



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGION III

STATEMENT OF BASIS

L.E. HUTCHENS, INC.

STUART, VIRGINIA

EPA ID NO. VAD981105521

JULY 15, 2010

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I. INTRODUCTION

A. Facility Name

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) for the L.E. Hutchens facility located at 22 Performance Drive, Stuart, Virginia 24171 (hereinafter referred to as the Facility).

The Facility is subject to the Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. Sections 6901 to 6992k. The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and waste constituents that have occurred at their property.

Information on the Corrective Action Program can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

B. Proposed Decision

This SB explains EPA's proposed decision that Corrective Action is complete and no land use controls are required for the Facility. EPA's proposed decision is based on a site visit and a review of EPA and Virginia Department of Environmental Quality (VDEQ) files regarding the environmental history of the Facility as presented in the Final RCRA Site Visit Report submitted on December 29, 2006. Based on this review, EPA has concluded that there are no current or unaddressed releases of hazardous waste or hazardous constituents from the Facility.

C. Importance of Public Input

Before EPA makes a final decision on its proposal for the Facility, the public may participate in the remedy selection process by reviewing this SB and documents contained in the Administrative Record (AR) for the Facility. The AR contains the complete set of reports that document Facility conditions, including a map of the Facility, in support of EPA's proposed decision. EPA encourages anyone interested to review the AR. A copy of the AR is available for public review, as well as an electronic copy, from the EPA Region III office, the address and telephone number of which is provided in Section V, below.

EPA will address all significant comments received during the public comment period. If EPA determines that new information or public comments warrant a modification to the proposed decision, EPA will modify the proposed decision or select other alternatives based on such new information and/or public comments. EPA will approve its final decision in a document entitled the Final Decision and Response to Comments (FDRTC).

II. FACILITY BACKGROUND

The Hutchens facility is comprised of a 4-acre site located at 22 Performance Drive within the Patrick County Industrial Park in Stuart, Virginia. The South Mayo River is the primary surface water feature in the area which is located approximately one mile south of the facility.

Hutchens is a petroleum marketer that services central-southwest Virginia and the Piedmont area of North Carolina. The company was founded in 1975 as a home heating oil provider and continues to serve the immediate area with home heating products. The company is also a local marketer for several brands of gasoline at over 40 locations in Virginia and North Carolina as well as a local marketer for several brands of lubricants.

On September 17, 1986, Hutchens received Interim Status under the RCRA Regulations for the operation of a hazardous waste management facility for storage of hazardous waste in tanks. Hutchens provided portable solvent cleaning stations to automotive and industrial clients from approximately September 1986 until October 7, 1987. The cleaning stations typically consisted of a pumping system which recycled solvent from a 55-gallon drum to a sink situated atop the drum. The sink drained directly into the drum, and the drum was replaced with one containing clean solvent when the solvent was spent (dirty). The solvents used in the cleaning stations contained a mixture of aliphatic and aromatic hydrocarbons with synonyms White Spirits, Varnoline, and Naphtha Safety Solvent. The facility was listed as a Large Quantity Generator for D001 (waste ignitable liquids) due to the solvent wastes generated through their parts washing business.

The former hazardous waste tank farm consisted of two 12,000 gallon tanks for reclaimed solvent and one 10,000 gallon tank for virgin solvent. The tanks were formerly stored on a concrete pad with a containment dike. The area also contained a pump station for transferring the tank contents. There is no record of any historical releases in this area. Hutchens sold the parts washing business, including 23,000 gallons of waste solvent, to Safety-Kleen in 1987. The hazardous waste tank farm was certified closed in 1988. In 1989, the Notice of Termination of Interim Status was approved by the Virginia Department of Waste Management. The containment area is currently leased to a propane distribution company and is utilized as a storage area for equipment and supplies.

Hutchens is listed as a conditionally exempt small quantity generator and transporter, and maintains a current Integrated Contingency Plan which includes an Environmental Management Plan and Spill Prevention Control and Countermeasures (SPCC) Plan that documents the procedures for addressing spills and preventing releases to local surface waters.

Current information about the Hutchens facility and their current products/services may be found online at their website: <http://www.hutchenspetro.com>.

III. SUMMARY OF ENVIRONMENTAL HISTORY

The environmental history at the Facility is as follows:

- On May 30, 1986, Hutchens started operating as a hazardous waste management facility.
- On September 17, 1986, Hutchens received Interim Status under the RCRA Regulations for the operation of a hazardous waste management facility for storage of hazardous waste in tanks.
- On October 7, 1987, Safety Kleen, Inc. purchased the portable cleaning stations.
- On October 15, 1987 the facility submitted a written Closure Plan to the Virginia Department of Waste Management (VDWM), predecessor to the DEQ, to close the Hazardous Waste Management Units (HWMUs) operated under Interim Status under the RCRA Regulations.
- On November 11, 1987, Public Notice for Termination of Interim Status was published in the Enterprise Newspaper located in Stuart, Virginia. No pertinent comments were received during the comment period which began November 11, 1987, and ended December 14, 1987.
- An October 19, 1988 Closure Certification was prepared by Dewberry & Davis for closure of the HWMUs under the RCRA Regulations. An addendum to the Closure Certification was provided by Dewberry and Davis on November 7, 1988.
- On February 1, 1989, the VDWM approved the Notice of Termination of Interim Status as a hazardous waste tank storage facility.
- On August 6, 1991, the VDWM personnel inspected the facility and reported that there appeared to be no environmental threat from the former HWMUs and current Solid Waste Management Units (SWMUs).
- In July 1992, the facility was added to the Corrective Action Universe as a Low Priority site based on the Environmental Priorities Initiative Preliminary Assessment of L.E. Hutchens, Inc., dated September 18, 1991.
- On December 29, 2006, the US Army Corps of Engineers, Norfolk District, prepared a RCRA Site Visit Report for a Site Visit, conducted June 27, 2006. All the SWMUs and Areas of Concern (AOCs) listed in the report, with the exception of the former hazardous waste tank storage facility described above, are currently regulated as above ground petroleum storage tanks (ASTs) under 40 CFR 112.

- In September 2009, the Environmental Indicators were determined to be Yes for both human exposures and groundwater releases.
- On March 23, 2010 a site visit was conducted by VDEQ to review the CA history and requirements with site personnel.

Several small spills have been documented at the facility; however, all records indicate that these spills were appropriately addressed using spill mitigation techniques such as absorbent pads. Furthermore, these spills have primarily occurred and have been contained on paved areas which minimized the potential for environmental contamination. Based on this environmental history, the facility has no record of unmitigated releases that could have impacted soil and groundwater, and no further corrective action is required.

IV. EVALUATION OF EPA'S PROPOSED DECISION

EPA has determined that its proposed decision for the Facility is protective of human health and the environment and that no further corrective action or controls are necessary at this time.

V. PUBLIC PARTICIPATION

Interested persons are invited to comment on EPA's proposed decision. The public comment period will last thirty (30) calendar days from the date that notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Denis Zielinski at the address listed below.

A public meeting will be held upon request. Requests for a public meeting should be made to Mr. Denis Zielinski at the address listed below. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed decision at this Facility. To receive a copy of the Administrative Record, contact Mr. Denis Zielinski at the address below:

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Contact: Mr. Denis Zielinski (3LC20)
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