

RCRA Brownbag Session

*Faster Cleanup and Faster Reuse at
RCRA Corrective Action Sites and
PCB Cleanup Sites*

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RCRA FIRST

- Improves the efficiency of RCRA facility investigations and remedy selection by addressing two root causes of delay.
 - No common, up-front understanding of investigation or remedy selection objectives
 - No simple way to elevate issues among stakeholders early in the process

<https://www.epa.gov/hw/toolbox-corrective-action-resource-conservation-and-recovery-act-facilities-investigation-remedy>

The screenshot shows the EPA website's 'Hazardous Waste' page. The top navigation bar includes 'Environmental Topics', 'Laws & Regulations', and 'About EPA', along with a search bar for 'Search EPA.gov'. The main heading is 'Hazardous Waste'. A sidebar on the left lists various topics: 'Hazardous Waste Home', 'Learn the Basics of Hazardous Waste', 'Hazardous Waste Management', 'Generation', 'Identification', 'Transportation', 'Land Disposal Restrictions', 'Requirements for Importers and Exporters', 'Recycling', 'Cleanups', 'Regulations for Certain Wastes', 'EPA Hazardous Waste Initiatives', and 'SW-846 Test Methods'. The main content area features the title 'A Toolbox for Corrective Action: Resource Conservation and Recovery Act Facilities Investigation Remedy Selection Track'. Below the title, a paragraph states: 'The Resource Conservation and Recovery Act (RCRA) Facilities Investigation Remedy Selection Track (FIRST) Toolbox for Corrective Action distills practical lessons learned and experiences contributed by federal, state, and regulated community representatives involved with investigation and remedy selection worldwide.' Under the heading 'On this page:', there are two links: 'The RCRA FIRST Approach' and 'The RCRA FIRST Toolbox'.



RCRA FIRST Toolkit

- PPG Industries (Adrian, MI) Corrective Action Framework Meeting & Document
 - Opportunity to summarize conditions & data gaps
 - Identify concerns and solutions
 - Outline agreement on scope of work
 - Revisions to CAF included as an attachment to the AOC

Appendix A: RCRA FIRST Tools

This appendix contains tools developed to help guide you through the RCRA FIRST Toolbox, serving as a launching point for your newly-efficient corrective action efforts.

- **TOOL 1:** Model Corrective Action Framework Meeting Agenda
- **TOOL 2:** Corrective Action Framework Template
 - *Example: Corrective Action Framework for a New RFI*
- **TOOL 3:** Joint Elevation Process
- **TOOL 4:** RCRA Facility Investigation Data Sufficiency Evaluation Tool
- **TOOL 5:** Conceptual Site Model Iterative Evaluation/Update Tool
 - *Example: CAF Meeting Agenda for a Stalled RFI*
- **TOOL 6:** Template Agenda for Remedy Selection Process Meeting
 - *Example: RSP Meeting Agenda for Remedy Selection including Interim Measures*
- **TOOL 7:** Developing Corrective Action Objectives
- **TOOL 8:** RCRA Post-Remedial Care Considerations
- **TOOL 9:** Remedy Selection Process Document Template
- **TOOL 10:** Control Plan
- **TOOL 11:** Communication Plan
- **TOOL 12:** Project Manager Transition Checklist

