



EPA AND DEP PROPOSE NO FURTHER RESOURCE CONSERVATION AND RECOVERY ACT CORRECTIVE ACTION INVESTIGATION OR CLEANUP NEEDED AT DELTA RUBBER COMPANY

August 2007

EPA and DEP's Proposal:

After careful study of the Delta Rubber Company facility at 39 Wauregan Rd., Danielson, CT, the U.S. Environmental Protection Agency (EPA) and the Connecticut Department of Environmental Protection (DEP) propose a Resource Conservation and Recovery Act (RCRA) Corrective Action determination that no further investigation and/or cleanup is needed at the facility because:

- **All suspected releases of hazardous waste and hazardous constituents at the facility have been adequately investigated;**
- **Previous cleanup actions have successfully removed hazardous waste and hazardous constituents to meet DEP standards; and**
- **An environmental land- use restriction will restrict the future use of the facility to industrial or commercial activities.**

More on page 4

RCRA RECORDS CENTER
 FACILITY Delta Rubber Co
 I.D. NO. CT0096238630
 FILE LOC. R-12
 OTHER #105891

Please let us know your thoughts on this proposal:

The U.S Environmental Protection Agency (EPA) and the Connecticut Department of Environmental Protection (DEP) invite all interested persons to express their views on this proposal for Delta Rubber Company located at 39 Wauregan Road in the Danielson section of Killingly, Connecticut.

EPA will accept written comments from August 6 to September 5, 2007. If you have a question or concern on the proposal, EPA and DEP want to hear it before making a final decision.

To comment formally, **please send written comments, post marked no later than September 5, 2007, to:**

Stephanie Carr
 EPA Region 1
 1 Congress Street
 Suite 1100 (HBT)
 Boston, MA 02114-2023
 e-mail: carr.stephanie@epa.gov
 fax: 617/918-0363

A comment form and mailer is included on pages 24 and 25 of this document.

For more information, please contact:

Stephanie Carr, EPA – Region 1
 Phone: 617/918-1363
 Toll Free Phone: 1-888-EPA-REG1
 (1-888-372-7341), ext. 81363
 e-mail: carr.stephanie@epa.gov

More on page 17

INTRODUCTION

The U.S. Environmental Protection Agency - Region I (“EPA”) and the Connecticut Department of Environmental Protection (“DEP”) are proposing a plan to complete investigation and cleanup required under the Resource Conservation and Recovery Act (RCRA) “Corrective Action” (see Glossary, page 22) program at the Delta Rubber Company facility (“the Facility”) located at 39 Wauregan Road in the Danielson section of Killingly, Connecticut. Results of investigation and cleanup at the Facility demonstrate that releases of hazardous wastes or hazardous constituents have been adequately remediated to protect human health and the environment. Therefore, the plan, known as a “Remedy,” for completing Corrective Action at the Facility, is that no further investigation or remediation is necessary and that Delta Rubber Company will execute and record an Environmental Land Use Restriction (see Glossary, page 21) for the Facility preventing use of the property for residential activities (including residences, schools, hospitals, day care centers, playgrounds, or outdoor recreation areas). This proposal is based on the results of investigation and cleanup conducted by the Facility under the oversight of EPA, DEP, and a Licensed Environmental Professional (LEP) (see Glossary, page 21). EPA and DEP consider this to be a “Completion with Controls” determination, with the Environmental Land Use Restriction serving as the only control necessary to ensure that the Remedy is protective of human health and the environment.

This document, which EPA calls a “Statement of Basis” summarizes the various activities performed at the Facility to date, the results of these activities, and the reasons for proposing that no further investigation or cleanup under RCRA Corrective Action is necessary. This document also outlines suggested steps to satisfy Connecticut Property Transfer Act (see Glossary, page 21) requirements. EPA and DEP are publishing this document to provide opportunity for the public to review and comment on this proposal. EPA and DEP will consider public comments on this proposal before making a final decision.

This document:

- I. Includes a brief **description and history of the Facility** and a summary of the investigations and cleanup performed to date (Page 3);
- II. Describes **EPA’s proposal for a final administrative disposition by DEP** (Page 11);
- III. Presents **EPA’s and DEP’s rationale for proposing Completion of RCRA Corrective Action** obligations including EPA’s expectations for the future use of the Site (Page 13);
- IV. Explains the opportunities for **public participation**, including how you can comment on this proposal and where you can find more information (Page 17); and
- V. Includes a **glossary** to explain terms used in the document (Page 20).

I. FACILITY DESCRIPTION, HISTORY, AND SUMMARY OF INVESTIGATIONS

Facility Description

The Delta Rubber Company Facility is located at 39 Wauregan Road (Route 12) in the Danielson section of Killingly, CT (see attached figure). It is bordered to the north and west by land owned by the Town of Killingly, including parcels used for disposal of bulky municipal waste, leaves, and construction debris from street work; a 1.2-acre parcel, which is leased by Delta Rubber from the Town of Killingly and was formerly occupied by the Town's wastewater treatment facility; and baseball fields. Delta Rubber owns an 11.99-acre parcel, which abuts the southeastern corner of the leased parcel and is situated about 450 feet east of the Quinebaug River at its closest point. Lower Dyer Street runs along the northern edge of the Delta Rubber-owned parcel and terminates at the leased parcel. South of the Delta Rubber-owned parcel is an area zoned as low density residential.

There are four buildings on the Delta Rubber-owned parcel: Buildings A, B, C, and an office building. Building D is located on the leased parcel. The area north of these buildings includes paved parking areas and driveways with a gravel-surface parking area to the west of Building C. The majority of the leased parcel is paved, while the southern portion of the Delta Rubber-owned parcel is covered by grass. The site is zoned for industrial use.

Environmental Setting

The land surface of the Facility slopes gently downward to the south toward an intermittent, unnamed watercourse that flows westerly toward the Quinebaug River. The watercourse is generally dry except for brief periods when it drains stormwater runoff from the Facility and the surrounding area, including Route 12.

Shallow groundwater beneath the Facility is believed to flow westerly toward the Quinebaug River. Groundwater in the immediate area of the facility is classified by DEP as "GB,"¹ as is typical in urbanized or industrial areas where a public water supply is available. GB-classified groundwater is presumed not suitable for human consumption without treatment. Groundwater to the east of Route 12 and across the Quinebaug River is generally classified as "GA," meaning it is presumed suitable for human consumption without treatment.

