



UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION III

STATEMENT OF BASIS

VENEZIA, INC.

NAZARETH, PENNSYLVANIA

PAD 099 427 908

I. Introduction

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) to solicit public comment on its proposed remedy for the Venezia, Inc. (Venezia) Facility located at 3987 Easton-Nazareth Highway/Route 248, in Lower Nazareth Township, Northampton County, Pennsylvania 18064 (Facility). EPA's proposed remedy consists of the compliance with and maintenance of institutional controls. EPA's proposed remedy is enforceable under an Environmental Covenant which has been executed by Venezia and approved by the Pennsylvania Department of Environmental Protection (PADEP) on May 10, 2011. This SB highlights key information relied upon by EPA in making its proposed remedy.

The Facility is subject to EPA's 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. §§ 6901 *et seq.* (Corrective Action Program). 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 hazardous constituents that have occurred at their Facility. The Commonwealth of Pennsylvania (Commonwealth) is not authorized for the Corrective Action Program under Section 3006 of RCRA. Therefore, EPA retains primary authority in the Commonwealth for the Corrective Action Program.

The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which EPA's proposed remedy is based. See Section IX, Public Participation, for information on how you may review the AR.

II. Facility Background

The Facility consists of approximately 10 acres. The eastern, southern, and western portions of the Facility are bordered by agricultural land. The Essroc Cement Company quarry is located to the North. A location map and a Facility layout are attached, hereto as Figures 1 and 2, respectively.

The Facility has been used for industrial operations since approximately 1960. Chemical Leaman Tank Lines, Inc. (CLTL) developed the Facility in 1960 as a trucking terminal. Operations were conducted at two buildings located along the northern and southern ends of the Facility. The southern building was used by CLTL as an engine rebuild shop. The northern building was used as offices and a truck maintenance garage.

In November 1980, CLTL filed a Part A Application for a Hazardous Waste Permit with EPA to qualify for interim status. CLTL filed as a Treatment, Storage, and Disposal (TSD) facility to store wastewater from the washing of tank trucks and residual chemicals stored at the Facility for more than 90 days. In August 1981, EPA acknowledged that CLTL qualified for interim status to operate as a hazardous waste management facility under EPA ID PAD099427908, which allowed CLTL to store process generated wastes in tanks and/or containers. CLTL operated at the Facility from approximately 1960 to 1999.

Quality Carriers, Inc. (Quality Carriers) acquired the Facility via the purchase of CLTL in 1999. Quality Carriers (a subsidiary of Quality Distribution, Inc. of Tampa, FL) occupied the Facility from 1999 until December 2006. In July 1999, Quality Carriers changed its RCRA status from TSD to Conditionally Exempt Small Quantity Generator.

Venezia purchased the Facility from Quality Carriers on December 28, 2006. Venezia is a hauler of cement and concrete dust and operates as a transporter of this non-hazardous commodity. The Facility is used for trailer storage and as a maintenance shop for Venezia's solid tanker fleet.

III. Summary of Environmental Investigations

A Preliminary Assessment Report (PAR) was prepared for the EPA Superfund Program by PADEP (then known as Pennsylvania Department of Environmental Resources) on October 7, 1985. This report contained information about unlined lagoons, the integrity of a concrete holding tank and summarized available analytical data.

In October 1995, R.E. Wright Environmental, Inc. (REWEI), on behalf of CLTL, submitted an Underground Storage Tank (UST) Closure Report to PADEP documenting the excavation and removal of three diesel fuel tanks installed in 1960, two heating oil tanks installed in 1960, one waste oil tank installed in 1973, and one 550 gallon waste oil tank installed in 1963. The non-diesel fuel USTs were removed from September 18 through 26, 1995, and the three diesel fuel USTs were removed on October 5, 1995.

