



**CERTIFIED**

August 29, 2013

Mr. John A. Martin  
IRG Warren I, LLC and  
Delphi Automotive Systems, LLC  
P.O. Box 431 Station 10B  
Warren, OH 44486

Re: IRG Warren I, LLC and Delphi Automotive Systems, LLC  
Director Initiated Draft Permit Modification  
EPA ID No.: OHD 000 817 346

Dear Mr. Martin:

The director of Ohio EPA issued a Director Initiated Draft Permit Modification to IRG Warren I, LLC and Delphi Automotive Systems, LLC authorizing IRG Warren I, LLC and Delphi Automotive to select a remedy/corrective measure to address contaminated soil and ground water at the site.

A public notice concerning the issuance of the draft permit modification will appear on September 3, 2013, in the Tribune Chronicle newspaper. Ohio EPA will accept written comments relevant to the draft permit modification until October 21, 2013. Written comments and/or requests to hold a public meeting should be submitted before the close of the written comment period to Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2621. A copy of the draft permit modification package can be reviewed at any of the following locations:

Warren-Trumbull County Public Library  
444 Mahoning Avenue, N.W.  
Warren, OH 44483-4606

Ohio EPA - Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
(330) 963-1200

Mr. John A. Martin  
IRG Warren I, LLC and  
Delphi Automotive Systems, LLC  
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Ohio EPA, Division of Materials and Waste Management  
50 West Town Street  
Suite 700  
Columbus, Ohio 43215  
(614) 644-2621

After considering public comments, Ohio EPA will reconsider the draft Permit modification and should issue or deny the final permit modification.

If you have any questions concerning the draft permit modification, please call Frank Popotnik of the Northeast District Office at (330) 963-1198.

Sincerely,



Georgia Frakes, Management Analyst  
Division of Materials and Waste Management

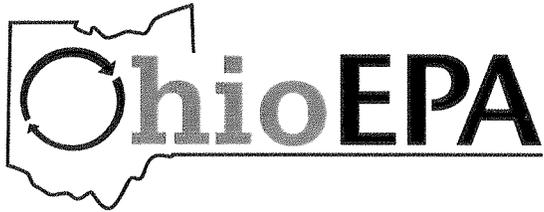
cc: John Nyers, DMWM, CO  
Edwin Lim, DERR, CO  
Scott Hester, DMWM, CO  
Todd Anderson, Legal  
Dina Pierce, PIC  
Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
John Palmer, DERR, NEDO  
Harry Courtright, DERR, NEDO

**PUBLIC NOTICE**

**Trumbull County**

**ISSUANCE OF A DIRECTOR INITIATED DRAFT PERMIT MODIFICATION**

On August 29, 2013, the director of Ohio EPA issued a Director Initiated Draft Permit Modification to IRG Warren I, LLC and Delphi Automotive Systems, LLC (Delphi) for its facility located on North River Road at Larchmont Avenue, Warren, Ohio in Trumbull County. The Ohio EPA ID number is OHD 000 817 346. In 2011, the facility was divided into two parcels. One parcel was sold to IRG Warren I, LLC of Downey, California (IRG). The remaining parcel was retained by Delphi. Delphi started operations in 1954. Known then as Packard Electric, the facility was a division of General Motors Corporation. As a result of waste disposal practices conducted at the site, contaminated soil and ground water remains on the property. The purpose of this director's initiated modification is to select a remedy/corrective measure to address contaminated soil and ground water at the site. This draft action replaces a July 2012 draft action. You may send written comments or request a public meeting concerning the Director Initiated Draft Modification Permit to Ohio EPA, Division of Materials and Waste Management, Environmental Research & Information Services, P.O. Box 1049, Columbus, Ohio 43216-71049, no later than the close of business on October 21, 2013. The draft permit modification package may be reviewed at the Warren-Trumbull County Public Library, 444 Mahoning Avenue N.W., Warren, Ohio 44483, Ohio EPA Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44017, Tel: (330) 963-1200, or Ohio EPA Central Office, Division of Materials and Waste Management, 50 West Town Street Suite 700, Columbus, Ohio 43215, Tel: (614) 644-2621.



August 2013

## Draft Hazardous Waste Permit Modification

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**Facility Name:** IRG Warren I, LLC and  
Delphi Automotive Systems, LLC  
**U.S. EPA I.D.:** OHD 000 817 346  
**Location:** North River Road at Larchmont Avenue,  
Warren, Ohio 44483

**Facility Owner:**  
Delphi Automotive Systems, LLC  
P.O. Box 431 – Station 10B  
Warren, Ohio 44486

IRG Warren I, LLC  
C/O Ohio Realty Advisors  
3623 Brecksville Road  
Richfield, Ohio 44286

**Facility Operator:**  
Ohio Realty Advisors  
3623 Brecksville Road, Suite A  
Richfield, Ohio 44286

**Activity:**  
Permit modification, initiated by the director of  
Ohio EPA, will authorize the Permittee to  
perform specific corrective measures as a part of  
its site-wide corrective action activities.

**Comment Period:**  
September 4, 2013 – October 21, 2013

**Submit Comments to:**  
Ohio EPA  
John Nyers  
Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2621  
[John.Nyers@epa.ohio.gov](mailto:John.Nyers@epa.ohio.gov)

### **What is the history of the hazardous waste program?**

The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was passed in 1976. The main reason for the amendment was to address the growing volume of municipal and industrial solid waste generated across the United States. A few goals established by RCRA include the protection of human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated and to ensure that waste produced are managed in an environmentally sound manner.

When RCRA was written, U.S. Congress' intent for the states was to assume primary responsibility for implementing the hazardous waste regulations with oversight from the United States Environmental Protection Agency (U.S. EPA). U.S. EPA must approve each state as an authorized state. To become an authorized state, each must demonstrate that the state programs are at least equivalent to and consistent with federal laws, provide adequate enforcement authority and provide availability of information similar to the federal program. Since 1989, the State of Ohio has been an authorized state by U.S. EPA for the majority of the hazardous waste program.

### **How can I become more involved?**

All persons, including the applicant, may submit written comments relating to this draft action. Written comments or requests for a public meeting may be submitted before the end of the comment period to the address in the box on the left.

## Draft Hazardous Waste Permit Modification

The comment period begins on September 4, 2013, and ends on October 21, 2013. A copy of the Statement of Basis Proposal of Corrective Action Remedies and the draft permit is available for review by the public at the following locations:

Ohio EPA, Northeast District Office  
2110 E. Aurora Rd  
Twinsburg, OH 44017  
(330) 963-1200

Ohio EPA, Central Office  
Division of Materials and Waste Management  
Lazarus Government Center  
50 West Town St., Suite 700  
Columbus, Ohio 43215  
(614) 644-2621

Warren-Trumbull County Library  
444 Mahoning Avenue N.W.  
Warren, Ohio 44483-4606  
(330) 399-8807

The Ohio draft modified permit is available for review by the public online under the "Stakeholder Input" tab at: [epa.ohio.gov/dmwm/](http://epa.ohio.gov/dmwm/).

After the close of the public comment period, Ohio EPA will, without prior hearing, issue a modified permit (or deny the request) in accordance with Chapter 3734 of the Ohio Revised Code (ORC). After all the public comments have been considered, a modified permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

### What does the facility do?

Delphi Automotive Systems has a Resource Conservation and Recovery Act (RCRA) Part B permit to conduct post-closure and corrective action activities at the facility.

Delphi started its operations in Warren in 1954. Known then as Packard Electric, the facility was a division of the General Motors Corporation.

As a result of waste disposal practices conducted at the site, contaminated soil and ground water remains on the property from a former Bulk Material Transfer Station (BMTS) and four hazardous waste surface impoundments. Ohio EPA accepted a closure certification for the impoundments on January 24, 2004.