Facility History and Operations

Delta Rubber began manufacturing of precision molded rubber products (such as ball bearing seals and windshield wiper blades) at its 39 Wauregan Road facility in 1968. Raw slab rubber is milled (heated and squeezed flat), extruded (forced out of a machine in long tubes) and cut into strips in the milling room in Building B. Activators including oils and lubricants are added prior to milling. Prefabricated metal inserts are cleaned, coated and dyed in one of two "insert prep"

¹ Additional information on Connecticut Water Quality Classifications is available on the following page of the DEP website: <http://www.ct.gov/dep/cwp/view.asp?a=2719&q=325620>

lines. Rubber products are then pressed into and sealed to these inserts, in Building A. Prefabricated rubber products were formerly washed and chlorinated (using chlorine gas) in Building A. Building C contains the maintenance, inspection, flashing, and molding departments. Building C is also used, in part, as a warehouse. Building D on the leased parcel is used for treatment of dilute rinsewaters.

Plans for Future Use of Facility

Delta Rubber Company's plan for its property is to continue in its current use, as a manufacturing facility for precision molded rubber products.

Environmental Investigation and Cleanup

Based on information on the history of operations at the Facility, twenty-six areas where hazardous waste or hazardous constituents were managed were identified and targeted for investigation. The most noteworthy of these areas are described below. Information on the other areas is available in the Administrative Record for this proposal, which can be found in the locations described on pages 18 and 19 of this document.

- Two *Former Surface Impoundments*, located southerly of Building A, were used for storage and drying of sludges from Delta Rubber's wastewater treatment system from 1975 to 1981. These surface impoundments have been regulated as hazardous waste land disposal units and have therefore caused the Facility to be subject to Connecticut's regulations for Corrective Action at Interim Status Disposal Facilities found at Regulations of Connecticut State Agencies (R.C.S.A) Section 22a-449(c)-105(h).
- The *Industrial Wastewater Treatment Plant*, located southerly of Building D on the parcel leased from the Town of Killingly, was operated by Delta Rubber since 1984. Prior to 1984, the plant was operated by the Town of Killingly as a Publicly-Owned Treatment Works. Metal finishing wastewaters are conveyed to the treatment plant via underground pipes. Following treatment, treated wastewater is discharged to the Quinebaug River at Discharge Outfall 003 under a National Pollutant Discharge Elimination System (NPDES) permit (see Glossary, page 21).
- The *Former Oil and Hazardous Waste Storage Area*, located north of Building D on the parcel leased from the Town of Killingly, was used from 1981 to 1993 for temporary storage of containerized waste oil and hazardous waste (including spent solvents, cleaners, and adhesives).
- The *Former Equalization Tank and Former Neutralization Tank* were underground concrete tanks located south of Building A. The equalization tank was used for equalizing wastewaters from dyeing, rubber processing, and metal finishing. Wastewater from this tank was discharged via the sanitary sewer system to the Town of Killingly sewage treatment plant. The neutralization tank was used to neutralize dilute acid/alkali

rinsewaters from Building A, which were then discharged to the on-site Industrial Wastewater Treatment Plant. These tanks were used from 1982 (equalization tank) or 1984 (neutralization tank) until 1998, when they were removed.

- *Discharge Outfall 001* formerly discharged non-contact cooling water from Building B to the temporary pond located in the southern portion of Delta Rubber's property under a NPDES permit with a permitted discharge rate of 70,000 gallons per day. Since 1993, only stormwater run-off has been discharged via this outfall, as cooling waters are recycled using a closed loop system.
- *Discharge Outfall 002* formerly discharged non-contact cooling water from Building A to a ditch located in the southern portion of Delta Rubber's property. The discharge occurred under a NPDES permit with a permitted discharge rate of 117,000 gallons per day. Since 1993, only stormwater run-off has been discharged via this outfall, as cooling waters are recycled using a closed loop system. The ditch also drains a culvert from Route 12 which receives stormwater from Route 12 and the shopping center located to the east of Route 12. The ditch connects to the temporary pond associated with Discharge Outfall 001.
- *Discharge Outfall 003* discharges wastewaters treated in the Industrial Wastewater Treatment Plant, located southerly of Building D on the parcel leased from the Town of Killingly. The wastewaters are discharged to the Quinebaug River under a NPDES permit via a 21-inch underground reinforced concrete pipe. The discharge has been conducted by Delta Rubber since 1984 at a rate of approximately 43,000 gallons per day. Formerly, the Town of Killingly operated the treatment plant and discharged from this outfall.
- The *Former Oil/Water Separators (2)*, one of which was located south of Building A and one of which was located south of Building B, were 1,000 gallons in capacity and constructed of steel. Non-contact cooling water was conveyed via in-floor trench drains in these buildings to underground piping then to the oil/water separators, which separated and removed oil from the wastewaters prior to discharge.
- The *Building B Loading Dock Catch Basin* includes a catch basin located adjacent to the northeast corner of Building B used for draining the loading bay truck well and a second catch basin nearby which collects stormwater runoff.

Investigation:

Each of the twenty-six areas identified as having been used for managing hazardous wastes or hazardous constituents was investigated to identify any releases of hazardous waste or hazardous constituents that may have occurred. Investigations included observations and testing of soil, sediment, soil vapor and groundwater as appropriate based on the site conditions and history of

the area. In addition, shallow soil testing was performed site-wide to assess impacts to shallow soil from any airborne releases that may have occurred from building vents or materials handling activities. Testing was performed using documented protocols. The resulting data are determined to be of adequate quality for making remedial decisions. Based on results of site investigation, remediation was performed at areas where contaminants were present at levels above Connecticut Remediation Standard Regulations (CT RSRs) (see Glossary, page 20).