The UST closure activities included soil excavation. Soil samples were collected from depths ranging from 2 to 21 feet below ground surface (bgs). Samples were collected and analyzed for Total Petroleum Hydrocarbons (TPH) and lead. Lead results in the post-excavation samples were less than 500 parts per million. TPH results indicated impacts from the heating oil and waste oil tanks. These areas were overexcavated (additional soil removed) and re-sampled. These results demonstrated acceptable levels of TPH. Extensive impacts were noted from the three diesel fuel tanks localized around 14 feet deep and ranging from 1,300-6,800 milligrams/kilogram (mg/kg) TPH. This area required overexcavation and subsequent groundwater characterization. Samples collected at 18 and 21 feet deep demonstrated acceptable TPH levels. Approximately 1155 cubic yards of contaminated soil were removed.

A Final Environmental Indicator (EI) Inspection Report, dated August 2007, was prepared by URS Corporation and submitted to EPA. The following RCRA Areas of Concern (AOCs) and Solid Waste Management Units (SWMUs) were identified at the Facility in need of further investigation: former unlined lagoons, former cleaning bay and underground sewer line, and the wastewater holding tank. In addition, PADEP identified certain issues related to the removal of the diesel fuel USTs in 1997.

PADEP and EPA are addressing the Venezia Facility under the One Cleanup Program Memorandum of Agreement (MOA) signed by EPA and PADEP in 2004. EPA and PADEP

notified Venezia of acceptance into the One Cleanup Program in November 2009. The MOA and the acceptance letter are in the Administrative Record.

From January 28 through February 2, 2010, Venezia's contractor, Earth Data Northeast, Inc., installed a total of fourteen (14) soil borings in accordance with an EPA and PADEP-approved Investigation Work Plan. Venezia submitted a Site Investigation Report (SIR) to EPA and PADEP in August 2010. Laboratory results confirmed the presence of Benzene, Carbon Tetrachloride, Trichloroethylene (TCE), and cis-1,2-Dichloroethylene (DCE) exceeding EPA Region 3 Regional Screening Levels (RSLs) for Protection of Groundwater (these standards are designed to predict groundwater impacts from contaminants leaching from soil into groundwater (see the Administrative Record for a more detailed discussion). The soil investigation results confirmed that historical releases of hazardous wastes were present, but the extent of contamination was limited to the immediate vicinity of the former lagoons and associated features. Laboratory results for all the other SWMUs and AOCs were below EPA's RSLs.

On January 20, 2011 Venezia submitted a Notice of Intent to Remediate to PADEP pursuant to Act 2 as prescribed in the MOA. Venezia agreed to address the outstanding investigation needs identified in the EI Report. Additionally, Venezia planned to address the outstanding UST issues under Pennsylvania's Storage Tank and Spill Prevention Act (Act 32 of 1989, as amended).

In April 2011, Venezia submitted a Remedial Action Completion Report to EPA and PADEP that summarized the completion of remedial activities and demonstrated attainment of PADEP's Act 2 SHS for groundwater impacts from the USTs. Specifically, Venezia confirmed that prior to abandonment of MW-3, due to a Right-of-Way expansion of Easton-Nazareth Highway/Route 248, groundwater sampling results collected in April 2005 revealed no SHS exceedances. Additionally, Venezia sampled MW-1, MW-4, and the former production well in January 2009, December 2009, and September 2010. Laboratory results confirmed that all constituents were below Act 2 SHS. EPA reviewed the results and determined that all constituents were also below EPA's National Primary Drinking Water Standard Maximum Contaminant Levels promulgated at 40 C.F.R. Part 141. Venezia also performed an Ecological Screening and Vapor Intrusion analysis, both of which demonstrated no need for further evaluation. The Remedial Action Completion Report was approved by PADEP on May 10, 2011 providing Venezia with a relief of liability for the soil, groundwater, and regulated substances addressed for the USTs.

