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west virginia department of environmental protection

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Office of Environmental Remediation  
601 57th Street SE  
Charleston, WV 25304  
Phone: 304-926-0455

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
dep.wv.gov

February 6, 2015

Certified Mail #91 7199 9991 7034 3257 1024

Mr. Mark Welch,  
Chief Restructuring Officer  
Freedom Industries  
1015 Barlow Drive  
Charleston, WV 25311

RE: Voluntary Remediation Program (VRP) Application  
Freedom Industries, Charleston, Kanawha County

Dear Mr. Welch:

A review has been completed of the Voluntary Remediation Program Application for Freedom Industries in Charleston, WV. Additional information and/or clarification/revision is required for approval. Please provide the following at your earliest convenience:

**VRP Application**

1. Section 2: Applicant name: (includes aliases or other names by which applicant is known or does business) – should Freedom Industries, Inc., Poca Blending, LLC be included here? Section 5 – Site Identification - lists “all USEPA and WVDEP identification numbers assigned to the site”, and Poca Blending, LLC is included in this section. It is recognized that Etowah River Terminal, LLC (ERT) was also an affiliated company – Etowah merged with and into Freedom Industries on 12/31/13, with Freedom as the surviving entity.
2. Section 2: Financial Capabilities - As demonstration of Freedom Industries’ financial capability to successfully complete voluntary remediation and satisfy any contractual obligations incurred related to voluntary remediation, Freedom submitted the U.S.

Bankruptcy Court Form 25C that was filed with the Court on October 28, 2014. Freedom subsequently provided a more recent Form 25C filed January 29, 2015. Upon review of this information, it is unclear to DEP that Freedom Industries has the financial capability to complete the voluntary remediation project. As reflected in the reports provided to DEP, expenses are depleting Freedom Industries's available resources rapidly. In fact, the Court recently entered an order on February 3, 2015 noting that Freedom Industries has insufficient funds available to pay requested administrative expense claims accruing over the course of its bankruptcy case to date. It is, therefore, not clear from the information provided that Freedom Industries has the financial capability to complete its voluntary remediation project. DEP requires additional information to demonstrate that Freedom Industries has, or has secured access to, financial resources that are adequate to successfully complete the voluntary remediation and satisfy any contractual obligations entered into by it that relate to the voluntary remediation.

3. Section 4: Site Description – GIS Data – This section requests accuracy of the Latitude and Longitude coordinates for the site – “map” is not an appropriate answer – please provide accuracy as requested.
4. Section 5: Existing Environmental Information – Site Assessment – The application asks if the site assessment is incomplete, then what additional site assessment work will be addressed in the Voluntary Remediation Agreement. Note that there were other contaminants of potential concern (COPC's) associated with the site, other than MCHM and PPH (calcium chloride, ethylene glycol, glycerin, etc.). Also, additional information is needed with regard to substances stored in the AST's, as noted in the Phase I Assessment (1010 Blend, RDC777). Additional COPC's noted as a result of the review of the Phase I Assessment include PCB's and lead. Assessment of potential migration of petroleum products mobilized by the HCHM/PPH spill will also be required.
5. Section 7: NAICS Code – The financial capability documents submitted list the NAICS code as 325199 – please revise as appropriate.
6. Attachment 3 - Figure 2: Based on historical groundwater gauging figures and the topographic map provided, the North arrow on Figure 2 is incorrect.
7. Attachment 4 - Site Survey: Acreage for site listed on survey (4.548 acres) does not match acreage for the parcel descriptions in the property deed and attached tax map (4.87 acres).
8. Attachment 5: Conceptual Site Model (CSM) Worksheet:
  - a. Section 3: Contaminants – MCHM and PPH should be listed as potential contaminants in surface water, sediments and air.