In 2011, the facility was divided into two parcels. One parcel, containing the closed surface impoundments, was sold to IRG Warren I, LLC, of Downey, California (IRG). The remaining parcel was retained by Delphi.

### What is the purpose of this permit modification?

The permit modification will require implementation of an Environmental Covenant for both parcels.

This draft action replaces a July 2012 draft action which called for limited land use restrictions. The current draft action proposes restricting the entire facility, based on its legacy of industrial use. The Environmental Covenant will also prohibit the extraction of ground water in the uppermost aquifers site-wide for any purpose other than monitoring or pursuant to ground water remedial actions on the facility.

Ohio EPA proposes that use of the site will be restricted to industrial purposes only, through enactment of an Environmental Covenant, an enforceable mechanism under Ohio law that can be used to restrict property use. This restriction will run with the land and will be binding upon all future property owners should the property be sold. The Environmental Covenant will include a legal description of the property, and describe acceptable and unacceptable land uses. Ohio EPA will monitor the property owners' adherence to the Environmental Covenant to ensure continued protection of human health and the environment. The types of limitations for this property include:

## **Draft Hazardous Waste Permit Modification**

Industrial land use limitations. The Property shall not be used for residential or agricultural activities, but may be used for certain industrial activities.

The term “industrial activities” shall include but is not limited to, facilities which supply goods or services to the public and facilities engaged in manufacturing, formulating, repackaging or refining operations and office and warehouse use, including but not limited to production, storage and parking/driveway use. The covenant will also restrict ground water use.

### **What is the regulatory basis to support this permit modification?**

The director may initiate a permit modification by issuing a draft modified permit in accordance with OAC Rule 3745-50-51(J). The director is using the authority in this rule to incorporate RCRA Corrective Action requirements into the permit.

Accordingly, Ohio EPA is issuing a draft action indicating the director’s intention with respect to the issuance of a modified permit to Delphi Automotive Systems, LLC and IRG Warren I, LLC.

### **Who can I contact for more information?**

For additional information, please contact Frank Popotnik at (330) 963 -1198.

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**MODIFIED OHIO HAZARDOUS WASTE FACILITY  
INSTALLATION AND OPERATION PERMIT**

Date of Issuance:

Effective Date:

U.S. EPA ID No.: OHD 000 817 346

**Name of Permittee:** IRG Warren I, LLC and Delphi Automotive Systems, LLC

**Mailing Address:** P.O. Box 431 Station 10B  
Warren, OH 44486

**Facility Location:** North River Road at Larchmont Avenue  
Warren, OH 44483

**Person to Contact:** Mr. John A. Martin

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This Modified Ohio Hazardous Waste Facility Installation and Operation Permit is issued pursuant and subject to Section 3734.05(I) of the Ohio Revised Code and Rule 3745-50-51(J) of the Ohio Administrative Code.

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number, as issued by the Ohio Environmental Protection Agency and journalized on October 19, 2005, is hereby incorporated by reference in its entirety, except as it may be modified herein.

This modification of the permit shall remain in effect until such time as the Ohio Hazardous Waste Facility Installation and Operation Permit is renewed, modified, withdrawn, suspended, or revoked.

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the October 19, 2005 renewal permit.

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Scott J. Nally  
Director

**STATEMENT OF BASIS  
PROPOSAL OF CORRECTIVE ACTION REMEDIES**

**AT**

**IRG Warren I, LLC  
and  
DELPHI AUTOMOTIVE SYSTEMS, LLC  
(formerly Delphi Automotive Systems, LLC)**

**WARREN, OHIO  
TRUMBULL COUNTY  
OHD 000 817 346**

**Prepared by  
The Ohio Environmental Protection Agency  
July 2013**

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## 1.0 INTRODUCTION

The Ohio Environmental Protection Agency (Ohio EPA) has prepared this Statement of Basis (SB) for the former Delphi Automotive Systems, LLC (Delphi) facility (Facility) located in Warren, Ohio. The Facility has a RCRA Hazardous Waste Part B Permit, currently for post-closure and Corrective Action only. This SB is being issued in conjunction with a draft modification to the facility's Ohio Hazardous Waste Facility Installation and Operation Permit (Draft Permit) in accordance with Rule 3745-50-51(J) of the Ohio Administrative Code (OAC). This SB identifies Ohio EPA's preferred remedies, explains the reasons for the selection of remedies, solicits public review and comments, and provides information on how the public can be involved in the remedy selection process.

Ohio EPA accepted the closure certification<sup>1,2</sup> of four hazardous waste surface impoundments on January 27, 2004. The closed surface impoundments, which are the source of ground water contamination (not extending beyond the limits of the unit), are currently under post-closure care under an approved plan<sup>3</sup>.

In addition to the four surface impoundments, other Waste Management Units (WMUs) were identified in the Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VSI) Report<sup>4</sup> performed by USEPA in August 1987 (see Table 1). According to the PR/VSI, contaminated soil was detected in the area of the Bulk Material Transfer Station (BMTS) in 1985. At that time contaminated soil was removed and the area reconstructed to prevent further release of material. Neither USEPA nor Ohio EPA have found evidence of releases from any other Waste Management Units (WMUs).

As a result of a 2005 bankruptcy declaration, the Facility performed a voluntary site-wide RCRA Facility Investigation (RFI), during which sampling at the BMTS revealed the presence of hazardous constituents in soil. On March 2, 2010, Delphi submitted a risk assessment intended to address the contamination found at the BMTS.

Ohio EPA has reviewed Delphi's *Bulk Material Transfer Station (AOI-04) Risk Assessment Revision*<sup>5</sup> and *Evaluation of Construction Worker Particulate Inhalation Exposure* (Supplement)<sup>6</sup> in response to Ohio EPA's September 14, 2009 comments and is proposing remedies for public comment in order to address the contamination found at the Facility. Ohio EPA will select the final remedy only after the public comment period has ended and the comments received during this period have been reviewed and considered. In brief, Ohio EPA is proposing that an Environmental Covenant, a mechanism under Ohio law that can be used to restrict property use, be used to address environmental hazards caused by previous industrial activities. Ohio EPA finds that this remedy will further protect public health and the environment by permanently reducing risks to acceptable levels. This corrective measure is in addition to the post-closure requirements for the closed surface impoundments.

The Delphi Facility is located at 1205 North River Road NE in Warren, Trumbull County, Ohio. (Figure 1) Land use surrounding the site is a combination of residential, mixed commercial/industrial and undeveloped parcels. Neighboring properties include residential

developments to the east and west, and industrial and commercial businesses to the south; with the Warren Outer Belt immediately north of the Facility.

In 2011, the Facility was divided into two parcels. One parcel, containing the closed surface impoundments, was sold to IRG Warren I, LLC, of Downey, California (IRG). The anticipated future use is commercial/industrial (including the warehousing of fireworks). The remaining parcel, containing the BMTS, was retained by Delphi. The anticipated future use is commercial/industrial. This Statement of Basis addresses both parcels.

## **2.0 PUBLIC INVOLVEMENT**

Ohio EPA is seeking comments from the public on the proposed remedy presented in this document. The actual approval for the final remedy will only be made after the comments received during the public comment period have been reviewed and analyzed. Ohio EPA will consider all public comments on this Statement of Basis and Draft Permit Modification. All written and oral comments received during the public comment period will be summarized and addressed in the Response to Comments of the final Permit Modification.

The documents which have been submitted to Ohio EPA on this matter by Delphi are available for review by the public at Ohio EPA's Northeast District Office, Division of Materials and Waste Management, 2110 E. Aurora Road, Twinsburg, Ohio 44087.