Remediation:

- *Surface Impoundments:*

Delta Rubber removed approximately 12 cubic yards of residual sludge and 80 cubic yards of soil from the former Surface Impoundments in accordance with a plan approved by DEP on December 30, 1983. Excavated sludges and soils were disposed off site at an authorized facility. Subsequent soil testing of this area showed that remaining soils met CT RSRs. Delta Rubber also monitored the groundwater in the vicinity of the former surface impoundments area. This monitoring program involved quarterly sampling and testing, from 1991 through 1995, followed by semi-annual sampling and testing of eight groundwater monitoring wells for metals (barium, chromium, iron, manganese, tin, and zinc) and physical/chemical parameters (pH, specific conductivity, and turbidity). In March 2007, Delta Rubber provided to EPA and DEP a "RCRA Equivalency Demonstration" report. The report demonstrated, through soil and groundwater data collected in and around the former impoundments, that the impoundments were closed and remediated sufficiently to meet the criteria set out in 40 Code of Federal Regulations (CFR) Part 264 and to achieve compliance with the CT RSRs. **EPA has reviewed the March 2007 RCRA Equivalency Demonstration and found it to be acceptable.**

- *Former Oil and Hazardous Waste Storage Area:*

Based on soil investigation performed in this area from 1996 through 1998, four small areas were found to have elevated levels of hydrocarbons (including Total Petroleum Hydrocarbons (TPH) and polycyclic aromatic hydrocarbons). Soil was removed from these areas in 1998 and 1999 and disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSRs.

- *Discharge Outfall 001:*

Soil testing performed near this discharge outfall in 1996, 1997, and 1998 showed elevated levels of Total Petroleum Hydrocarbons in soil. Over 200 tons of soil from this area were removed in 1998 and 1999 and disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSRs.

- *Discharge Outfall 002:*

Soil testing performed near this discharge outfall in 1996, 1997, and 1998 showed elevated levels of polycyclic aromatic hydrocarbons in soil. Approximately 145 tons of soil were

removed from this area in 2001 and disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSRs.

- *Former Oil/Water Separators:*

Elevated levels of Total Petroleum Hydrocarbons were found in shallow soil near the oil/water separator located south of Building B. A small excavation (approximately 3 feet by 3 feet by 0.25 feet deep) was performed to remove these elevated levels of Total Petroleum Hydrocarbons. Excavated soil was disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSRs.

- *Building B Loading Dock Catch Basin:*

Elevated levels of Total Petroleum Hydrocarbons were found in soil surrounding the catch basin. Soils were excavated to a depth of 4 feet below ground surface to remove these soils. Excavated soil was disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSRs.

Results and Conclusions:

The results of investigation and remediation performed at the Facility demonstrate that, provided the Facility continues to be used for industrial or commercial use, site conditions are protective of human health and the environment, as determined by comparison with the CT RSRs and other applicable state and federal policy and guidance. This section summarizes the condition of the soil, groundwater, and the Quinebaug River.

Soils

Results of investigation and remediation at the Facility demonstrate that soils on the property comply with the CT RSRs Industrial/Commercial Direct Exposure Criteria (DEC) and GB Pollutant Mobility Criteria (PMC). The DEC are designed to protect human health and the environment from potential risks associated with direct exposure to contaminated soils. The PMC are designed to protect groundwater from contaminants that may leach from the soil to the groundwater.

Groundwater

Shallow groundwater beneath the Facility is believed to flow westerly toward the Quinebaug River. Groundwater in the immediate area of the facility is classified by DEP as "GB"², as is typical in urbanized or industrial areas where a public water supply is available. GB-classified groundwater is presumed not suitable for human consumption without treatment. There are no known uses of groundwater beneath the Facility except for a well installed at 50 feet below ground surface which draws water for use in Delta Rubber's manufacturing. Results of the site investigation have confirmed that groundwater from the Facility does not migrate to off-site areas that may be used for drinking water wells. Based on this

2 Additional information on Connecticut Water Quality Classifications is available on the following page of the DEP website: <http://www.ct.gov/dep/cwp/view.asp?a=2719&q=325620>

information, groundwater data were compared to the CT RSRs Surface Water Protection Criteria (SWPC) and both the Residential and Industrial/ Commercial Volatilization Criteria (VC). The SWPC are designed to ensure that polluted groundwater discharging to surface water does not adversely affect surface water quality. The VC are designed to protect occupants of buildings near polluted groundwater from volatile contaminants (chemicals that evaporate easily) that could evaporate and enter these buildings as a gas.

Groundwater has been tested at 58 monitoring locations at the site at depths ranging from shallow to deep overburden and has included testing for the following contaminants or groups of contaminants: Volatile Organic Compounds, Semivolatile Organic Compounds, Total Petroleum Hydrocarbons, cyanide, and metals. None of these chemicals was found at levels above the CT RSR SWPC and VC except for zinc.

Zinc was detected at 9 wells on-site at concentrations exceeding its default SWPC of 0.123 milligrams zinc per liter of water (mg/L). Most of these wells were located on the western portion of the parcel leased from the Town of Killingly. Concentrations of zinc measured in groundwater at the facility ranged up to 1.1 mg/L. The zinc in groundwater is thought to result from zinc present in the soil along the effluent line from the Industrial Wastewater Treatment Plant that discharges to the Quinebaug River. Soil testing results showed zinc levels ranging from 71 to 130 milligrams zinc per kilogram soil (mg/kg), exceeding background soil concentrations at the Facility. However, these concentrations were well below the CT RSR Industrial/ Commercial Direct Exposure Criteria (610,000 mg/kg). In addition, leaching tests performed on the soil showed that leachable zinc levels, ranging from 0.12 to 0.53 mg zinc per liter of leachate (mg/L), were well below the CT RSR GB Pollutant Mobility Criteria of 50 mg/L. The zinc impacted soils are thought to have resulted from either historic leakage from the subsurface effluent piping or from one or more of the five former municipal treatment sludge dewatering pits, dating from the time when the Town of Killingly operated a public owned treatment works in this area. Former dewatering pits are located adjacent to the effluent piping on both sides.

In accordance with Section 22a-133k-3(b)(3)(A) of the CT RSRs, Delta Rubber calculated an alternative SWPC for zinc, using information on the rate of flow for the Quinebaug River and for groundwater at the Facility. By the terms of the CT RSRs, this method of calculating an alternative SWPC does not require approval of the DEP Commissioner. All zinc concentrations measured in groundwater at the facility have been well below the site specific SWPC of 21 mg/L. Based on groundwater monitoring data collected from 1997 through 2000, zinc concentrations appear to be fluctuating seasonally as a result of changes in water table elevations, but do not appear to be increasing.

DEP has reviewed existing groundwater data for the facility and issued an approval, dated February 8, 2005, for two reports documenting the results of groundwater investigation and requesting a waiver from post-remedial groundwater monitoring for the Former Oil and

Hazardous Waste Storage Area, Discharge Outfalls 001 and 002, the Former Oil/Water Separators, and Building B Loading Dock Catch Basin. Based on results of groundwater investigation and DEP's review and approval of those results, groundwater concentrations at the Facility comply with the CT RSRs.