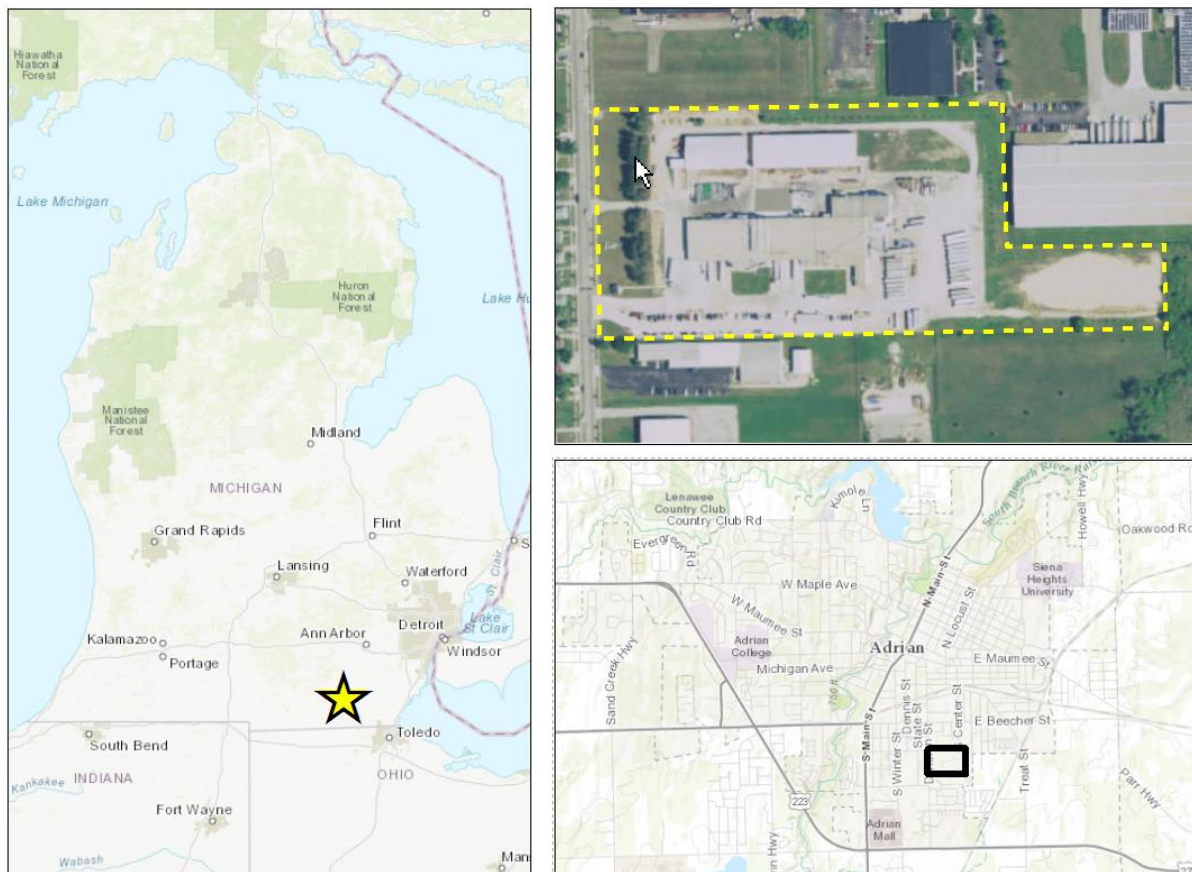


Brief History of site RCRA Activities

- 1969 - Facility constructed by Hughes Chemical
- 1980 - Part A RCRA Permit application submitted
- 1982 – Facility purchased by PPG
- 1988 - PPG submits Closure plan
- 1989 – MDEQ approves Closure plan
- 1991 - EPA completes PA/VS1 report (Low Priority, 20 SWMUs, 1 AOC)
- 1993 - PPG submits and MDEQ approves Closure Report
- 2007/2008 – CA725/750 Environmental Indicators



PPG Industries - 961 Division Street, Adrian, Michigan MID 048 788 749





Corrective Action Framework

- Project-specific Considerations
 - State and Federal oversight
 - Leaking USTs
 - RCRA
 - Adaptive RFI approach.
 - Sources, step-outs, real-time data collection
 - Cleanup standards
 - MI Part 201, EPA RSLs
 - Source removal followed by pathway exclusion using Controls
 - Schedules for completion
 - Exit strategy
 - Financial Assurance (*AOC)

CAF Implementation

- PPG Industries (Adrian, MI)
 - CAF Meeting (11/20/14)
 - RCRA 3008(h) AOC signed (9/24/15)
 - RFI Workplan approved (11/3/15)
 - RFI Approval (8/29/16)
 - CMS Completion (12/20/16)
 - Statement of Basis (8/24/17)
 - Final Decision (5/22/18)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Streamlined Orders

- Tecumseh Products (Tecumseh, MI) RCRA 3008(h) Order
 - Streamlined Order
 - Stated that ownership had already been transferred
 - Identified Environmental Restrictive Covenant
 - Borrowed language from License Agreement
 - Acknowledged the need for future mechanisms
 - Ensure access under AOC and License Agreement

IN THE MATTER OF)	ADMINISTRATIVE ORDER ON CONSENT
)	
Tecumseh Products Company, Inc.)	U.S. EPA Docket No:
1136 Oak Valley Drive)	
Ann Arbor, MI 48108)	
EPA ID#: MID005049440,)	Proceeding under Section 3008(h) of the
)	Resource Conservation and Recovery Act,
RESPONDENT.)	as amended, 42 U.S.C. § 6928(h).