Your comments may either be submitted in writing, by mail or e-mail to:

Ohio EPA, Division of Materials and Waste Management  
Attention: Mr. John Nyers  
P.O. Box 1049, Columbus, Ohio 43216-1049  
[John.Nyers@epa.state.oh.us](mailto:John.Nyers@epa.state.oh.us)

The comment period for this Statement of Basis will run from September 4, 2013 through October 21, 2013. Written comments regarding information contained in this Statement of Basis must be submitted before the end of the public comment period. The comment period may be extended by Ohio EPA if a specific request for a comment period extension is received within the original comment period. All persons including Delphi and IRG may submit written comments relating to this matter.

## **3.0 FACILITY BACKGROUND**

Delphi Automotive Systems, LLC (formerly known as Delphi Packard Electric) is located in Trumbull County at the intersection of North River Road and Larchmont Avenue, Warren, Ohio.

developments to the east and west, and industrial and commercial businesses to the south; with the Warren Outer Belt immediately north of the Facility.

In 2011, the Facility was divided into two parcels. One parcel, containing the closed surface impoundments, was sold to IRG Warren I, LLC, of Downey, California (IRG). The anticipated future use is commercial/industrial (including the warehousing of fireworks). The remaining parcel, containing the BMTS, was retained by Delphi. The anticipated future use is commercial/industrial. This Statement of Basis addresses both parcels.

## **2.0 PUBLIC INVOLVEMENT**

Ohio EPA is seeking comments from the public on the proposed remedy presented in this document. The actual approval for the final remedy will only be made after the comments received during the public comment period have been reviewed and analyzed. Ohio EPA will consider all public comments on this Statement of Basis and Draft Permit Modification. All written and oral comments received during the public comment period will be summarized and addressed in the Response to Comments of the final Permit Modification.

The documents which have been submitted to Ohio EPA on this matter by Delphi are available for review by the public at Ohio EPA's Northeast District Office, Division of Materials and Waste Management, 2110 E. Aurora Road, Twinsburg, Ohio 44087.

Your comments may either be submitted in writing, by mail or e-mail to:

Ohio EPA, Division of Materials and Waste Management  
Attention: Mr. John Nyers  
P.O. Box 1049, Columbus, Ohio 43216-1049  
[John.Nyers@epa.state.oh.us](mailto:John.Nyers@epa.state.oh.us)

The comment period for this Statement of Basis will run from Beginning Date through Ending Date. Written comments regarding information contained in this Statement of Basis must be submitted before the end of the public comment period. The comment period may be extended by Ohio EPA if a specific request for a comment period extension is received within the original comment period. All persons including Delphi and IRG may submit written comments relating to this matter.

## **3.0 FACILITY BACKGROUND**

Delphi Automotive Systems, LLC (formerly known as Delphi Packard Electric) is located in Trumbull County at the intersection of North River Road and Larchmont Avenue, Warren, Ohio.

(Figure 2) The Facility property is zoned industrial. Prior to plant construction, the land was used for agricultural purposes.

Delphi started its operations in Warren in 1954. Known then as Packard Electric, the Facility was a division of the General Motors Corporation. The Facility's past processes included drawing, forming and coating copper wire, extrusion and molding of plastic parts and wire insulation, fabricating and coating metal parts, preparing wire leads, and assembly of finished wiring products. Other support functions at the Facility included a wastewater treatment plant, warehousing and offices. Currently, there are warehousing and manufacturing activities at the site.

Delphi closed four hazardous waste surface impoundments which were used for wastewater solids settling prior to installation of process wastewater treatment facilities in 1986. All contaminated sludges, waste residues, piping, and liners associated with the surface impoundments were removed in 1986, when closure of the surface impoundments started.

The impoundments were subsequently filled in with native materials and certified closed by the Facility on January 2, 1991. The Ohio EPA accepted the certification on January 27, 2004. The Facility initiated corrective action ground water removal in November 1989. On January 6, 2004, Delphi was granted a Temporary Authorization to cease the extraction of groundwater in order to evaluate the effectiveness of the system. The Facility subsequently submitted a revised post-closure plan, which was approved on July 14, 2004, and included the designation of 'sentry wells', a modified sampling schedule and analytical parameters, and eliminated ground water extraction. Following the incorporation of Ohio EPA comments, the facility implemented the revised post-closure plan and incorporated it into their permit renewal submittal. The revised plan included the installation of MW-20 to serve as a downgradient sentry well.

Trichloroethene (TCE) is the main organic contaminant, for which the Maximum Contaminant Level (MCL) is 0.005 mg/l. It is found at plume well MW-7 at concentrations historically ranging from 0.007 to 0.039 mg/L. The last few years this concentration has been consistently ranging from 0.027 to 0.030 mg/L. Historically, TCE was reported at MW-3 that is located between MW-7 and the northwest quadrant of the waste management unit at concentrations of 0.005 to 0.010 mg/L. MW-3 was dropped from the ground water sampling program after implementation of the sentry well program. MW-20 is located downgradient of MW-7 and is the sentry well for ground water flow in this direction. TCE has not been observed in MW-20 (See Figure 3).

Over time the TCE plume has been remarkably stable with cis-1,2-Dichloroethene at concentrations below its maximum contaminant level (MCL, i.e. drinking water standard) being the only daughter product detected with any regularity. The origin of the TCE has never been identified with certainty. However, it is assumed to come from the waste management unit. Since it is present above the MCL, long term ground water monitoring is required.

A RCRA Part B permit application was submitted in 1985 for six RCRA regulated units. These units included two drum storage areas (since clean closed) and four lined surface impoundments. The original permit was for storage and treatment of hazardous wastes.

Delphi currently maintains a hazardous waste permit for post-closure and Corrective Action activities only. The units are currently in post-closure as required by Ohio law to ensure the effectiveness of the clean-up of these units. Post-closure activities include ground water monitoring, sampling and analysis. The facility is no longer extracting and treating ground water from the closed surface impoundments.

#### **4.0 SUMMARY OF BMTS INVESTIGATION RESULTS**

The former Bulk Material Transfer Station (BMTS), located in the southeast corner of the site, is an inactive unit formerly used for the transfer of phthalate plasticizers for storage inside the adjacent inactive Enamel Building. Operations at the BMTS concluded in the early 1990s. The Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VS) Report dated August 1987 indicated contaminated soil was detected in the area of the BMTS in 1985. The soil had become contaminated by seepage of materials through construction joints in the concrete flooring. Contaminated soil was excavated and removed for offsite disposal in 1985. The area was then reconstructed to prevent further contamination.

On January 4, 2007, and February 14, 2007, Delphi submitted information and analytical data regarding contamination found during voluntary environmental investigations performed at the Delphi Facility, triggered by Delphi's 2005 bankruptcy filing. Specifically, sampling performed at the BMTS indicated elevated levels of hazardous constituents in soil exceeding risk-based screening criteria. The BMTS is subject to Corrective Action under OAC Rule 3745-54-101 and initial remediation of the BMTS was considered an Interim Measure (IM) in Condition E.6 of the October 19, 2005 Ohio hazardous waste operating permit<sup>7</sup>.

To assess the significance of soil data collected at the BMTS, a risk assessment which evaluates reasonable maximum exposures to constituents in soil at the BMTS under current and reasonably expected future industrial use of the site was submitted by Delphi to Ohio EPA on March 2, 2010 for review. For expediency, potential risks associated with current and reasonably expected future soil exposures as part of continued industrial operations were evaluated using default Ohio EPA exposure factors, toxicity values and physical/chemical parameters provided in the Closure Plan Review Guidance for RCRA Facilities<sup>8</sup>.

The exposure scenarios considered include routine workers', maintenance workers' and construction workers' direct contact with soil, soil vapor intrusion into indoor air of industrial buildings and off-site resident exposure to wind-blown dust during maintenance or construction activities. The risk estimates using maximum detected concentrations for most chemicals and upper confidence limits on the mean (UCLs) concentration for certain chemicals meet the cancer risk and non-cancer Hazard Index goals established by USEPA of  $1 \times 10^{-4}$  and 1, respectively. In addition, all of these exposures meet the Ohio EPA preferred cancer risk goal of  $1 \times 10^{-5}$ .