The Quinebaug River

Most of the facility is covered with buildings, pavement, and lawn and therefore would not be considered as habitat for ecological receptors (plants and animals). Therefore, ecological risk (risk to plants and animals) evaluation for the Facility focused primarily on the potential for impacts to the Quinebaug River resulting from previous discharges from Discharge Outfalls 001, 002, and 003. Results of investigation and remediation of these areas showed that soils comply with CT RSRs. However, CT RSR soil standards were developed primarily based on human health risk and generally do not consider ecological risk. Therefore, a team of specialists, including an EPA ecological risk assessor and an EPA contractor, evaluated the potential for ecological risks at these areas.

As described above, soil with elevated levels of Total Petroleum Hydrocarbons (in the case of Discharge Outfall 001) and polycyclic aromatic hydrocarbons (in the case of Discharge Outfall 002) have been removed and disposed off site at an authorized facility. Subsequent soil testing showed that remaining soils met CT RSR soil criteria. However, residual levels of some contaminants may have exceeded ecological screening levels (see Glossary, page 22).³ Therefore, EPA's ecological risk assessors evaluated ecological risks in these locations. This evaluation determined that soils in these areas do not pose a significant ecological risk, based on the fact that neither area supports an aquatic community and that it is unlikely that soils from these areas could be washed into the Quinebaug.

At Discharge Outfall 003, seven soil borings were completed along the effluent line from the Industrial Wastewater Treatment Plant that discharges to the Quinebaug River in 1997 and 1998 to depths of up to 16 feet below ground surface. Soil samples collected from these borings at various depths showed that contaminant concentrations were below CT RSRs. In addition, results of a sediment sample collected at the outfall in 1996 showed that contaminant concentrations were below CT RSRs. A comparison of the sediment sample results to freshwater sediment ecological screening levels⁴ (see Glossary, page 22) found that metals and Volatile Organic Compounds were below these levels with the exception of lead. Lead was detected at 69.6 milligrams lead per kilogram sediment (mg/kg), exceeding the

3 U.S. EPA Region 5 RCRA Ecological Screening Levels. Available at <http://www.epa.gov/RCRIS-Region-5/Ca/ESL.pdf> and U.S. EPA. 2001. Supplemental Guidance to RAGS: Region 4 Bulletins, Ecological Risk Assessment. Originally published November 1995. Website version last updated November 30, 2001. <http://www.epa.gov/region4/waste/ots/ecolbul.htm>.

4 EPA compared sediment data to the Threshold Effect Levels for Freshwater Sediment found in the National Oceanic and Atmospheric Administration (NOAA) Screening Quick Reference Tables at the following page of the NOAA website: http://response.restoration.noaa.gov/book_shelf/122_squirt_cards.pdf.

ecological screening level of 35 mg/kg. Polycyclic aromatic hydrocarbons generally were detected at concentrations approximately 10 times greater than the corresponding ecological screening level. Despite these exceedances of threshold effect levels, EPA and DEP are not recommending that Delta Rubber perform further sediment investigation in the Quinebaug River. The rationale for this recommendation is as follows:

- The constituents detected above threshold effect levels (lead and polycyclic aromatic hydrocarbons) in the sediment near Discharge Outfall 003 are typically found in stormwater run-off from roadways and other paved areas. Therefore, these constituents are likely present in sediments upstream of Discharge Outfall 003 and were likely present in the discharge from the Killingly Publicly Owned Treatment Works (POTW) which discharged from this same outfall from at least the early 1960s to 1984. For these reasons, it would not be feasible to distinguish any contaminants resulting from Delta Rubber's operation from contaminants from the Killingly POTW and upstream sources.
- The Quinebaug River flow in the vicinity of the Facility is very high relative to the discharge from Discharge Outfall 003. Given the relatively low levels of contaminants found in sediments at Discharge Outfall 003, it is unlikely that contaminants from this outfall would be distinguishable downstream.
- Delta Rubber has been discharging treated wastewaters at Discharge Outfall 003 under a National Pollutant Discharge Elimination System (NPDES) permit. Permit limits established under this program are designed to protect the receiving water body. Several exceedances of permit limits have occurred over the history of the permit. However, none of those exceedances were for lead or polycyclic aromatic hydrocarbons.

II. EPA'S PROPOSAL FOR A FINAL ADMINISTRATIVE DETERMINATION BY DEP

To ensure that conditions at the Facility remain protective of human health and the environment, Delta Rubber Company must execute and record an Environmental Land Use Restriction (ELUR) on the Facility property, pursuant to Section 22a-133q-1 of the Regulations of Connecticut State Agencies (R.C.S.A.) (see Glossary, page 21). The ELUR for the Delta Rubber Facility must prohibit any and all "residential activity" on the Facility. The term "residential activity" is defined in R.C.S.A Section 22a-133k-1(a)(53) to include any activity related to a (a) residence or dwelling, including but not limited to a house, apartment, or condominium, or (b) school, hospital, day care center, playground, or outdoor recreational area. Delta Rubber has delivered a draft ELUR to DEP for DEP's review. The draft ELUR is included in the Administrative Record, which can be found at the locations described on pages 18 and 19. Once DEP approves the ELUR, Delta Rubber must record the ELUR on the municipal land records. **EPA expects that the ELUR for the Delta Rubber Facility be approved by DEP and recorded on the municipal land records by no later than September 30, 2008.**

Based on EPA's review of the March 2007 RCRA Equivalency Demonstration for the former Surface Impoundments, EPA recommends that DEP approve the Equivalency Demonstration. The surface impoundments have been regulated as RCRA land disposal units. The March 2007 RCRA Equivalency Demonstration demonstrated, through soil and groundwater data collected in and around the former impoundments, that the impoundments were closed and remediated sufficiently to meet the criteria set out in 40 Code of Federal Regulations Part 264 and to achieve compliance with the CT RSRs. This Statement of Basis proposes that, aside from the ELUR to be executed and recorded for the entire Facility as discussed above, no other controls or monitoring of these units is necessary to protect human health and the environment and to comply with applicable federal and state hazardous waste regulations. These units would therefore be considered "clean closed" following DEP's approval of the closure Equivalency Demonstration. Delta Rubber Company is currently not carrying financial assurance for the former surface impoundments. This is in accordance with a November 6, 1984 letter from DEP that released Delta from the obligation to carry financial assurance for these units.

