

United States Environmental Protection Agency [EPA] – Region I
RCRA Corrective Action Program

**STATEMENT OF BASIS
FOR A
CORRECTIVE ACTION COMPLETION DETERMINATION**

And

**Tentative Determination No Permit Is Necessary Due to Facility Closure And Completion of
Investigation and Remediation Activities**

FOR

**BOVANO OF CHESHIRE
830 South Main Street
Cheshire, CT 06410**

EPA ID No.CTD001179316

Based upon investigation activities conducted at the Bovano of Cheshire facility, located at 830 South Main Street in Cheshire, CT, EPA and the Connecticut Department of Environmental Protection are announcing its Completion Determination remedy proposal that Corrective Action obligations under the Hazardous and Solid Waste Amendments of the Resource Conservation and Recovery Act are “complete without controls”, and that no activities exist that require a hazardous waste management permit under the Resource Conservation and Recovery Act (RCRA).

INTRODUCTION

The United States Environmental Protection Agency – Region I [hereafter, “EPA”] and the Connecticut Department of Environmental Protection (“DEP”) are concurrently announcing its Completion Determination remedy proposal under the Hazardous and Solid Waste Amendments of the Resource Conservation and Recovery Act¹. This proposal states that Corrective Action obligations at the Bovano of Cheshire facility, located at 830 South Main Street in Cheshire, Connecticut [hereafter, “facility” or “site”] are complete. Investigation activities performed at the facility demonstrate that releases of hazardous wastes or hazardous constituents do not pose a threat to human health or the environment for the proposed risk exposure and current and future land use assumptions. EPA and DEP’s proposed Completion Determination is based on the results of the investigation, closure, remediation, and reporting activities performed by the facility under the oversight of the EPA and DEP.

¹ “Completion Determination” is a regulatory phrase that refers to a final disposition of a facility subject to Corrective Action obligations under the Resource Conservation and Recovery Act. In this case, the Completion Determination proposed for the facility is one that is “complete without controls”. More information on this category of Completion Determination can be found in the Federal Register notice entitled, Final Guidance on Completion of Corrective Action Activities at RCRA Facilities, 68 Fed. Reg. 8757 [Proposed Rule: Tuesday February 25, 2003]. This proposed rule is summarized on EPA’s website at http://www.epa.gov/swerffrr/documents/guidance_on_completion_rcra.htm.

This document summarized the regulatory status of the facility, the results of various investigations and remediation activities performed at the facility and reasons for proposing that a Completion without Controls determination is appropriate and protective of human health and the environment.

EPA and DEP are publishing this document to provide the opportunity for public review and comment of this proposal. EPA and DEP will consider public comments as part of its decision making progress.

This Statement of Basis is intended to:

- Explain the opportunities for public participation, including how the public may comment of this proposed Completion Determination and tentative permit application termination and where the public can find more detailed information;
- Provide a brief description and history of the facility;
- Present the principal findings of investigations and activities performed to date, and
- Present EPA's rationale for proposing that Corrective Action obligations under the Hazardous and Solid Waste Amendments of the Resource Conservation and Recovery Act are Complete without Controls for the proposed current and future land use of the site; and
- Present EPA and DEP's rationale for terminating the permit applications for the facility.

THE PUBLIC'S ROLE IN EVALUATING THIS CORRECTIVE ACTION PROPOSAL/RECOMMENDATION

All interested parties are invited to express their views on this proposal. Public comment on all potential Corrective Action proposals or measures, and supporting information, is an important contribution to EPA's decision making/remedy selection process.

Public Comment Period

Written comments on this proposal will be accepted throughout a 45-day public comment period. To facilitate clear and uniform administrative decision making, EPA's public comment period will coincide with the CTDEP's public comment period for its own proposal to accept closure of the interim storage facility.

The public comment period will last forty-five days [45] days from July 1, 2008 in order to provide an opportunity for public comment and involvement during the evaluation of this proposal. During this Public Comment period the public is invited to review this Statement of Basis and supporting information and to offer comments to EPA.

A final decision regarding this proposed completion determination will not be made until the public comment period has closed and all comments received by EPA have been evaluated and addressed. Based on any new information or comments from the public, EPA may modify its proposal.