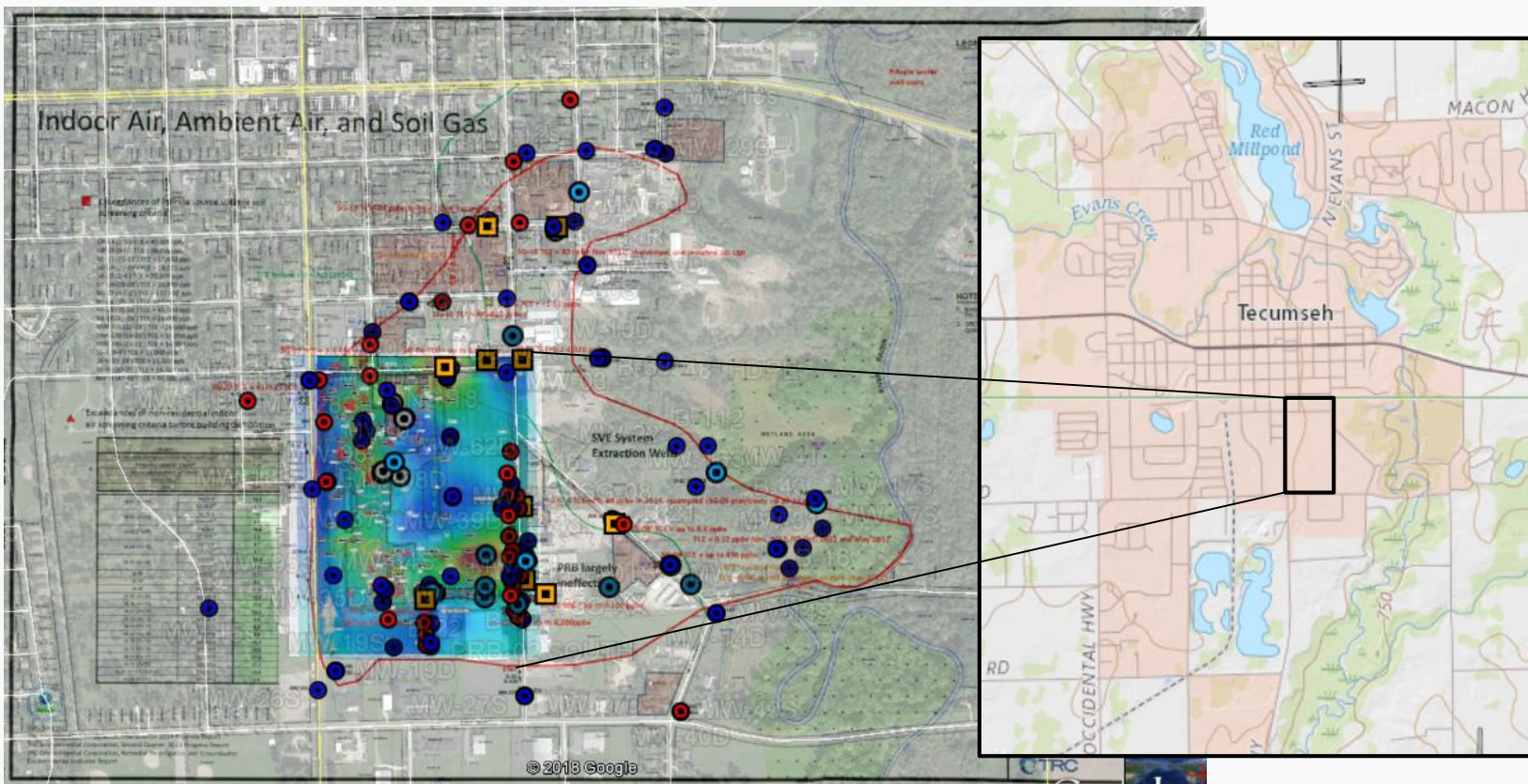
I. JURISDICTION

1. The Administrator of the United States Environmental Protection Agency ("U.S. EPA") is issuing this Administrative Order on Consent ("Order") to Tecumseh Products Company, Inc. ("Tecumseh Products") under Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §6928(h). The Administrator has delegated the authority to issue orders under Section 3008(h) of RCRA to the Director, Land and Chemicals Division, U.S. EPA Region 5.