Following execution and recording of the ELUR for the Facility, the Licensed Environmental Professional (LEP) (see Glossary, page 21) for the Facility will verify that the Facility has met its obligations under the Connecticut Property Transfer Act (see Glossary, page 20). Once DEP receives the final verification that the Connecticut Property Transfer Act obligations have been met at the Facility, provided the Facility has submitted all other appropriate forms under the Property Transfer Act, DEP plans to audit the verification rendered by the LEP. DEP can then terminate Interim Status (see Glossary) at the Facility pursuant to Regulations of Connecticut State Agencies (RCSA), Section 22a-449(c)-110(a)(2)(RR), incorporating 40 CFR 270.73(a) by rendering a determination on the Facility's permit application for post closure care of its surface impoundments. EPA expects that DEP's decision on the termination of Interim Status at the

Facility will be made following an additional public comment period, satisfying the requirements found in RCSA 22a-449(c)-110(a)(2)(RR). This remedy proposal is contingent on DEP approval of the closure Equivalency Demonstration for the former surface impoundments and on DEP's termination of Interim Status at the Facility (which assumes compliance with the Property Transfer Act).

III. EPA'S RATIONALE FOR PROPOSING THAT RCRA CORRECTIVE ACTION OBLIGATIONS ARE COMPLETE

Based on the above information, EPA and DEP are proposing a "Corrective Action Complete with Controls Determination" (see Glossary) for the Delta Rubber Company Facility

EPA believes that a "Corrective Action Complete with Controls Determination" is appropriate because, once the Environmental Land Use Restriction (ELUR) is executed and recorded for the Facility, the following conditions will have been achieved at the Facility:

- all RCRA Corrective Action obligations will have been met;
- no further remediation or controls are necessary to protect human health and the environment under RCRA Corrective Action; and
- for the reasons cited above, there are no exceedances of regulatory significance of Connecticut's Remediation Standards Regulations (CT RSRs).

EPA and DEP agree with the Facility's request to discontinue groundwater monitoring because:

- Groundwater in the immediate area of the facility is classified by DEP as "GB," as is typical in urbanized or industrial areas where a public water supply is available. GB-classified groundwater is presumed not suitable for human consumption without treatment. There are no known uses of groundwater beneath the Facility except for a well installed at 50 feet below ground surface which draws water for use in Delta Rubber's manufacturing. Results of the site investigation confirmed that groundwater from the Facility does not migrate to off-site areas that may be used for drinking water wells.
- There were no exceedances of default Residential or Industrial/Commercial Volatilization Criteria.
- There were no exceedances of default Surface Water Protection Criteria (SWPC), except for exceedances for zinc. Zinc was detected at 9 groundwater monitoring wells on-site at concentrations exceeding its default SWPC of 0.123 milligrams zinc per liter of water (mg/L). Concentrations of zinc measured in groundwater at these wells ranged up to 1.1 mg/L. In accordance with Section 22a-133k-3(b)(3)(A) of the CT RSRs, Delta Rubber calculated an alternative SWPC for zinc, using information on the rates of flow for the Quinebaug River and for groundwater at the Facility. All zinc concentrations measured in groundwater at the facility have been well below the site specific SWPC of 21 mg/L. Therefore, results of groundwater investigation show that groundwater concentrations at the Facility comply with the CT RSRs.

- Results of investigation and remediation at the Facility show that soils comply with the CT RSR GB Pollutant Mobility Criteria (PMC). The PMC are designed to protect groundwater from contaminants that may leach from the soil to the groundwater.

Evaluation of Proposed Completion with Respect to Standards and Decision Factors

In addition to the rationale presented above, EPA has evaluated the effectiveness of the proposed Completion with Controls determination using Remedy Selection Criteria set forth in available EPA guidance.⁵ These criteria provide a framework for measuring the effectiveness of a proposed Remedy. These Remedy Selection Criteria are presented below:

Threshold Criteria:

Overall Protection. This proposed Completion determination provides protection of human health and the environment. The investigative and remedial work conducted by the Facility demonstrates compliance with remediation standards promulgated by the State of Connecticut for protection of human health and the environment (CT RSRs).

Attainment of Media Cleanup Standards. Connecticut Remediation Standard Regulations (RSRs) were used as the Media Cleanup Standards for the Facility. As described above, results of investigation and remediation show that compliance with the CT RSRs has been attained at this Facility. Specifically, soil meets Industrial/Commercial Direct Exposure Criteria and GB Pollutant Mobility Criteria. Results of groundwater investigation at the Facility demonstrate that groundwater has attained Surface Water Protection Criteria (SWPC) and Residential and Industrial/Commercial Volatilization Criteria. Concentrations of zinc measured at 9 monitoring wells exceeded the default SWPC of 0.123 milligrams zinc per liter of water (mg/L). Concentrations of zinc measured in groundwater at the facility ranged up to 1.1 mg/L. In accordance with Section 22a-133k-3(b)(3)(A) of the CT RSRs, Delta Rubber calculated an alternative SWPC for zinc, using information on the rate of flow for the Quinebaug River and for groundwater at the Facility. All zinc concentrations measured in groundwater at the Facility have been well below the site specific SWPC of 21 mg/L. To ensure Industrial/Commercial Direct Exposure Criteria remain protective of human health and the environment, Delta Rubber must execute and record an Environmental Land Use Restriction (ELUR) for the Facility, restricting “residential activity” including any activity related to a (a) residence or dwelling, including but not limited to a house, apartment, or

⁵ The Remedy selection criteria are described in Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Proposed Rule. 61 Fed. Reg. 19432, 19449 (proposed May 1, 1996) found at the following page of EPA’s website: <http://www.epa.gov/fedrgstr/EPA-WASTE/1996/May/Day-01/pr-547.pdf>

condominium, or (b) school, hospital, day care center, playground, or outdoor recreational area.

Controlling Sources of Releases. The proposed Completion is based on information showing that there are no current on-site releases of contaminants to soil or groundwater. As described above, all identified releases have been controlled by removing wastes and any impacted soil, or sediment to levels protective of human health and the environment. Soil or sediment removal has been performed at the former Surface Impoundments, former Oil and Hazardous Waste Storage Area, Discharge Outfall 001, Discharge Outfall 002, Former Oil/Water Separators, and Building B Loading Dock Catch Basins.

