

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**RCRA FINAL DECISION AND RESPONSE TO COMMENTS**

**FOR**

**Henkel Surface Technologies  
Morenci, Michigan**

**June 2006**

**FINAL DECISION AND RESPONSE TO COMMENTS  
SELECTION OF FINAL REMEDIAL ALTERNATIVE  
FOR  
Henkel Surface Technologies  
Morenci, MI**

## **Introduction**

This Final Decision and Response to Comments (FDRTC) is presented by the United States Environmental Protection Agency (U.S. EPA) for the former Henkel Surface Technologies facility (HST) located in Morenci, MI. Attached to this document is the previously issued Statement of Basis (Attachment I). The Statement of Basis provided the proposed remedy and was made available for public review and comment from March 30, 2006 to May 15, 2006. The U.S. EPA did not receive any comments on the Statement of Basis. This FDRTC selects the final remedy to be implemented at HST based on the Administrative Record.

## **Assessment of the Site**

The response action documented in this FDRTC is necessary to protect human health and the environment.

## **Selected Remedy**

The U.S. EPA has selected the following remedy to address the contaminated soils and groundwater at the Site:

**Land Use Restrictions** (Declaration of Restrictive Covenants, Lenawee County, MI) for the remaining site property. Site property is identified as Lenawee County TAX ID HM0-305-0330-00. The restrictions shall provide that:

- a) The owner shall restrict the use of the property to uses compatible with commercial, II, III or IV land use categories, as defined by MDEQ pursuant to Section 20120a(1) of Part 201 of NREPA, as in effect as of November 22, 2005, or other use that is consistent with the assumptions and basis for the cleanup criteria established pursuant to Section 20120a(1)(b),(d),(g) or (i). The owner must also comply with MDEQ's Part 201 requirements regarding physical hazards. This will involve a deed notice that broken

glass and china existing in the subsurface soil of the creek bank in the area formerly known as Waste Area 6 could present a hazard to construction workers. Cleanup criteria for land use-based remedial action plans are located in the Government Documents Section of the State of Michigan Library.

b) The owner shall prohibit the construction of wells or other methods or devices on the property to extract groundwater from the shallow aquifer under the property for consumption, irrigation, or any other use unless approved by MDEQ. Short term de-watering for construction purposes is permitted provided that such de-watering is conducted in accordance with all applicable local, state and federal laws and regulations.

The MDEQ Water Bureau is in the process of approving a groundwater mixing zone analysis under State Regulations implementing the Clean Water Act, since the concentration of vinyl chloride in the groundwater discharging from the site to Bean Creek currently exceeds the MDEQ groundwater/surface water interface criteria. The approval will likely require the owner to conduct semiannual groundwater monitoring and reporting to MDEQ to verify compliance with the conditions set by the MDEQ, along with a financial assurance requirement. In addition, the MDEQ Remedial Action Team (RAT) also recommended that the deed restriction for land use put in place as a result of the US EPA §3008h Consent Order be modified to include a broken glass hazard as a result of former dairy farm activities conducted there. This modification is in process.

## **Public participation**

A public notice announcing the public comment period was published in the State Line Observer newspaper on March 29, 2006 and was also broadcast on local radio station WQTE (95.3 FM) on March 29, 2006 between 6 a.m. and 10 a.m. A forty-five (45) day public comment period was held from March 30, 2006 and May 15, 2006. The U.S. EPA did not receive any comments.

## **Administrative Record**

The Administrative Record upon which the final remedy was selected is available at The Office of the City Clerk, Morenci, MI, at 118 Orchard Street, Morenci, Michigan and the Waste Pesticides and Toxics Division Records Center of the U.S. EPA, Region 5 office, at 77 W. Jackson Boulevard, 7<sup>th</sup> floor, Chicago, Illinois.

## Declaration

Based on the Administrative Record compiled for this corrective action, U.S. EPA has determined that the selected remedy for HST is appropriate and is protective of human health and the environment.

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Margaret M. Guerriero, Director  
Waste Pesticides and Toxics Division  
U.S. Environmental Protection Agency  
Region 5

Date\_\_\_\_\_

Attachment

**ATTACHMENT I**