerns apply for PCB contamination documented to be present at levels above the federal cleanup standard at 40 C.F.R. § 761.61(a)(4)(i)(3) throughout the North Yard.
- 9) The current draft Work Plan says no additional evaluation of preferential pathways is required. The Work Plan must include a contingency to develop a scope of work to

conduct additional investigation of preferential pathways if the work it proposes does not identify the source(s) of indoor air contamination near Taft and Hower, or if contamination is found near sewers during the testing the Work Plan proposes. Additional preferential pathway investigation along Hower and/or Orchard cannot be eliminated from the scope of work unless all of the following occur: 1) testing provides a definitive identification of the source of air contamination affecting the adjacent church (by testing at HSB-34 through HSB-41); 2) no contamination is found during proposed testing northwest of Building 36 (HSB-30 through HSB-32); 3) testing identifies the source of impacts in historical samples from VP-48, AA-43, AA-48, AA-50, and AI-54; and 4) no contamination is detected near existing sewer systems. The scope of the RFI work needs to identify the sources of contamination in indoor air and cannot rule out further evaluation of preferential pathways until those sources are identified.

Additional Comments:

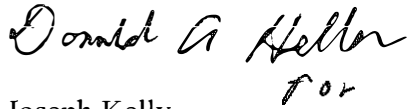
In Section 3.1 of the Work Plan, MSC indicates that the land use for the property is industrial/commercial. MSC needs to revise this statement to account for the proposed residential use.

Section 3.2.2 does not revisit historical results or address Ohio EPA screening criteria. MSC needs to revise that Section to indicate that historical analytical results will be evaluated as part of a comprehensive risk evaluation for the site in a Final Corrective Measures Proposal (CMP), and that applicable Ohio EPA screening criteria will be included in that risk evaluation. MSC's selected screening criteria does not identify concentrations of tetrachloroethene (PCE) in soil below the west factory that exceed the soil saturation limit of 170 ppm (Ohio Rev. Code § 3745-300-08 (2016)). In addition, Section 3.2.2 should indicate that the comprehensive risk evaluation will also be used to determine the appropriate ICs that will be required and presented in the CMP.

The listing of areas to be eliminated from further investigation in Section 3.3.1 needs to reflect the comments above and the need to evaluate all areas for institutional and/or engineering controls. In the regulated unit discussion, indicate that specific restrictions for the regulated unit will be outlined in a proposed IC for the area as part of a comprehensive evaluation of historical data in the CMP, since a cap requires associated controls. In the SWMU 1 discussion, indicate that an IC is needed for long-term controls related to vapor intrusion, construction worker protection, and/or soil handling during excavation, and will be proposed in the CMP. The SWMU 5 discussion indicates that no further testing is required. This section should be revised to account for EPA's comments above regarding VP-40 and VP-41. MSC must also revise the AOC 7 discussion to account for EPA's comments regarding the potential PCB use in the 30 dye casting machines in this area, and the confirmed presence of PCBs in wipe samples from tunnels below the dye casting buildings. The Hower Street Storm Sewer Preferential Pathway discussion likewise needs to reflect EPA's comments above regarding the need to identify sources of air contamination near Taft, Hower, and Orchard. MSC also needs to revise related areas of Section 5 of the Work Plan, the Tables, and the Figures based on the comments above.

Pursuant to Paragraph 27 of the 2016 AOC, EPA is providing MSC the opportunity to cure these deficiencies within 20 days of receiving this notice. We appreciate MSC's continuing efforts to resolve these outstanding issues. If you have any questions, please contact me at (312) 353-2111 or by e-mail at kelly.joseph@epa.gov.

Sincerely,

Handwritten signature of Donald A. Heller in cursive script.

Joseph Kelly
Project Manager

Attachments

cc: Lindsay Crow, Hull & Associates
Justin Lichter, Maple Street Commerce, LLC
Mark Norman, Vorys, Sater, Seymour and Pease LLP
Frank Lanterman, Maple Street Commerce LLC