Compliance with Waste Management Standards. The proposed Remedy complies with all applicable requirements for the management of solid wastes.

Balancing Criteria:

Long-term Reliability and Effectiveness. This Remedy is effective and reliable with respect to the long-term since there currently exist no on-site sources of contaminants that may pose a threat in the long-term under industrial/commercial land use. As described above, Delta Rubber will execute and record an Environmental Land Use Restriction on the property to restrict residential activity.

Reduction of Toxicity, Mobility, or Volume of Wastes. The toxicity, mobility and volume of waste impacting the environment as a result of Delta Rubber operations has been reduced or eliminated. Any identified contaminated soil or sediment has been removed and disposed off-site at an authorized facility.

Short-term Effectiveness. The proposed Remedy is comprehensive in the short-term since there are no immediate risks to human health or the environment.

Implementability. Implementation of this proposal will be complete once Delta Rubber Company executes and records an Environmental Land Use Restriction for the property, restricting residential activity.

Cost. The Facility has spent significant time and money to demonstrate compliance with the Connecticut Remediation Standard Regulations at the Facility. As contaminant sources have been removed and additional monitoring is not necessary, the only remaining costs associated with this proposal are the costs of executing, recording and maintaining an Environmental Land Use Restriction for the Facility.

In summary, EPA and DEP, using all available information, are announcing this Corrective Action Completion determination proposal that, once Delta Rubber Company has executed and

recorded an Environmental Land Use Restriction (ELUR) restricting residential activity for the Facility, no further Resource Conservation and Recovery Act Corrective Action is necessary at the Facility. EPA and DEP have determined that no further Corrective Action is necessary based on results of investigation and remediation at the Facility demonstrating that releases of hazardous wastes do not pose a threat to human health or the environment under an industrial/commercial land use scenario and that the Facility has attained remediation standards promulgated by the State of Connecticut for protection of human health and the environment (CT RSRs). EPA expects that, following execution and recording of the ELUR for the facility, the Facility's Licensed Environmental Professional will verify that Connecticut Property Transfer Act obligations have been met at the Facility. In addition, DEP will approve the March 2007 RCRA Equivalency Demonstration for the former Surface Impoundments. DEP will then render a final administrative determination. To do this, DEP will terminate Interim Status (see Glossary, page 21) at the Facility, pursuant to Regulations of Connecticut State Agencies (RCSA), section 22a-449(c)-110(a)(2)(RR), incorporating 40 CFR 270.73(a), by rendering a determination on the Facility's permit application for post closure care of its surface impoundments. The Remedy Decision and Completion with Controls determination for the Facility, proposed herein, are contingent on DEP's approval of the closure Equivalency Demonstration for the former surface impoundments and on DEP's termination of Interim Status at the Facility.

Notwithstanding this Completion determination, EPA or an authorized State may conclude additional cleanup is needed if, subsequent to this Completion determination, EPA or an authorized State discovers evidence of unreported or misrepresented releases.

IV. PUBLIC PARTICIPATION

Public Comment Invitation

All interested persons are invited to express their views on the proposed Completion with Controls determination for the Delta Rubber Company Facility. Public comment on all Corrective Action proposals, and supporting information, is an important contribution to EPA's and DEP's decision-making.

Written comments on this proposal will be accepted if submitted to EPA from August 6 to no later than September 5, 2007. To comment formally, please send written comments, post marked no later than September 5, 2007 to:

Stephanie Carr
EPA Region 1
1 Congress Street
Suite 1100 (HBT)
Boston, MA 02114-2023
e-mail: carr.stephanie@epa.gov
fax: 617/918-0363

A comment form and mailer is included at the end of this document. All comments received during the comment period will be considered prior to EPA and DEP reaching a final decision on Completion of Corrective Action.

As described above, EPA expects that DEP will hold a subsequent public comment period on DEP's proposed termination of Interim Status at the Facility.

Response to Public Comments/Decision-Making Process

Following a review of public comments, EPA and DEP will decide whether to make this proposed Completion determination a final determination. If the EPA and DEP make the proposed determination a final determination, then, once it executes and records an Environmental Land Use Restriction for the property, as described above, Delta Rubber will be considered to have completed Resource Conservation and Recovery Act Corrective Action requirements at the Facility.

EPA and DEP will not make a final decision regarding this proposed Completion determination until the public comment period has closed and all received comments have been evaluated and addressed. Based on any new information or comments from the public, EPA and DEP may modify this proposal. A brief decision-making document (Decision Document) that responds to comments will be prepared by EPA and DEP in order to address all significant public comments received during the public comment period. If the comments are such that significant changes are made to this proposal, EPA and DEP will seek additional public comments on a revised

proposal. If no comments are received that result in significant changes to this proposal, EPA and DEP's final decision will be issued in a brief letter to the Facility.

Additional Public Information

For additional information regarding the Facility please contact:

Stephanie Carr, EPA – Region 1
Phone: 617/918-1363
Toll Free Phone: 1-888-EPA-REG1 (1-888-372-7341), ext. 81363

This document provides only a summary description of the investigation and activities performed at the Facility. Therefore, the public is encouraged to consult the Administrative Record for a more complete discussion. The Administrative Record includes documents containing the information on which this proposed Completion determination is based. These documents include this Statement of Basis, environmental assessment reports describing the Facility's release and operation history, the results of site investigation activities, reports on remediation performed at the Facility and other documents which provide additional or supplemental information regarding the work conducted at the Facility.

The Administrative Record is available for review at the following locations:

Town of Killingly Public Library
Reference Section
25 Westcott Rd
Danielson CT 06239
Phone: (860) 779-5383

Killingly Public Library Hours
closed most bank holidays

Monday	9:30 am - 5:30 pm
Tues.-Thurs.	9:30 am - 7:00 pm
Friday	9:30 am - 5:30 pm
Saturday	9:30 am - 3:30 pm
Saturday Summer Hours June, July, August	9 am - 1 pm

and

US EPA Records Center
One Congress Street
Boston MA 02114
(617) 918-1420

*The Records Center hours are Monday-Friday
10:00 a.m. to 1:00 p.m. and 2:00 p.m. to 5:00 p.m.
Closed on Federal Holidays*

This Statement of Basis and other information on the Delta Rubber facility are available at EPA's web page for the Delta Rubber Facility at:
<http://www.epa.gov/region1/rcra/deltarubber>

V. GLOSSARY

Background Concentrations: Background concentrations for a substance generally refer to concentrations of that substance in soil, groundwater, surface water, sediment, or air that are not affected by a release of hazardous waste or hazardous constituents. Background concentrations are often used for comparison with data from site investigation for assessing whether a release of hazardous waste or hazardous constituents has occurred. Typically, testing for determining background concentrations is performed in the geographic vicinity of the site in question. See Regulations of Connecticut State Agencies (R.C.S.A.) Section 22a-133k-1(a) for Connecticut's regulatory definitions of "Background concentration for ground water" and background concentration for soil."

