

# DECISION DOCUMENT FINAL CORRECTIVE ACTION

OHIO E.P.A.

MAR 18 2011

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## Site Name and Location

Former Hilton Davis facility  
2235 Langdon Farm Rd.  
Cincinnati, Ohio 45237-4712  
Hamilton County  
OHD 004 240 313

## Introduction

The Ohio Environmental Protection Agency (Ohio EPA) issues this Final Decision for the former Hilton Davis facility located in Cincinnati, Ohio. The land is currently owned by North Pastoria Environmental Corporation Inc. (NPEC), a wholly owned subsidiary of Kodak, which was created to manage the company's remediation and monitoring activities at various international sites. The facility buildings and process equipment are owned and operated by Emerald Performance Materials LLC. The Final Decision includes this decision document and the following attachments: Ohio EPA Response to Comments (Attachment #1); Index to Administrative Record (Attachment #2); and Statement of Basis (Attachment #3).

The Final Decision Document selects the final corrective action/remedies to be implemented to address contaminated soil and ground water at and from the former Hilton Davis facility pursuant to the requirements of the October 20, 1986, Consent Decree and the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. The Final Decision is based on the Administrative Record and public comments. Ohio EPA issued a Statement of Basis for the former Hilton Davis facility on January 25, 2010, identifying the Agency's preferred remedies for addressing environmental contamination discovered by the investigation, explaining the rationale for selection of the remedies, soliciting public review and comment and providing information on how the public can be involved in the final remedy selection process. The Statement of Basis was made available to the public at the *Cincinnati Public Library* and at *Ohio EPA's Southwest District Office* for review during the formal comment period of January 25, 2010, to March 26, 2010. On February 25, 2010, Ohio EPA also held a public hearing to provide information about the Agency's proposed remedies and receive public comments and community perspectives on the Agency's proposal.

## Assessment of the Facility

The response action documented in this Final Decision is necessary to protect human health and the environment and is necessary to further the provisions of the 1986 Consent Decree.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Joseph Lassiter Date: 3-18-11

## **Public Comments on the Proposed Remedy**

Numerous citizen comments were received during the public comment period. Those concerns are summarized as follows: 1) the remedies proposed by Ohio EPA in the Statement of Basis fail to comply with the requirements of the Consent Decree; 2) Ohio EPA should require additional investigation of soil gas, soil, and ground water at the ravine landfill and conduct a revised risk analysis; 3) Ohio EPA should consider active source reduction remedies for the ravine landfill rather than the proposed remedy of containment; 4) Ohio EPA should require further ground water investigation to determine if contamination has migrated to off site; and 5) the final remedies will restrict the future land use of the property to industrial use only and Ohio EPA should instead require the site to be remediated to allow the land to be used for residential use as supported by the community and local governments; and 6) Ohio EPA should assure Kodak commits sufficient funds for all clean-up costs.

NPEC's comments were as follows: 1) the soil gas assessment and monitoring plan proposed by Ohio EPA for the ravine landfill should not be required since potential worker exposures are under the exclusive jurisdiction of OSHA, and soil vapor migration is not an issue at the site; 2) excavation should not be required for slit trenches F & I within AOI 59.

Ohio EPA consolidated a large number of individual comments, questions and concerns received during the public comment period into a total of 33 overarching comments concerning the proposed remedy selection for the former Hilton Davis facility. Ohio EPA evaluated all of the comments and has provided written responses to each within an attachment to this document (Attachment I). The comments that were provided allowed Ohio EPA to clarify its position supporting the proposed remedies. Ohio EPA did not modify the remedies for the site and they remain as they were presented in the Statement of Basis.

## **Final Remedy**

NPEC completed extensive soil, soil gas, groundwater, air, and surface water investigations in and around areas of the facility that were potentially affected by previous waste management practices. Ohio EPA reviewed Hilton Davis' document submissions and all comments received during the public comment period, and today is issuing this final Decision Document. The corrective action/final remedies were selected by Ohio EPA, in accordance with the requirements set forth in the 1986 Consent Decree, to consider reliability, implementability, effects of the alternative, safety requirements, and cost of various alternatives as the basis for remedy selection.