The significance of potential soil leaching to groundwater at the BMTS was evaluated by comparing soil data to the criteria calculated for protection of a hypothetical drinking water source. None of the maximum concentrations detected in soil exceed the calculated soil

migration to groundwater criteria, with the exception of arsenic at boring GP-201, which is not a constituent associated with known or potential uses or releases at the BMTS.

In addition, the maximum detected arsenic concentration in soil (16.9 mg/kg) is within the range of typical background range of 5.2 to 22 mg/kg reported for Ohio soils<sup>9</sup>. When the concentrations at this boring are depth-averaged to further assess the potential significance of soil concentrations at this location with respect to the soil-to-groundwater pathway, the resulting concentration (14 mg/kg) is slightly above the upper limit of an arsenic background concentration in soil that can be regarded as a "normal occurrence" identified in the CPRG (13 mg/kg). Therefore, arsenic is not expected to result in significant exposure via potable groundwater use beyond those likely from normally occurring background soil concentrations. Further, the shallow water bearing unit is not currently used, nor reasonably likely to be used in the future, for a source of potable water at or near the site. Nevertheless, while evaluating the site, it was assumed that ground water site-wide would be restricted through an institutional control. Ohio EPA therefore is proposing ground water restrictions (see below).

The majority of the site is covered by buildings or pavement and most exposed soil is present in landscaped areas. The site is underlain by 20 to 25 feet of clay-rich ground moraine overlying bedrock. The upper 20 feet of overburden till consists of brown silty sand, with thin layers of blue-gray clayey silt. Gray clay with some gravel is present from 20 to 27 feet below ground surface (bgs). Weathered shale is present from 27 feet to 35 feet bgs. Beneath 35 feet, bedrock is present; the top 50 to 60 feet of bedrock consists of alternating thin shale and sandstone layers of the Orangeville Shale formation. The Berea-Cussewago Sandstone sequence is present beneath the Orangeville Shale formation. Shallow groundwater is encountered at the site at an average depth of 10 feet bgs. There is no known use of groundwater from the shallow water bearing zone at or near the site. Potable groundwater is not currently in use at the Facility. The Berea-Cussewago Sandstone is considered a confined aquifer system of local and regional importance for domestic and small municipal water supplies<sup>10</sup>.

## 5.0 DESCRIPTION AND EVALUATION OF PROPOSED REMEDIES

Two areas of the Facility were specifically identified as having residual contamination that is present in concentrations unacceptable for unlimited future use: The closed surface impoundments, and the former BMTS. It has also been determined that, while contamination at the Facility is not believed to be above industrial standards, it is possible that additional residual contamination above unrestricted levels may exist at the Facility due to the industrial legacy of the property.

The closed surface impoundments are being maintained and monitored under an approved post-closure Plan. The remedy was proposed, given public notice, and finalized through the closure process. **Ohio EPA is proposing that no further action is required for the surface impoundments**, beyond the site-wide Environmental Covenant(s) noted below.

For a proposed remedy to be considered a viable remedy when implemented, it must meet the threshold criterion that it be protective of human health and the environment. An option of "no

action” to be implemented to address the contaminated soils remaining at the Facility is not acceptable to Ohio EPA. Even though current use of the property is industrial and the current levels of contaminants present in the soils are not harmful to workers on site who come into direct contact with these soils, there is no legally enforceable mechanism in place to prevent the property from being converted to residential or other uses in the future. There is also no legally enforceable mechanism beyond local ordinances (if any) to restrict ground water from potable use.

To ensure the property continues to be used only for industrial purposes, **Ohio EPA proposes as a remedy that the property owners and Ohio EPA enter into an Environmental Covenant for the entire Facility.** An Environmental Covenant is a legally enforceable mechanism that would describe the Facility, limit its use to industrial purposes and restrict the use of ground water. The Covenant would list appropriate land use while also describing what uses would not be allowable. The Covenant would run with the land and attach to the property deed and could not be changed without the written agreement of both the property owner and Ohio EPA even if the property was sold at some point in the future. Ohio EPA would monitor the property periodically to ensure that its use was consistent with the allowed uses listed in the Covenant.

**Environmental Covenant** – Ohio EPA proposes that the entire Facility use be restricted to industrial purposes only, through enactment of an Environmental Covenant, an enforceable mechanism under Ohio law that can be used to restrict property use. This restriction will run with the land and will be binding upon all future property owners should the property be sold. The Environmental Covenant will include a legal description of the property and describe acceptable and unacceptable land uses. Ohio EPA will monitor the property owners’ adherence to the Environmental Covenant to ensure continued protection of human health and the environment. The types of limitations for this property include:

**Industrial land use limitations.** The property shall not be used for residential or agricultural activities, but may be used for industrial activities. The term “residential activities” shall include, but not be limited to, the following:

- a. Single and multi-family dwelling and rental units;
- b. Day care centers, elementary and high schools, and preschools;
- c. Outdoor Parks and Playgrounds;
- d. Correctional Facilities;
- e. Transient or other residential facilities; and
- f. Use of the site or soils from the site for the production of food-chain products by agricultural means for animal or human consumption.

The term “industrial activities” shall include facilities which supply goods or services to the public, and facilities engaged in manufacturing, processing operations and office and warehouse use, including but not limited to production, storage and sales of durable goods and parking/driveway use.

Contacts with local government authorities indicate the property is zoned industrial and that anticipated future use is industrial. Ohio Revised Code 5301.87 provides that an environmental covenant does not displace other restrictions such as land use laws, zoning codes, building codes, and subdivision requirements.

### **Environmental Covenant(s) - Ground Water Restrictions**

The risk assessment conducted during the Interim Measures investigation evaluated ground water as a potential contaminant transport pathway. Shallow ground water is encountered at an average depth of ten feet below ground surface. Observed yields are less than 0.5 gallons per minute, vertical hydraulic conductivity is low, and there are no identifiable users of the ground water at or near the Facility. Ground water was therefore eliminated from the risk assessment as a potable use pathway. The elimination of the ground water use pathway would be assured over time with an Environmental Covenant. This restriction would apply to site-wide ground water. There is known ground water contamination in the uppermost aquifer in the vicinity of the closed surface impoundments. Also, even though the natural ground water quality in the uppermost aquifer is poor, and there is a low potential for impact from leaching, Ohio EPA has determined that restrictions are needed to ensure the long term protectiveness of the overall remedial action. It is further noted that the underlying Berea / Cussewago Sandstone formation is a quality source of potable water.

On February 21, 2013, the owners submitted a request entitled *Evaluation of Future Ground Water Use Restrictions in Proposed Environmental Covenant*. The owners want to be able to use ground water from formations deeper than the Berea / Cussewago without restrictions, and presented an analysis of site geology and hydrogeology justifying such use. Ohio EPA evaluated the document, and concluded that the proposal was protective of human health and the environment.

Therefore, **Ohio EPA proposes as a remedy that both property owners (Delphi and IRG) and Ohio EPA enter into an Environmental Covenant(s)** stipulating that groundwater located beneath the subject property from the Berea / Cussewago formation and overlying units shall not be extracted or used for any purpose other than monitoring the environmental condition of such groundwater and/or surrounding property, or remedial purposes, without prior written approval from the Ohio EPA. Ground water use below the Berea / Cussewago will not be restricted.