Completion with Controls Determination: A "Corrective Action Complete with Controls determination" signifies that investigation and remediation obligations under RCRA Corrective Action have been completed at a facility and that one or more controls is necessary to ensure that the cleanup is protective of human health and the environment. Controls could include engineered controls, designed to physically control migration of contaminants or to prevent exposure to contaminants, or institutional controls, which are administrative or legal controls that minimize the potential for human exposure to contamination by limiting land or resource use. Completion with Controls determination is described more fully in the 68 Federal Register 8757 at 8761, *Final Guidance on Completion of Corrective Action Activities at RCRA Facilities*, February 25, 2003 available at:

http://www.epa.gov/correctiveaction/resource/guidance/gen_ca/compfedr.pdf

Connecticut Property Transfer Act: The Connecticut Property Transfer Act requires the disclosure of environmental conditions when certain properties and/or businesses are transferred. When transferring an establishment where there has been a release of a hazardous waste or a hazardous substance, the party signing the Property Transfer Form certification agrees to investigate the parcel and remediate pollution caused by any release of a hazardous waste or hazardous substance from the establishment. Additional information on the Connecticut Property Transfer Act is available at the following page of DEP's website:
http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325004&depNav_GID=1626

Connecticut Remediation Standard Connecticut's Remediation Standard Regulations (RSRs): The CT RSRs provide detailed guidance and standards that may be used at any site to determine whether or not remediation of contamination is necessary to protect human health and the environment. The RSRs are found in Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies (RCSA), adopted January 30, 1996. The RSRs can be found on the following page of the Connecticut Department of Environmental Protection website: http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325012&depNav_GID=1626. CT RSR Criteria discussed in this document include the following:

- Direct Exposure Criteria (DEC): The DEC are designed to protect human health and the

GLOSSARY (continued)

- environment from potential risks associated with direct exposure to contaminated soils.
- **Pollutant Mobility Criteria (PMC):** The PMC are designed to protect groundwater from contaminants that may leach from the soil to the groundwater.
 - **Volatilization Criteria (VC):** The VC are designed to protect occupants of buildings near polluted groundwater from volatile contaminants (chemicals that evaporate easily) that could evaporate and enter these buildings as a gas.
 - **Surface Water Protection Criteria (SWPC):** The SWPC are designed to ensure that polluted groundwater discharging to surface water does not adversely affect surface water quality.

Corrective Action: Corrective Action refers to obligations for facilities regulated under the Resource Conservation and Recovery Act to investigate and remediate releases of hazardous waste or hazardous constituents at or from the facility to soil, groundwater, surface water, sediments, or air. The Corrective Action program in Connecticut has been delegated from EPA to DEP and is administered according to the Regulations for Connecticut State Agencies (RCSA) Section 22a-449(c)-104(a)(2)(O) (Corrective action for solid waste management units), incorporating 40 CFR 264.101, available on DEP's website: [http://www.ct.gov/dep/lib/dep/regulations/22a/22a-449\(c\)100through119.pdf](http://www.ct.gov/dep/lib/dep/regulations/22a/22a-449(c)100through119.pdf).

Environmental Land Use Restriction (ELUR): An ELUR is a restrictive covenant that is recorded on the municipal land records for a property and runs with the land. The purpose of an ELUR is to prevent certain types of uses of a property, to limit specific activities on a contaminated property or to minimize the risk of exposure to the pollutants. ELURs are described in Section 22a-133q-1 of the Regulations of Connecticut State Agencies (R.C.S.A.) found on DEP's website: <http://www.ct.gov/dep/lib/dep/regulations/22a/22a-133k-1through3.pdf>.

Interim Status: Interim Status was granted to facilities that notified EPA that they were already treating, storing, or disposing of hazardous waste when Resource Conservation and Recovery Act provisions requiring permits for facilities to treat, store, or dispose of hazardous waste were enacted in 1980. Interim Status allows a facility to operate without a permit, provided it complies with certain standards, until the overseeing agency can make a final permit determination,

Licensed Environmental Professional: A "Licensed Environmental Professional" or "LEP" is an environmental professional licensed by the State of Connecticut to oversee investigation and cleanup under Connecticut state regulations. More information is available on DEP's website: http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324978&depNav_GID=1626.

National Pollutant Discharge Elimination System (NPDES) permit: The National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating

GLOSSARY (continued)

point sources that discharge pollutants into surface water. Point sources are discrete conveyances such as pipes or man-made ditches. More information can be found on the following page of EPA's website: <http://cfpub.epa.gov/npdes>

Resource Conservation and Recovery Act (RCRA): The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was enacted in 1976 to address municipal and industrial solid waste with the goals of protecting human health and the environment from the potential hazards of waste disposal, conserving energy and natural resources, reducing the amount of waste generated, and ensuring that wastes are managed in an environmentally safe manner. The term "RCRA" is often used interchangeably to refer to the laws enacted by the U.S. Congress and the U.S. EPA regulations which carry out the congressional intent by providing explicit, legally enforceable requirements for waste management. The laws include the Solid Waste Disposal Act, Resource Conservation and Recovery Act, and Hazardous, Solid Waste Amendments and subsequent amendments and can be found at 42 U.S.C §§ 6901 et seq. The regulations can be found at Title 40 of the Code of Federal Regulations (CFR) Parts 239 through 282.

Screening Levels: Screening levels are contaminant concentration levels designed for comparison to results of environmental testing. Generally, if contaminant concentrations are below appropriate screening levels, no further investigation or remediation is necessary. If contaminant concentrations are above screening levels, further evaluation is generally necessary to determine whether the contaminant concentration pose a risk to human health or the environment.