In summary, Ohio EPA is requiring NPEC to implement remedies to control human exposures to remaining hazardous constituents utilizing a containment strategy consisting of covers, extraction of ground water and through an environmental covenant (in accordance with ORC §§ 5301.80 to 5301.92). The environmental covenant will maintain

industrial land use and restrict on-site ground water usage. Ohio EPA is proposing further excavation to remove remaining residual contaminated soil observed within 2 of 13 former slit trench disposal areas. Finally, the Agency is also requiring the development of an operation and maintenance program addressing long-term cover maintenance, ground water monitoring with specified documentation/reporting requirements, provisions for managing future soil excavation activities performed at the site, along with incorporating consideration of the potential for vapor intrusion prior to the design and construction of new buildings proposed within future development plans formulated for the site.

Ohio EPA finds that these remedial alternatives will be protective of public health and the environment and meet the remedial response objectives for final remedies required by the consent decree. Accordingly, Ohio EPA selects the following final remedies, as depicted in Table 1 below, to address contaminated soil and ground water at the former Hilton Davis facility.

**TABLE 1**

**OHIO EPA'S SELECTED REMEDIAL ALTERNATIVES**

<b>AOI</b>	<b>Selected Remedial Alternatives</b>
AOI C-Main Ravine Landfill	<ul style="list-style-type: none"> <li>• Containment: use existing cover.</li> <li>• Perimeter Ground Water Collection System (PGCS) and Interim Extraction System (IEC)</li> <li>• Ground water monitoring</li> <li>• Soil gas monitoring program</li> </ul>
AOI G (MW-37 area)	<ul style="list-style-type: none"> <li>• Containment: use of existing cover. Construct new clay/soil cover where needed.</li> <li>• Perimeter Ground Water Collection System (PGCS) and Interim Extraction System (IEC)</li> <li>• Ground water monitoring</li> </ul>
AOI C-West.	<ul style="list-style-type: none"> <li>• Containment: use of existing cover. Construct new clay/soil cover where needed.</li> </ul>
AOI 59-Slit Trenches	<ul style="list-style-type: none"> <li>• Partial Excavation</li> </ul>
AOI 59-Slit Trench H	<ul style="list-style-type: none"> <li>• Containment. Construct cover system.</li> </ul>
AOI 104	<ul style="list-style-type: none"> <li>• Containment. Construct cover system.</li> </ul>
Site-Wide Controls	<ul style="list-style-type: none"> <li>• Perimeter Ground Water Collection System (PGCS)</li> <li>• Operation and Maintenance (O&amp;M) Program               <ul style="list-style-type: none"> <li>➤ Vapor Intrusion Assessment / New Construction</li> <li>➤ Soil Management Plan (SMP)</li> <li>➤ Ground Water Monitoring Program</li> </ul> </li> </ul>

### **AOI C-Main Ravine Landfill**

For this AOI Ohio EPA selects “containment” as the final remedy which includes consideration of the following design, maintenance and monitoring elements:

- Monitor and maintain the existing cover;
- Continue operating the IEC pump and treat system in the landfill to remove contaminated ground water;
- Require a soil gas assessment and monitoring program to demonstrate if any landfill gas being generated is adequately contained ;
- Continue operation of the PGCS at the southern property boundary to prevent further migration of contaminated ground water from the source and to prohibit offsite migration;
- Modify the ground water compliance monitoring plan (GWCMP), including piezometers, so the performance of the existing IEC and PGCS extraction systems can be more accurately measured and, if necessary, optimized; and
- Evaluate and manage any potential for exposures incurred during future excavation within AOI C-Main Ravine Landfill in the Soil Management Plan (SMP).

### **AOI G (MW-37 Area)**

For this AOI Ohio EPA selects the interim measure “containment” as the final remedial alternative which includes consideration of the following design, maintenance and monitoring elements:

- Maintain and monitor existing asphalt cover;
- Apply the site SMP to evaluate and manage any exposures which could incur during on-site excavation or construction activities; and
- Continue operation of the IEC ground water extraction system, PGCS, and the GWCMP.