## **6.0 CONCLUSION**

The Ohio EPA can modify the proposed remedies based on new information or public comments. The public can be involved in the remedy approval process by reviewing this Statement of Basis and the documents contained in the administrative record. Any person may submit written comments relevant to the Statement of Basis during the comment period or may request a public meeting to be held within forty-five days of the issuance of the public notice. Ohio EPA will select the final remedy only after the public comment period has ended and the information submitted during this time has been reviewed and considered. Ohio EPA has set a

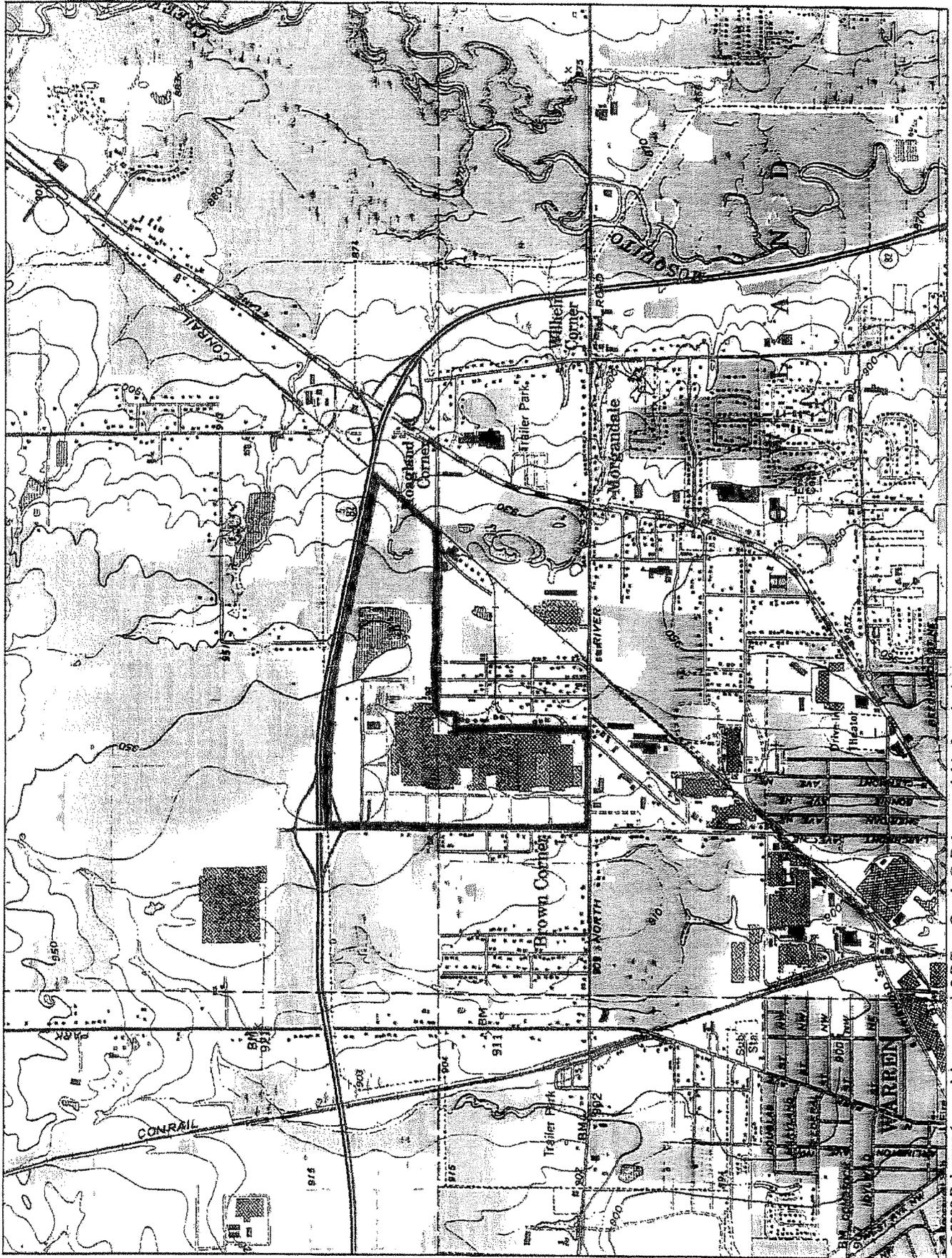
public comment period from September 4, 2013 through October 21, 2013 to encourage public participation in the selection process.

Note: A storm water impoundment and two outfalls, located west of the facility across Larchmont Avenue, were investigated by Delphi as part of the voluntary RFI. Elevated levels of potential constituents of concern, mostly polynuclear aromatic compounds, were identified in a few areas. Although Delphi discharged storm water to this impoundment, numerous other businesses along Larchmont Avenue also discharge to this impoundment. The contaminant profile is what one would expect to see in typical run-off from streets and parking lots. The impoundment is not contiguous with the facility, and not subject to Corrective Action under RCRA.

## 7.0 REFERENCES

1. Certification of Closure, Ohio EPA Northeast District Office Correspondence File, January 2, 1991.
2. Certification of Closure Acceptance, Ohio EPA Northeast District Office Correspondence File, January 27, 2004.
3. RCRA Surface Impoundments Post Closure Plan, approved July 14, 2004 (most recent revision 2008), Hazardous Waste Part B Permit and Application, Ohio EPA Northeast District Office.
4. USEPA, Final RCRA Facility Assessment (RFA) Preliminary Review/Visual Site Inspection (PR/VS) Report, August 1987, Ohio EPA Northeast District Office.
5. Delphi Corporation, Bulk Material Transfer Station (AOI-04) Risk Assessment Revision, March 2, 2010, Ohio EPA Northeast District Office.
6. Delphi Corporation, Evaluation of Construction Worker Particulate Inhalation Exposure (Supplement), March 11, 2010, Ohio EPA Northeast District Office.
7. Hazardous Waste Part B Permit and Application, Ohio EPA Northeast District Office.
8. Closure Plan Review Guidance for RCRA Facilities, October 2009, Ohio Environmental Protection Agency.
9. Boerngen, J.G, and Shacklette, H.T. 1981. Chemical analysis of soils and other surficial materials of the conterminous United States. U.S. Geological Survey Open-File Report 81-197.
10. Delphi Corporation, Bulk Material Transfer Station Field Investigation Report, November 12, 2008, Ohio EPA Northeast District Office.

**Figure 1 – Site Location**



2,000 ft

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Scale: 1 : 25,000 Map Rotation: 0° Magnetic Declination: 0.0°E