In March 2011, Venezia submitted an Act 2 Remedial Investigation/Final Report to EPA and PADEP that demonstrated remediation of the VOCs in the subsurface from operation of the former lagoons to a Site Specific Standard (SSS). A human exposure pathway analysis was performed to determine if there were any complete pathways between the contaminated soil in the area beneath the former lagoons and any receptors. Exposure from dermal contact, ingestion, and inhalation from surface soils, subsurface soils, groundwater, and volatilization were assessed. Venezia concluded that the sole human exposure pathway is a hypothetical complete exposure pathway if contaminant migration to groundwater occurs. To prevent this, a prohibition on use of groundwater via an Environmental Covenant was executed effectively demonstrating that the SSS was achieved through pathway elimination. The Remedial Investigation/Final Report was approved by PADEP on April 13, 2011.

EPA reviewed the soil data presented in the Remedial Investigation/Final Report and determined that all constituents are below EPA Region 3 Residential Soil RSLs and therefore, not a direct contact threat. EPA analyzed whether low-level residual contamination remaining in the subsurface could have potential impacts to the groundwater if the Facility use changed. EPA evaluated the subsurface data using the 2002 Supplemental Guidance for Developing Soil Screening Levels (SSLs) for Superfund Sites (and its Appendices) to determine if site-specific SSLs revealed that the contaminants were a threat to human health or the environment. EPA's analysis and calculations can be found in a *Technical Memo regarding Soil-to-Groundwater Soil Screening Level decision at the Venezia Enterprises Nazareth Trucking Terminal* found in the AR. Based on the information presented in the technical memo, EPA has concluded that the VOCs do not warrant any further consideration as a threat to human health or the environment from migration to groundwater.

EPA's comparison of the SIR results to the PADEP Vapor Intrusion Technical Guidance Manual reveals several identified constituents (Benzene, Carbon Tetrachloride, Chloroform, TCE, and DCE) in soils near the former lagoons above EPA default soil screening levels for protection of indoor air for industrial settings. Currently, there are no buildings located within 100 feet of this area. Venezia's anticipated land use is for the Facility to remain a trucking terminal. No buildings are planned for the central part of the Facility where the former lagoons existed. Exposure could occur if the Facility were to be converted to residential uses or if buildings were constructed near the former lagoon area. Therefore, the Environmental Covenant includes reporting requirements to PADEP for any transfer or change in use of the Facility if it will affect the contamination at the Facility.

Given the Facility's role in supporting cement making operations at the adjacent Essroc plant, any change in land use for the foreseeable future is unlikely. On May 10, 2011, PADEP approved a land use covenant that prohibits groundwater use for potable purposes and requires notification to PADEP of any land use or ownership change. This covenant is enforceable and is designed to provide assurance that human health and the environment are protected in the long term.

IV. Corrective Action Objective

EPA's Corrective Action Objective for the Facility is the prevention of potential future exposure to vapors from residual soil contamination in the former lagoon area in the event land use changes.

V. Proposed Remedy

1. Institutional Controls

ICs are generally non-engineered mechanisms such as administrative and/or legal controls that minimize the potential for human exposure to contamination and/or protect the integrity of a remedy. Under this proposed remedy, some concentrations of contaminants will remain in the soil at the Facility above levels appropriate for residential uses. As a result, the proposed remedy

requires Venezia to maintain ICs in order to monitor and report on Facility changes to prevent human exposure to contaminants while such contaminants remain in place.

The current use restriction being implemented at the Facility is contained within an Environmental Covenant which was executed by Venezia and approved by PADEP on May 10, 2011 pursuant to the Pennsylvania Uniform Environmental Covenants Act, 27 Pa.C.S. §§ 6501-6517. The restriction is binding on Venezia during its ownership period, any future owners during their ownership period, and any tenants, agents, and employees of any portions of the Facility. The Environmental Covenant prohibits the use of onsite groundwater for potable purposes. In addition, the Environmental Covenant requires the owner and each subsequent owner to submit to the PADEP written documentation regarding the transfer of the Facility, changes in use of the Facility, or filing of applications for building permits for the Facility and any proposals for any site work if it will affect the contamination at the Facility.