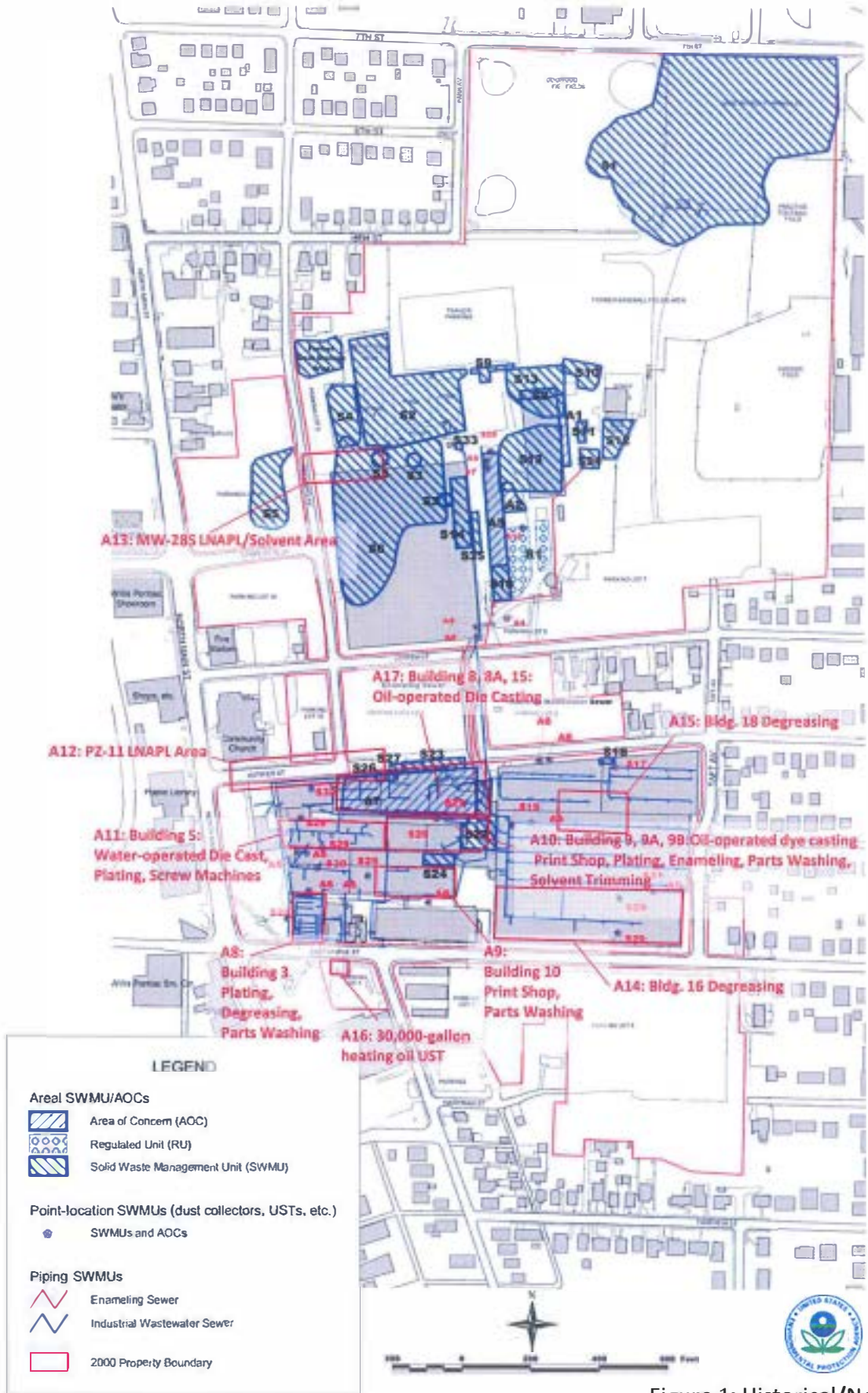


Figure 1: Historical/New SWMUs & AOCs

NOTES:
 1. Basemap derived from aerial orthographic photos taken January 17, 2000.
 2. SWMU and AOC descriptions can be found in Table 3-1 of the Materials and Waste Management Areas Inventory (CH2M HILL 1997, revised 2000).