**Figure 2 – Site Layout in 2012**

APR 16 2012

LOT 113 PLAT

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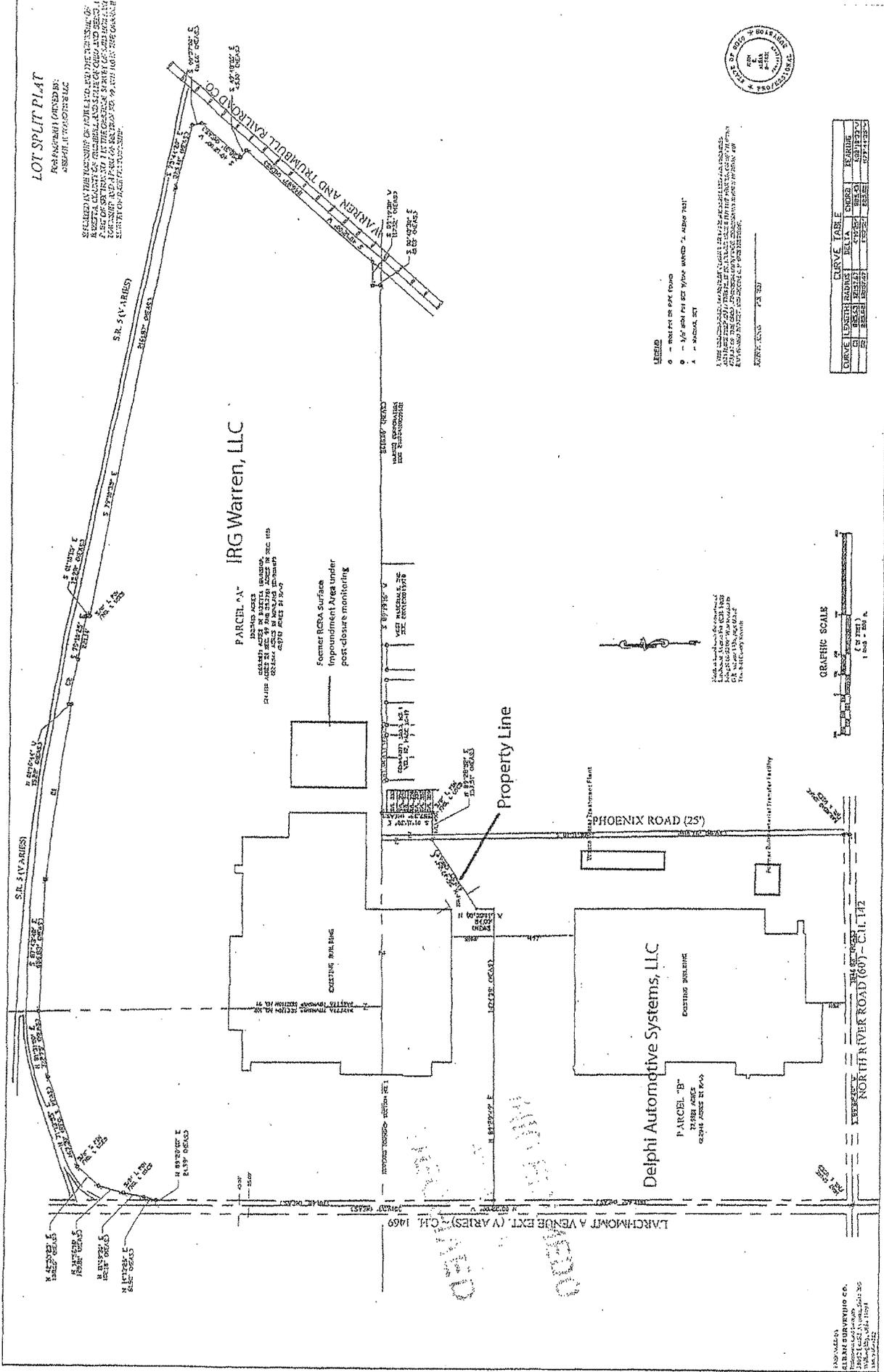
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| CURVE LENGTH | CURVE AREA | CURVE PERCENTAGE | CURVE POINTS |
|--------------|------------|------------------|--------------|
| 100.00       | 100.00     | 100.00           | 100.00       |
| 200.00       | 400.00     | 100.00           | 200.00       |
| 300.00       | 900.00     | 100.00           | 300.00       |
| 400.00       | 1600.00    | 100.00           | 400.00       |
| 500.00       | 2500.00    | 100.00           | 500.00       |
| 600.00       | 3600.00    | 100.00           | 600.00       |
| 700.00       | 4900.00    | 100.00           | 700.00       |
| 800.00       | 6400.00    | 100.00           | 800.00       |
| 900.00       | 8100.00    | 100.00           | 900.00       |
| 1000.00      | 10000.00   | 100.00           | 1000.00      |

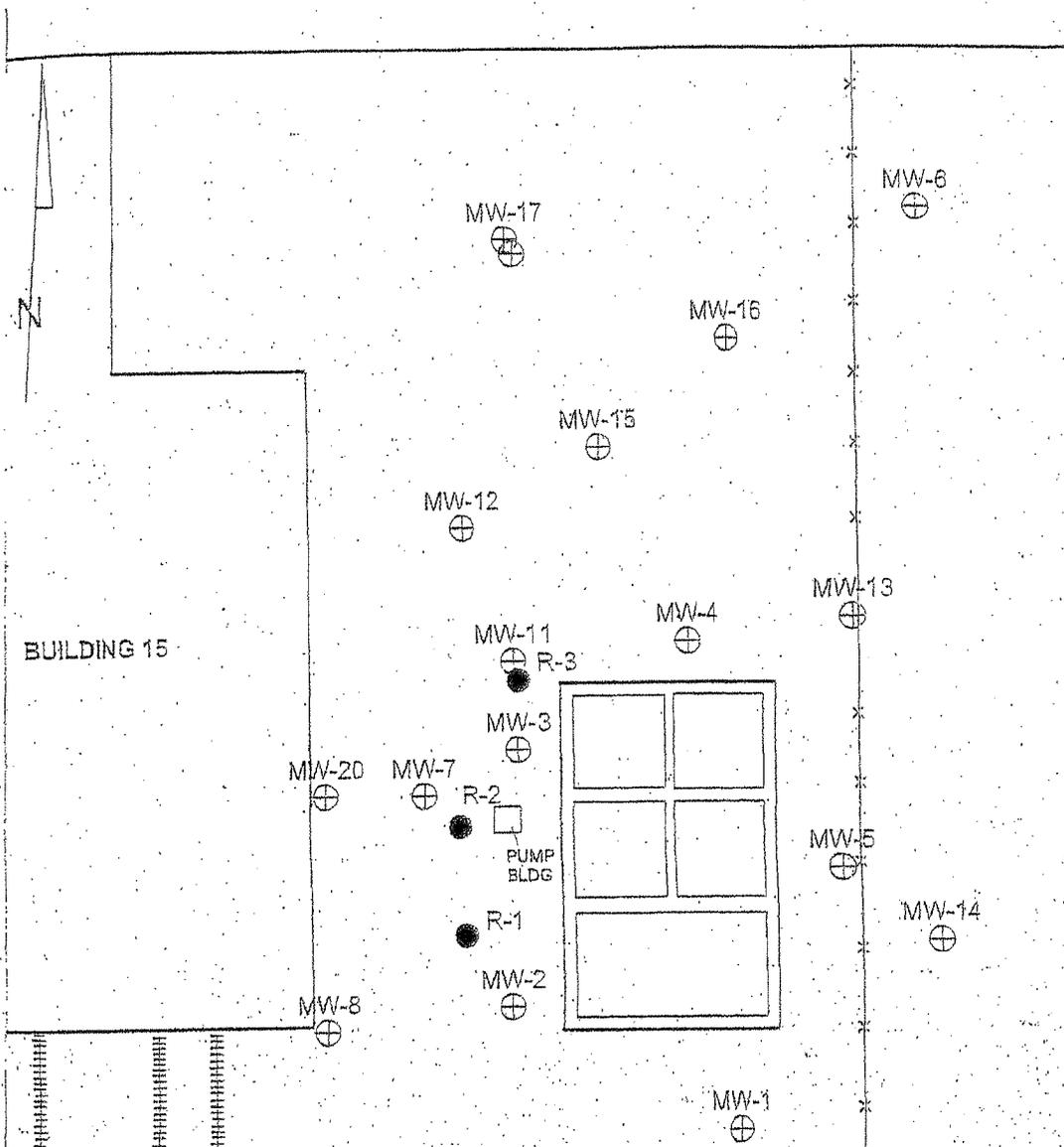


PHOENIX ROAD (25'  
NORTH RIVER ROAD (60\'' - C.I.L. 142

STEVEN J. GARDNER, CIVIL ENGINEER  
1000 W. 10TH STREET, SUITE 100  
TULSA, OKLAHOMA 74106  
918.438.1111

**Figure 3 – Well Locations and Ground Water Flow**

[Includes 3 drawings: 11/30/05 Figure 1; 12/14/05 Figure 1; 12/14/05 Figure 2]