- b. Section 4: Interim Remedial Actions – Removal of storage tanks – hasn't this been completed?
- c. Section 5: Exposure Media & Transport Pathways: Transport Mechanisms - Calcium Chloride is listed as a contaminant in this section, but not in Section 3. Please be sure that all contaminants of potential concern (COPC's – see comment #4 above) are listed in Sections 3 & 5 of the CSM Worksheet.
- d. Section 5: Exposure Media & Transport Pathways: Local Water Supplies – The distance to the WV American Water Company water intake on the Elk River from the site is listed as 17,000 feet (over 3 miles) – this is incorrect.
- e. Section 5: Exposure Media & Transport Pathways: Exposure Pathways – Is ingestion of plants & terrestrial animals a realistic exposure pathway?

### **Phase I Site Assessment**

- A. Section 2.4 – Description of Structures, Roads and Other Improvements on the Site: This says nothing of the current buildings and roads on the property.
- B. Section 2.5 – Current Uses of the Adjoining Properties: North: Do the potential previous structures show up on any of the historical maps/photos or city directories where they could be identified? East: Should be Barlow Drive, not Road; also, what is the Kanawha Airport Authority – is this a building? Property?
- C. Section 3.2 – Activity & Use Limitations: The WVDEP does not issue Land Use Covenants (LUC's); LUC's are recorded with the property deed. Pennzoil Quaker State (PQS) is a holder of the covenant and was the VRP applicant. See also Section 5.1.1.
- D. Section 3.6 – 1<sup>st</sup> paragraph: The chemicals previously stored in the AST's by PQS should be provided; 2<sup>nd</sup> paragraph: The January 2014 release of MCHM and PPH into the soil, groundwater, and surface waters at the Site may lead to residual concentrations of MCHM and PPH within the soil, *groundwater and surface water* requiring additional remediation.
- E. Section 5.1.1 – LUC was not *issued* by WVDEP... (see comment C above)
- F. Section 7.2.1 – There is no mention of whether any confirmatory sampling was completed during/after the MCHM impacted soil removal.
- G. Section 7.2.9 – Unidentified Substance Containers: Where are these containers located? Are they sound or leaking? What is the plan for these containers?
- H. Section 7.2.10 – PCB's: Several transformers were previously stored on-site (northern driveway). Text states these were removed just prior to AST demolition. Therefore there

is the potential for these transformers to have leaked after the existing Certificate of Completion was issued. PCB's are a contaminant of potential concern for the site.

- I. Section 7.2.16 - Wells: Currently, GW is monitored monthly only for the substances contained in the AST's at the time of the release. If accepted into the VRP, future work plans will need to include sampling for petroleum COC's associated with the previous petroleum storage, which may have been mobilized by the MCHM/PPH release.
- J. Section 7.2.20 – Drains & Sumps: Discharge area for floor drains in the office building and the garage/maintenance building is unknown. This needs to be determined.
- K. Section 7.2.22 – Asbestos: The potential for asbestos in buildings exists, but an asbestos survey has not been completed. If buildings are to be demolished, an asbestos survey will be required.
- L. Section 7.2.23 – Lead-Based Paint: The text states lead-based paint was found as a result of paint chip analysis during tank demolition. Therefore, lead is a COPC for the site.
- M. Section 9.1 – Recognized Environmental Conditions (REC's): WVDEP believes the areas of the fuel and oil loading racks associated with the AST's (see section 7.2.20, 2<sup>nd</sup> paragraph), barge dock (see Section 7.2.1, 2<sup>nd</sup> paragraph), and oil pit in the large truck garage (see Photo #10 – probably should be mentioned in Section 7.2.11) represent additional REC's and bear further investigation.
- N. Please be sure that changes made throughout the document are reflected in the Executive Summary and Section 9 – Findings.

If you have any questions, please contact me by phone at 304-926-0499, ext. 1265 or email at David.W.Long@wv.gov.

Sincerely,



Dave Long  
Project Manager

cc: Ira Buchanan, LRS  
Charleston File # 15017  
ec: Patty Perrine, Interim Program Manager, WVDEP/OER