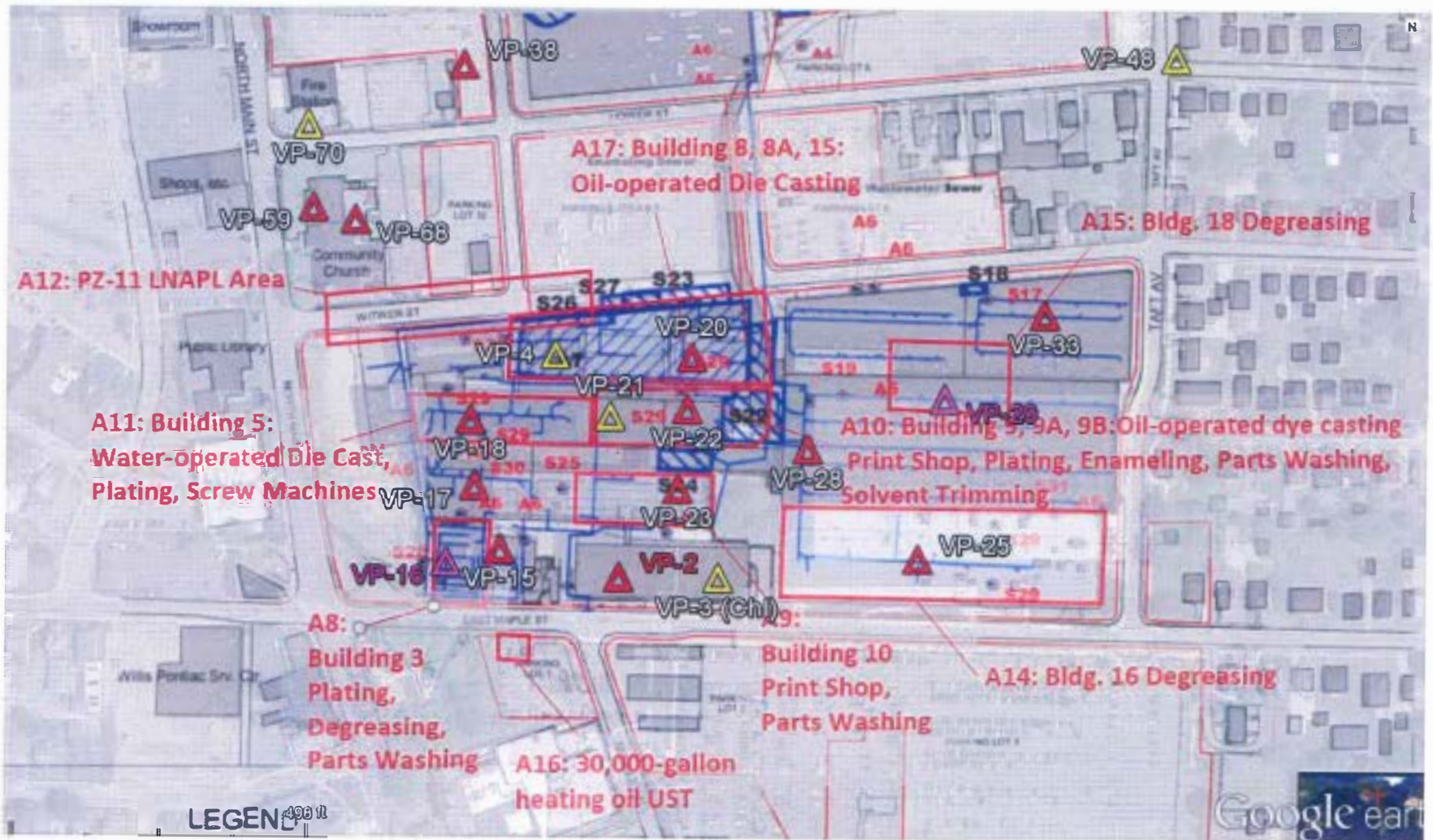


Figure 2: West Factory, New AOCs and Relative Soil Gas Results

Table A2-
Additional Areas of Concern (Recent Data)
The Hoover Company

Area Name: Common Name of Area as Shown on Facility Maps	Unit Designation	Area ID. No.	Document Reference
Building 3	AOC	A8	Plating, Degreasing, Parts Washing (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 10	AOC	A9	Print Shop, Parts Washing (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 9, 9A, 9B	AOC	A10	Oil-operated dye casting Print Shop, Plating, Enameling, Parts Washing, Solvent Trimming (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 5	AOC	A11	Water-operated Die Cast, Plating, Screw Machines (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
PZ-11	AOC	A12	LNAPL from former Tanks Oil Storage, or Oil Delivery Piping (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
MW-28S	AOC	A13	LNAPL from Wastewater Ponds, Sewers, or Existing Oil Tanks, and Solvent Source (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 16	AOC	A14	Degreasing (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 18	AOC	A15	Degreasing (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Parking Lot 1	AOC	A16	Existing 30,000-Gallon Heating Oil UST (Hoover FCMP, pg. 241-291, 3134-3163) (Hull, 2015)
Building 8, 8A, 15	AOC	A17	Oil-operated dye casting