**LEGEND**

⊕ MONITORING WELL

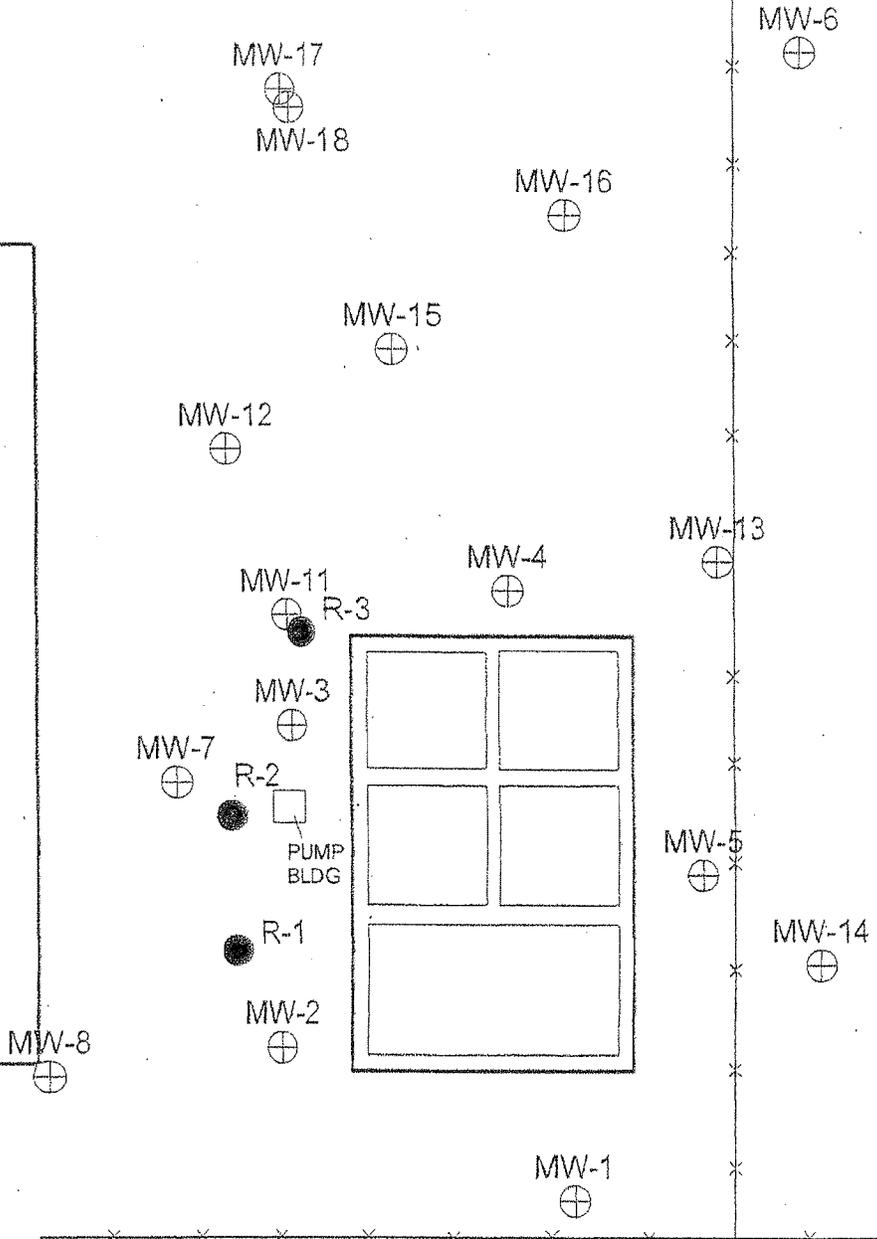
● RECOVERY WELL

|                             |                               |
|-----------------------------|-------------------------------|
| SCALE:                      |                               |
| (FEET) 0 50 100 150         |                               |
| DATA FILE:<br>JUSTWELS1.DAT | SURFER FILE:<br>SENTRYALL.SRF |
| DRAWING DATE:<br>11/30/2005 | DRAWING NO.:<br>FIGURE 1      |

DELPHI AUTOMOTIVE SYSTEMS  
 NORTH RIVER ROAD  
 WARREN, OHIO  
 SENTRY WELL  
 MONITORING SYSTEM

N

BUILDING 15

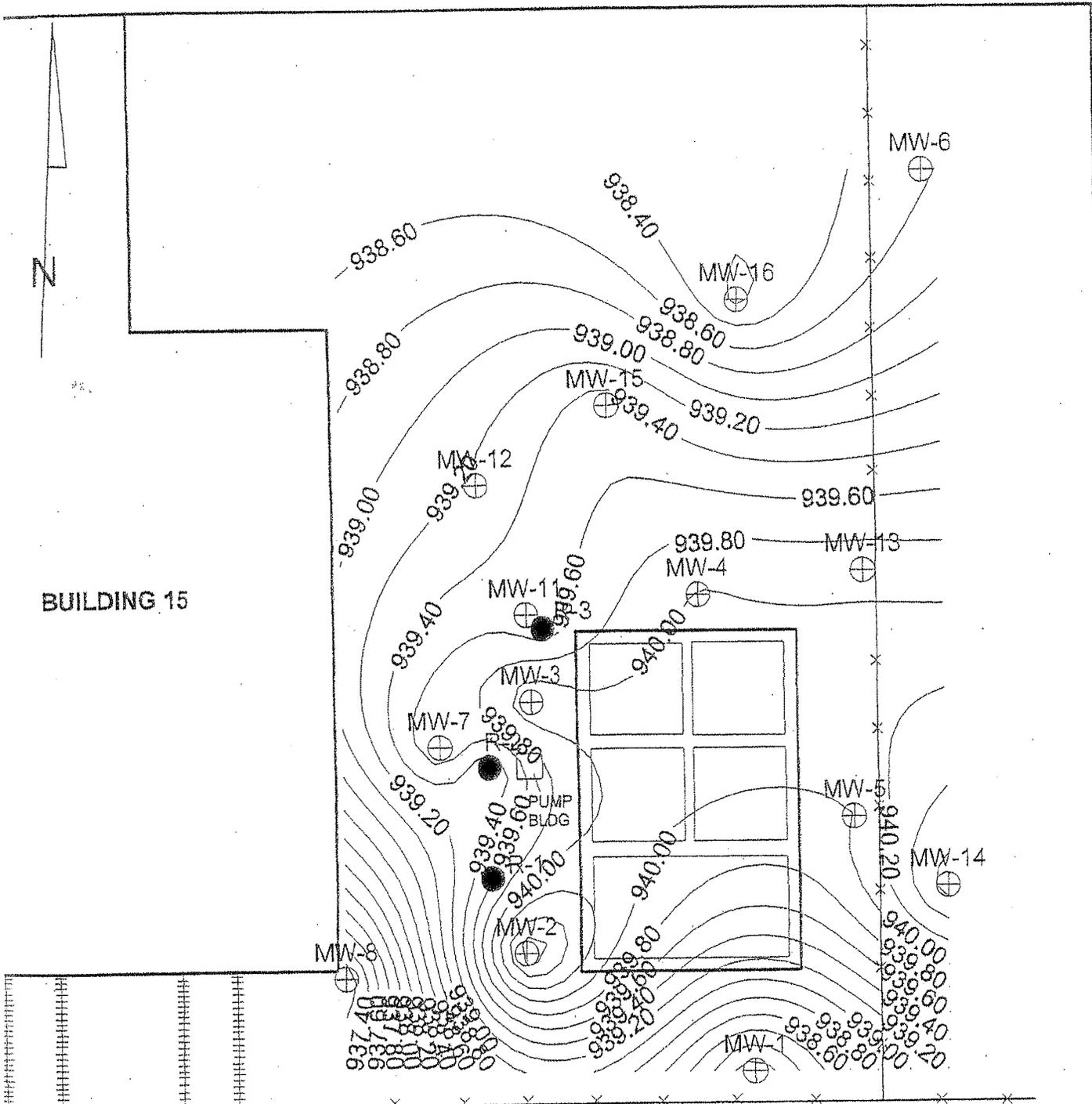


**LEGEND**

- ⊕ MONITORING WELL
- RECOVERY WELL

|                             |                             |
|-----------------------------|-----------------------------|
| SCALE:                      |                             |
| DATA FILE:<br>JUSTWELS.DAT  | SURFER FILE:<br>CAMSMAP.SRF |
| DRAWING DATE:<br>12/14/2005 | DRAWING NO.:<br>FIGURE 1    |