If the Facility fails to meet its obligations under the Environmental Covenant, or EPA or PADEP, in its sole discretion, deems that additional ICs are necessary to protect human health or the environment, both agencies have the authority to enforce the Environmental Covenant and/or require additional ICs.

If PADEP were to approve changes to the Environmental Covenant that EPA determined made the ICs no longer protective of human health and the environment, EPA would take steps under applicable law to ensure protection of human health and the environment.

VI. Evaluation of EPA's Proposed Remedy

This section provides a description of the criteria EPA used to evaluate the proposed remedy consistent with EPA guidance. The criteria are applied in two phases. In the first phase, EPA evaluates three threshold criteria as general goals. In the second phase, for those remedies which meet the threshold criteria, EPA then evaluates seven balancing criteria to determine which proposed alternative provides the best relative combination of attributes.

A. Threshold Criteria

1. Protect Human Health and the Environment

Venezia has remediated soils to EPA's RSLs in the former UST area, EPA RSLs for direct contact in the former lagoon area, and a calculated soil SSS for protection of migration to groundwater in the former lagoon area. Since current and anticipated land use is non-residential, ICs have been implemented at the Facility to restrict future uses to ensure that human health and the environment will remain protected. The PADEP-approved Remedial Action Completion and Remedial Investigation/Final Reports evaluated all relevant exposure pathways, including the potential for vapor intrusion into present or future buildings. Under the terms of the Environmental Covenant, the groundwater beneath the Facility may not be used for potable purposes and any land use changes that might affect the contamination are reportable to PADEP.

These conditions are enforceable by PADEP and provide long-term assurance that the exposure assumptions used in developing EPA's proposed remedy are not changed without State approval. EPA has determined that Venezia's properly demonstrated attainment of EPA RCRA Corrective action standards are protective of human health and the environment.

2. Achieve Media Cleanup Objectives for Soil

EPA's proposed remedy meets the appropriate cleanup objectives based on current and reasonably anticipated land and water resource use. Contaminant concentrations identified in soils are below the applicable EPA Region 3 Residential Soil RSLs. Soil standards for protection of groundwater have been shown to meet a calculated SSS. For some soil contaminants, concentrations exceed the EPA default soil screening levels for protection of indoor air for industrial settings standard. Therefore an Environmental Covenant was executed to prevent potential future exposure.

3. Remediating the Source of Releases

In all decisions, EPA seeks to eliminate or reduce further releases of hazardous wastes and hazardous constituents that may pose a threat to human health and the environment. The Facility has remediated the sources of releases by excavating and bioremediating approximately 1155 cubic yards of contaminated soil from the former UST areas. The lagoon system was eliminated in November 1973. The lagoons were decommissioned by backfilling with roadbed-grade aggregate. Sampling performed in 2010 indicated low level contamination confirming removal of the wastewater and indicating more of a diffused residual amount of contamination in subsurface soils rather than a continuing source of releases.

B. Balancing/Evaluation Criteria

1. Long-Term Effectiveness

The proposed ICs will maintain protection of human health and the environment over time by controlling exposure to the hazardous constituents remaining in soils. EPA's proposed remedy requires the compliance with and maintenance of a use restriction at the Facility. The use restriction has already been implemented through an environmental covenant recorded with the deed for the Facility. The environmental covenant runs with the land and as such will be enforceable by the State against future land owners.

2. Reduction of Toxicity, Mobility, or Volume of the Hazardous Constituents

The reduction of toxicity, mobility and volume of hazardous constituents at the Facility has already been achieved by soil excavation, treatment, and UST removal. Sampling confirms that hazardous constituents were removed from the former lagoons.

3. Short-Term Effectiveness

EPA's proposed remedy does not involve any activities, such as construction or excavation, that would pose short-term risks to workers, residents, or the environment. In addition, the use

restriction has already been implemented through an environmental covenant recorded with the deed.

4. Implementability

EPA's proposed remedy is readily implementable. The ICs are in place. Therefore, EPA does not anticipate any regulatory constraints in implementing its proposed remedy.