### **AOI C-West**

For this AOI Ohio EPA selects “containment” as the final remedial alternative which primarily relies on use of a cover to mitigate human health risk. This remedial alternative would include consideration of the following design, maintenance and monitoring elements:

- Construct new clay/soil cover where needed;
- Monitor and maintain the cover; and
- Apply the site SMP to evaluate and manage any exposures which could occur during on-site excavation or construction activities.

### **AOI 59-Slit Trenches**

For this AOI Ohio EPA selects the remedial alternative of further excavation at 2 of 13 trenches which would include:

- Performing additional excavation at the bottom of Slit Trenches F and I; and
- Conducting confirmation sampling and a demonstration that risk-based remediation standards are met.

### **AOI 59-Slit Trench H**

Ohio EPA selects “containment” as the final remedy for this AOI which includes consideration of the following design, maintenance and monitoring elements:

- Design /construct cover;
- Monitor and maintain the constructed cover; and
- Notify the power company of contamination and associated hazards in writing.

### **AOI 104**

The selected remedy for this AOI is:

- Containment; design/construct cover; and
- Monitor and maintain the cover system.

## **Remedial Alternatives to be Applied Site-Wide**

Ohio EPA selects the following remedial alternatives to address potential future exposures to site-wide ground water and soil contamination.

- Institute an environmental covenant (pursuant to Ohio Revised Code (ORC) §§ 5301.80 to 5301.92) containing the following provisions:
  - Use restriction to prohibit residential use of the site;
  - Use restriction to prohibit the development of any potable water supply wells on site;
  - Boundary survey and legal descriptions of the locations of the 6 AOIs requiring remedial alternatives recorded on the deed; and
  - Continued operation of the PGCS to prevent contaminated ground water from migrating to off site.
- Development and implementation of an Operation and Maintenance (O&M) Program containing the following:
  - A soil management plan (SMP) to evaluate and manage any on site and off site exposures which could occur during on-site construction and excavation activity;
  - A requirement to evaluate the potential for vapor intrusion prior to construction of new structures on site;
  - Site-wide ground water contamination will be monitored by a revised ground water compliance monitoring plan (GWCMP); if ACLs are exceeded at the point of compliance, additional remedial alternatives would need to be proposed; and
  - Implementation of a vapor intrusion employee awareness program at the site.

The use of reliable and effective containment technologies such as covers, ground water extraction, and an environmental covenant to achieve remedial response objectives, along with their moderate cost when compared to other technologies, were the principal factors in determining the final remedies.

## **Administrative Record**

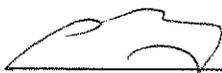
The Administrative Record for the final remedies is available at Ohio EPA, Southwest District Office, 401 East 5th Street, Dayton, Ohio 45402. Attachment II identifies the documents contained in the Administrative Record.

## **Future Actions**

The 1986 Consent Decree requires NEPC, at its expense, to implement the final remedies selected by Ohio EPA. Also as required by the Consent Decree, documents and correspondence associated with design and implementation of the corrective action/final remedies will be submitted to the Hamilton County Common Pleas Court and become an enforceable part of the Consent Decree. Ohio EPA will update the Administrative Record with new information (e.g., correspondence, plans, and reports) during implementation of the final remedies.

## **Declarations**

Based on the Administrative Record compiled for this corrective action, Ohio EPA has determined that the final remedies selected for the Former Hilton Davis facility are appropriate and protective of human health and the environment, and is necessary to further the provisions contained within the 1986 Consent Decree.



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Scott J. Nally  
Director  
Ohio EPA

March 18, 2011

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Date

Attachments (3)

IN THE MATTER OF:

***Former Hilton Davis facility  
2235 Langdon Farm Rd.  
Cincinnati, Ohio 45237-4712  
EPA ID. No.: OHD 004 240 313***