DELPHI AUTOMOTIVE SYSTEMS  
 NORTH RIVER ROAD  
 WARREN, OHIO  
 CORRECTIVE ACTION  
 MONITORING SYSTEM



BUILDING 15

**LEGEND**

- ⊕ MONITORING WELL
- RECOVERY WELL

|                             |                              |
|-----------------------------|------------------------------|
| SCALE:                      |                              |
| (FEET) 0 50 100 150         |                              |
| DATA FILE:<br>WLS04-05.DAT  | SURFER FILE:<br>WLS04-05.SRF |
| DRAWING DATE:<br>12/14/2005 | DRAWING NO.:<br>FIGURE 2     |

DELPHI AUTOMOTIVE SYSTEMS  
 NORTH RIVER ROAD  
 WARREN, OHIO  
 GROUNDWATER ELEVATION  
 CONTOURS 12/14/2005

**Table 1**  
**Information on Identified WMUs and Determination of RFI Status**  
**(Adapted from PR/VS)**

| Unit | Description                    | Status              | Notes on RFI/Corrective Action   |
|------|--------------------------------|---------------------|--|
| 1    | Old Drum Storage Area          | Closed              | No Further Action - Closed with approved closure plan, no indication of release during inspection  |
| 2    | New Drum Storage Area          | Closed              | No Further Action - Closed with approved closure plan. Currently being used as a less than ninety day accumulation area. Subject to generator closure. |
| 3    | Enamel Storage building        | Building Demolished | No Further Action - Closed with approved closure plan, no indication of release during inspection  |
| 4    | Bulk Material Transfer Station | Inactive            | Unit subject of Interim Measure investigations, meets industrial risk-based standards  |
| 5    | Lift Station #701              | Active              | No Further Action - Regulated under CWA, no indication of release during inspection  |
| 6    | Lift Station #703              | Active              | No Further Action - Regulated under CWA, no indication of release during inspection  |
| 7    | Lift Station #705              | Active              | No Further Action - Regulated under CWA, no indication of release during inspection  |
| 8    | Recirculation Tank #702        | Removed             | No Further Action - Tank demolished and removed in 1993, no concerns during inspection.  |

| Unit | Description                             | Status   | Notes on RFI/Corrective Action  |
|------|---|----------|---|
| 9    | Wastewater Tank #704                    | Active   | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 10   | Wastewater Tank #706                    | Active   | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 11   | Wastewater Tank #708                    | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 12   | Wastewater Tank #709                    | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 13   | Wastewater Treatment Building Sump #730 | Active   | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 14   | Trench Sump #717                        | Active   | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 15   | Wastewater Tank #711                    | Removed  | No Further Action - Tank demolished and removed in 1993, no indication of release during inspection |
| 16   | Wastewater Tank #713                    | Removed  | No Further Action - Tank demolished and removed in 1993, no indication of release during inspection |
| 17   | Wastewater Tank #712                    | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection                 |
| 18   | Wastewater Tank #714                    | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection                 |
|      |   |          |   |

| Unit | Description                                   | Status   | Notes on RFI/Corrective Action  |
|------|---|----------|---|
| 19   | Wastewater Tank #716                          | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 20   | Wastewater Tank #715                          | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 21   | Wastewater Tank #718A                         | Active   | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 22   | Wastewater Tank #718B                         | Active   | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 23   | Andco Heavy Metals Removal Units              | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 24   | Heavy Metals Treatment Degas Tank             | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 25   | Heavy Metals Treatment Clarifier              | Inactive | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 26   | Heavy Metals Treatment Sludge Thickening Tank | Removed  | No Further Action - removed from service in 1993, no indication of release during inspection. |
| 27   | Andco Filter Press                            | Removed  | No Further Action - removed from service in 1993, no indication of release during inspection. |
| 28   | Filter Press #402                             | Active   | No Further Action - Regulated under CWA, no indication of release during inspection           |
| 29   | Sludge Thickening Tank                        | Active   | No Further Action - Regulated under CWA, no indication of                                     |

| Unit | Description            | Status  | Notes on RFI/Corrective Action   |
|------|------------------------|---------|--|
|      |                        |         | release during inspection  |
| 30   | Clarifier #301         | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 31   | Clarifier #302         | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 32   | Sand Filter #1         | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 33   | Sand Filter #2         | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 34   | Sand Filter #3         | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 35   | Clean Water Sump #722  | Removed | No Further Action - Removed in 1995 and replaced with a clean water tank, no indication of release during inspection |
| 36   | Wastewater Tank #733A  | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 37   | Wastewater Tank #733B  | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 38   | Wastewater Inflow Sump | Active  | No Further Action - Regulated under CWA, no indication of release during inspection                                  |
| 39   | Skimmed Oil Tank       | Removed | No Further Action - Tank demolished and removed in 1997, no concerns during inspection.                              |

| Unit | Description                 | Status          | Notes on RFI/Corrective Action  |
|------|-----------------------------|-----------------|---|
| 40   | Waste Compound Storage Tank | Active          | No Further Action – Tank did have indication of release at time of inspection, this was investigated by the facility and it was determined that no hazardous constituents were released to the environment. Also there is no potential for future releases. See letter from Delphi dated June 14, 2005. |
| 41   | Lime Slurry Settling Lagoon | Inactive/closed | No Further Action - Non-RCRA regulated unit.  |
| 42   | Lined Surface Impoundment   | Closed          | No Further Action - Closed with approved closure plan, in post-closure process  |
| 43   | Lined Surface Impoundment   | Closed          | No Further Action - Closed with approved closure plan, in post-closure process  |
| 44   | Lined Surface Impoundment   | Closed          | No Further Action - Closed with approved closure plan, in post-closure process  |
| 45   | Lined Surface Impoundment   | Closed          | No Further Action - Closed with approved closure plan, in post-closure process  |
| 46   | Mill Pond                   | Inactive/Filled | No Further Action - Taken out of service in 1970, clean filled in 1995.   |
| 47   | Wastewater Sewer System     | Active          | No Further Action - Regulated under CWA, no indication of release during inspection   |
| 48   | Equalization Tank #3        | Active          | No Further Action - Constructed in 1995, regulated under CWA  |
|      |                             |                 |   |

| Unit | Description                      | Status   | Notes on RFI/Corrective Action                               |
|------|----------------------------------|----------|--|
| 49   | Clean Water Tank                 | Active   | No Further Action - Constructed in 1995, regulated under CWA |
| 50   | Sand Filter #4                   | Active   | No Further Action - Constructed in 1995, regulated under CWA |
| 51   | Sand Filter #5                   | Active   | No Further Action - Constructed in 1995, regulated under CWA |
| 52   | Sand Filter Backwash Reject Tank | Active   | No Further Action - Constructed in 1995, regulated under CWA |
| 53   | Lamella Clarifier                | Active   | No Further Action - Constructed in 1995, regulated under CWA |
| 54   | Compliance Tank #1               | Inactive | No Further Action - Constructed in 1995, regulated under CWA |
| 55   | Compliance Tank #2               | Inactive | No Further Action - Constructed in 1995, regulated under CWA |