2. Tecumseh Products owned and operated a manufacturing facility at 100 E. Patterson Street, Tecumseh, Michigan (the "facility"). The facility includes approximately 53-acres located approximately one-half mile west of the River Raisin in the southeastern quarter of the city of Tecumseh in Lenawee County, Michigan. The facility includes an expanse of interconnected buildings and building additions which occupy approximately 750,000 square feet. The facility has been an industrial-use facility since the turn of the century, being owned and operated by Tecumseh Products since 1934. Automotive parts, refrigeration systems, small tools and toys were manufactured at this location until June 2008. U.S. EPA granted the facility Interim Status for container and tank storage areas for solvent wastes on June 10, 1982. The facility submitted a closure plan which was approved and considered final by U.S. EPA following submittal of a certification of closure June 21, 1982. Certification for closure of the single, on-site tank was submitted November 12, 1982. TPC thereafter was a generator managed in accordance with 40 C.F.R. Part 262 until 2008.

3. Tecumseh Products agrees not to contest U.S. EPA's jurisdiction to: (a) issue this Order, (b) enforce its terms, or (c) impose sanctions for violations of the Order.

Tecumseh Products Company - 100 E. Patterson Street, Tecumseh, Michigan MID 005 049 440





Streamlined Orders

- License and Lease Agreements (Memorialized responsibilities)
 - Outlines current & likely need for revised Restrictions
 - Requires compliance from future Owners
 - Grants access
 - Provides indemnification & protection for investigation & remediation components
 - Promoted cooperation





Keys to Success

- Teamwork
 - Clear expectations from regulatory agencies on investigation, regulations, goals, & obligations
 - Coordination between EPA, City, State, responsible party, and developer
- Comfort letter
 - Cites past ownership's liability
 - Identifies financial assurance
 - Cites EPA's expectations



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 22 2016

REPLY TO THE ATTENTION OF:

LU-9J

Mr. Jason Miller, President
100 E Patterson LLC
8710 North Custer
Monroe, Michigan 48162

Re: Tecumseh Products Company Site
MID 005 049 440

Dear Mr. Miller:

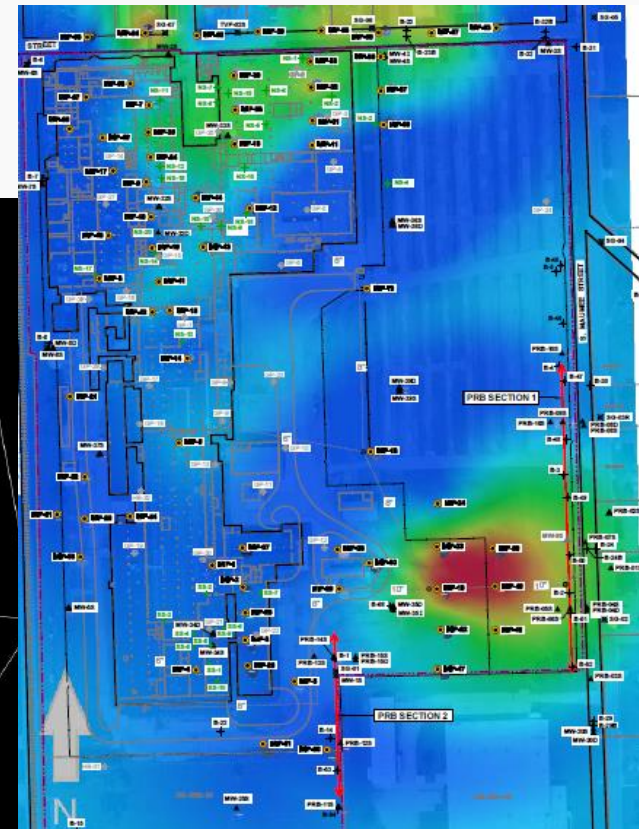
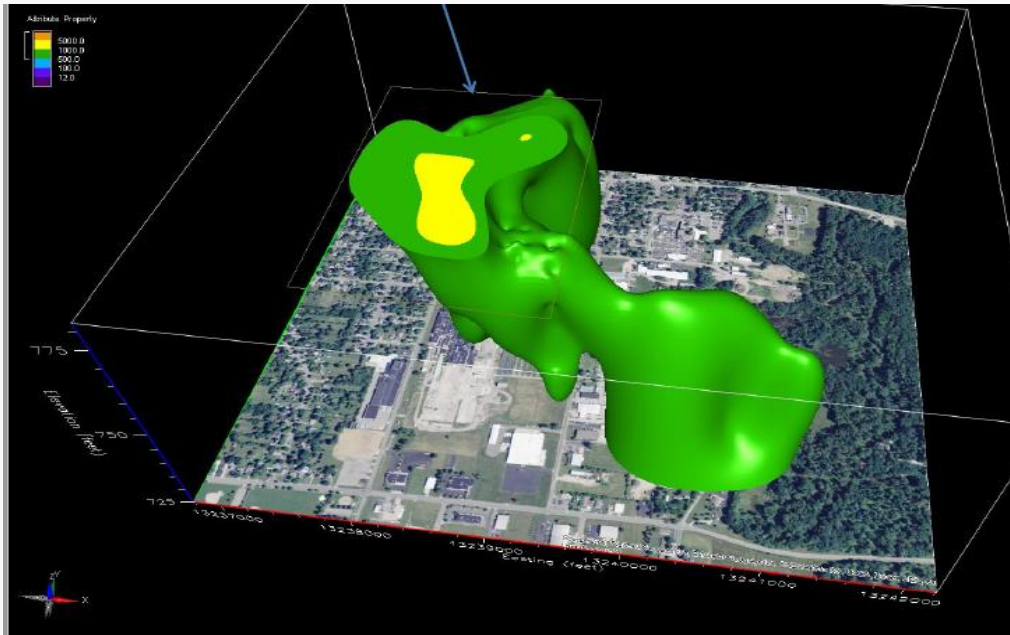
I am writing in response to your recent inquiry concerning the former Tecumseh Products Company site located at 100 E. Patterson Street, Tecumseh, Michigan (Site). My response is based upon the facts presently known to the U.S. Environmental Protection Agency (EPA) and is provided solely for informational purposes. The Site is a Resource Conservation and Recovery Act (RCRA) facility with a Site identification number MID 005 049 440. A map and legal description of the Site has been provided to EPA in connection with the recording of a Declaration of Environmental Restrictive Covenants, which are attached.

The Site was owned and operated by Tecumseh Products Company (TPC) as a manufacturing/industrial facility for the manufacture of automotive parts, refrigeration systems and small tools and toys between 1934 and 2008. EPA granted the facility Interim Status for container and tank storage areas for solvent wastes on June 10, 1982 and the company submitted a certification for closure of the single, on-site tank to EPA on November 12, 1982. TPC thereafter was a generator managed in accordance with 40 C.F.R. Part 262 until 2008.

Effective March 29, 2010, TPC entered into an Administrative Order on Consent (RCRA 05-2010-0012) with EPA (AOC) under Section 3008(h) of the Resource Conservation and Recovery Act, as amended. Under the AOC, TPC proposed to EPA on February 2, 2016 final corrective measures to address human health and all risks associated with the environment from releases of hazardous waste or hazardous constituents at or from the facility (Final Corrective Measures Proposal). Among other things, this Corrective Measures Proposal includes a schedule for

Investigation & Cleanup Expectations

- Source identification/removal
- Stabilize plume migration
- Eliminate vapor intrusion potential
- Groundwater treatment to Site-Specific Levels



Project Investment

- Financial Assurance & Funding
 - Irrevocable letter of credit versus corporate guarantee
 - State and Federal Brownfield Grants & Loans
 - City using TIF to repay BF Loan
 - Private investment and jobs





Questions?

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Steve Armann, R9 EPA

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415-972-3352