5. Cost

EPA's proposed remedy is cost effective. Given that an environmental covenant has already been recorded with the deed to the Facility, the only recurring costs are compliance reporting costs required by the covenant. These costs are minimal.

6. Community Acceptance

EPA will contact the Nazareth, Pennsylvania township manager and explain this proposed remedy. A public notice and opportunity for public meeting to discuss this decision will be announced via publication of the proposed decision in a local newspaper.

EPA will evaluate community acceptance of the proposed remedy during the public comment period and will be described in the Final Decision and Response to Comments.

7. State/Support Agency Acceptance

EPA will evaluate State acceptance based on comments received from PADEP during the public comment period and will be described in the Final Decision and Response to Comments.

VII. Environmental Indicators

EPA sets national goals to measure progress toward meeting the nation's major environmental goals. For Corrective Action, EPA evaluates two key environmental indicators for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. The Facility met these indicators on June 1, 2011.

VIII. Financial Assurance

EPA has evaluated whether financial assurance for corrective action is necessary to implement EPA's proposed remedy at the Facility. Given that EPA's proposed remedy does not require any further engineering actions to remediate soil, groundwater or indoor air contamination at this time and given that the costs of implementing institutional controls at the Facility will be minimal, EPA is proposing that no financial assurance be required.

IX. Public Participation

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 all information considered by EPA in reaching this proposed remedy. It is available for public review during normal business hours at:

U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Mr. Kevin Bilash (3LC30)
Phone: (215) 814-2796
Fax: (215) 814 - 3113
Email: bilash.kevin@epa.gov

Interested parties are encouraged to review the AR and comment on EPA's proposed remedy. The public comment period will last thirty (30) calendar days from the date that notice is published in a local newspaper. You may submit comments by mail, fax, or e-mail to Mr. Kevin Bilash. EPA will hold a public meeting to discuss this proposed remedy upon request. Requests for a public meeting should be made to Mr. Kevin Bilash.

EPA will respond to all relevant comments received during the comment period. If EPA determines that new information warrant a modification to the proposed remedy, EPA will modify the proposed remedy or select other alternatives based on such new information and/or public comments. EPA will announce its final remedy and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC). All persons who comment on this proposed remedy will receive a copy of the FDRTC. Others may obtain a copy by contacting Mr. Kevin Bilash at the address listed above.

Date: _____

Abraham Ferdas, Director
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US EPA, Region III

Figure 1 – Location Map

Figure 2 – Facility Layout

Index to Administrative Record

Preliminary Assessment Report of Chemical Leaman Tank Lines, Inc., prepared by PADEP, October 7, 1985

Underground Storage Tank Closure Report, CLTL, prepared by R.E. Wright Environmental, Inc., October 1995

One Cleanup Program Memorandum of Agreement, signed by the U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, 2004

Final Environmental Indicator Inspection Report for Venezia (Formerly Quality Carriers, Inc. and Chemical Leaman Tank Lines, Inc.) 3987 Easton-Nazareth Road/Route 248 Nazareth, Pennsylvania 18064, prepared by URS Corporation, August 2007

One Cleanup Program Memorandum of Agreement acceptance letter, signed by the U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Protection, November 2009

Venezia - Nazareth Trucking Terminal, Site Investigation Report, prepared by Earth Data Northeast, Inc., August 2010

Venezia Enterprises - Nazareth Trucking Terminal, Act 2 Remedial Investigation/Final Report, prepared by Earth Data Northeast, Inc., March 2011

Venezia Enterprises - Nazareth Trucking Terminal, Remedial Action Completion Report, prepared by Earth Data Northeast, Inc., April 2011

Environmental Covenant, Venezia Inc., 3987 Easton-Nazareth Road/Route 248 Nazareth, Pennsylvania 18064, May 10, 2011

Technical Memo regarding Soil-to-Groundwater Soil Screening Level decision at the Venezia Enterprises Nazareth Trucking Terminal, prepared by EPA, September 2011