REFERENCES

The following information has been used in developing this Statement of Basis:

1. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Proposed Rule. 61 Fed. Reg. 19432, 19449 (proposed May 1, 1996) found at the following page of EPA's website: <http://www.epa.gov/fedrgstr/EPA-WASTE/1996/May/Day-01/pr-547.pdf>
2. Property Transfer Program: An Environmental Program Fact Sheet found at http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325006&depNav_GID=1626
3. RCRA Orientation Manual 2006 found at <http://www.epa.gov/epaoswer/general/orientat/>
4. Remediation Standard Regulations Fact Sheet found at http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325014&depNav_GID=1626
5. National Oceanic and Atmospheric Administration (NOAA) Screening Quick Reference Tables at the following page of the NOAA website:
http://response.restoration.noaa.gov/book_shelf/122_squirt_cards.pdf.
6. Final Guidance on Completion of Corrective Action Activities at RCRA Facilities 68 Federal Register 8757 at 8761, February 25, 2003 available at:
http://www.epa.gov/correctiveaction/resource/guidance/gen_ca/compfedr.pdf
7. September 1999 Report on Environmental Site Assessment, The Delta Rubber Company Route 12, Danielson, CT, prepared by ALTA Environmental Corporation
8. December 1999 Report on Remediation at AOC # 6, The Delta Rubber Company Route 12, Danielson, CT, prepared by ALTA Environmental Corporation
9. September 5, 2000 Additional Groundwater Quality Data, The Delta Rubber Company Route 12, Danielson, CT, prepared by ALTA Environmental Corporation
10. February 2002 Report on Remediation at AOC #7, The Delta Rubber Company Route 12, Danielson, CT, prepared by ALTA Environmental Corporation
11. May 2002 Request for Waiver from Post-Remedial Groundwater Monitoring at Selected Release Areas with transmittal letter dated May 31, 2002, prepared by ALTA Environmental Corporation
12. January 2005 Results of Limited Investigations Pertinent to Post-Remedial Groundwater Monitoring, prepared by ALTA Environmental Corporation
13. February 8, 2005 CT DEP Approval of May 2002 "Request for Waiver From Post-Remedial Groundwater Monitoring at Selected Release Areas" and January 2005 "Results of Limited Investigations Pertinent to Post-Remedial Groundwater Monitoring"
14. June 6, 2006 EPA Ecological Risk Review of Information for AOC#6 and AOC#7
15. March 2007 RCRA Equivalency Demonstration, The Delta Rubber Company Route 12, Danielson, CT, prepared by ALTA Environmental Corporation

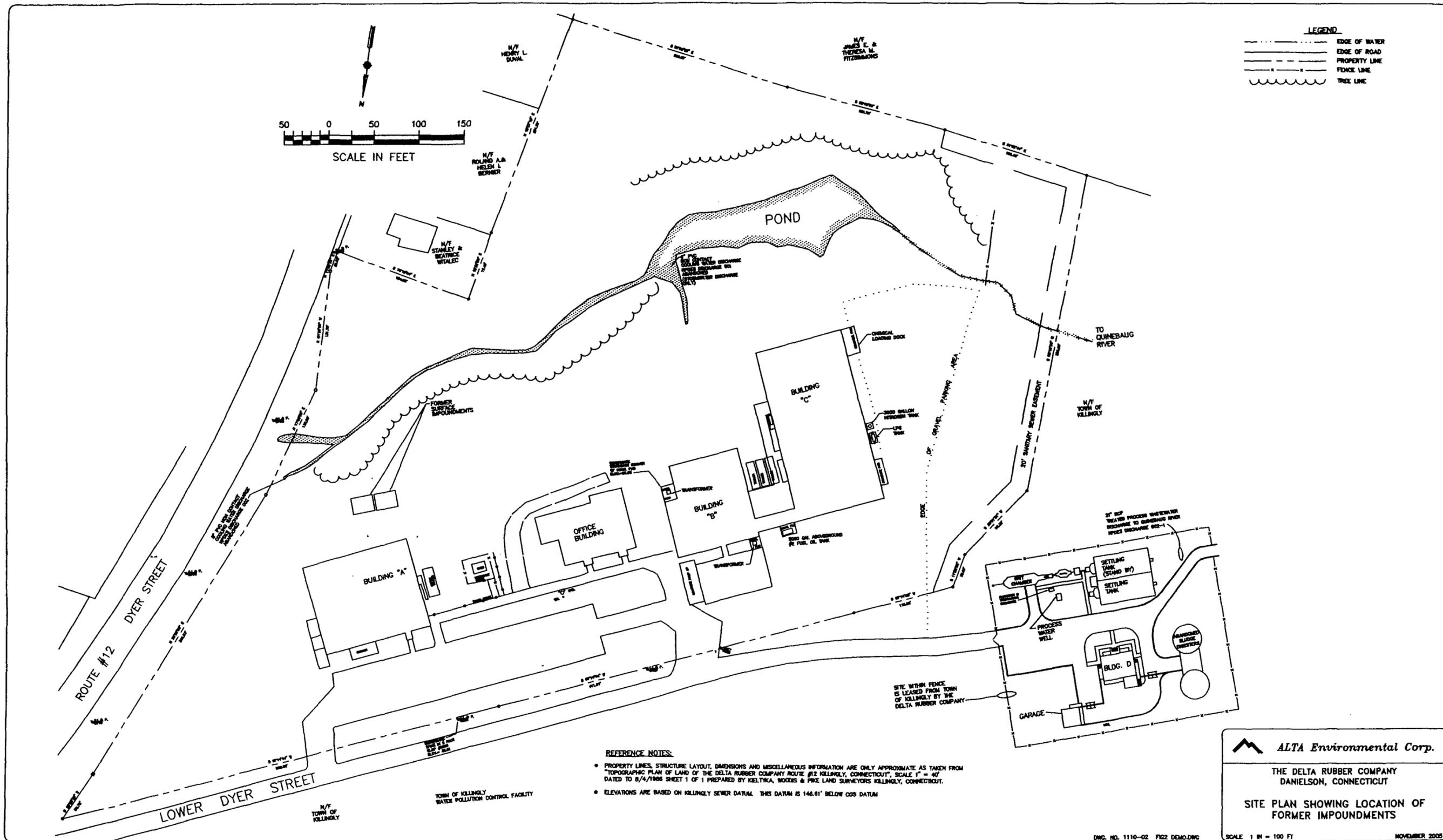


Figure 2