Written Comments

If, after reviewing the information on the facility, you would like to comment in writing on this proposal, or on any other issues related to this proposal, you should mail your written comments [postmarked no later than Thursday, August 14, 2008] to:

David Lim
RCRA Corrective Action Section
U.S. EPA
Suite 1100-HBT
One Congress Street

Please be sure to clearly indicate that you are commenting on this proposal.
Questions may also be directed to David Lim at [617] 918-1367, lim.david@epa.gov

Response to Public Comments/Decision Making Process

Following a review of public comments, the Commissioner of DEP will decide whether to make the tentative determination a final determination. If the Commissioner makes a final determination that a hazardous waste management permit is not necessary for the facility because hazardous waste management activities have ceased and remediation is complete, then the facility is considered to have completed its requirements related to RCRA Closure, RCRA Corrective Action. The permit application, which has been withdrawn, will be considered terminated. The facility's interim status will then be terminated. Any future waste management activities at the facility are subject to applicable local, state, and federal requirements.

Likewise, EPA will not make a final decision regarding the 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 may modify its proposal. A brief decision-making document (Decision Document) that responds to comments will be prepared by EPA 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 the proposal, EPA will seek additional public comments on a revised proposal. If no comments are received that result in significant changes to this proposal, then because the facility is not requesting a permit or a modification to an existing permit, but is seeking to terminate all of its regulated activities that would ordinarily require a permit, EPA's final decision will be issued in a brief letter to the facility.

Additional Public Information

This Statement of Basis provides only a summary description of the investigation and activities performed at the facility. Therefore, the public is encouraged to consult the **Administrative Record**. As explained in more detail below, the Administrative Record is that collection of information [including data, reports, etc] that EPA relied upon for its proposed remedy decision. In this case, the Administrative Record contains this Statement of Basis, site assessments describing the facility's release and operational history, the results of the site investigation activities conducted under State regulation, and other facility documents which provide additional information regarding the work conducted at the facility.

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

EPA Records Center, One Congress Street, Boston, MA 02114
[617] 918-1420

The hours of the EPA record center are:

Monday – Friday
10:00AM to 1:00PM
and
2:00PM to 5:00PM

And

The Cheshire Public Library 104 Main Street, Cheshire, CT 06410
[203]272-2245

The hours of the Cheshire Library are:

Monday – Thursdays 9:30AM – 9PM

Friday – Saturday 9:30AM – 5PM

Internet Access: For convenience, this Statement of Basis may also be accessed on the EPA New England website at <http://www.epa.gov/NE/cleanup/rcra/index.html/> under the facility's name, Bovano of Cheshire.

BACKGROUND

The following information among other factors has been used as a basis for this Completion Determination remedy proposal and may be found in the Administrative Record at the locations listed above:

- 1) DEP Inspection Report, Bovano of Cheshire, 830 South Main St., Cheshire, CT, dated Dec.1981
- 2) Laboratory Results from DEP Inspection, Bovano of Cheshire, 830 South Main St., Cheshire, CT, dated Mar.1982
- 3) Preliminary Report of Groundwater Investigation at Bovano Industries of Cheshire, TRC Consultants, dated Nov. 1982
- 4) Technical Report to Bovano Industries on Groundwater Investigations, TRC Consultants, dated July 1983
- 5) Soil Sampling Results, Bovano of Cheshire, TRC Consultants, dated Sept. 1986
- 6) Final Screening Site Inspection, Bovano's, Cheshire, CT, NUS Corporation, dated Dec. 1989
- 7) Soil Excavation Results, Bovano of Cheshire, letter to DEP, dated June 1991
- 8) Final Draft RCRA Facility Assessment, Bovano, Cheshire, CT, CDM Federal Programs Corporation, dated April 1992
- 9) Results of Groundwater Sampling at Bovano Industries, 830 South Main St., Cheshire, CT, HRP Associates, Inc., dated Sept. 1994
- 10) HRP Phase I Environmental Site Assessment Report for Bovano of Cheshire, 830 South Main St., Cheshire, CT, July 1985
- 11) Semi Annual Report – Bovano site, 830 South Main St, Cheshire, CT, Haley & Aldrich, Inc., Oct. 1996
- 12) Report on Geoprobe Drilling/Groundwater Sampling Bovano site, 830 South Main St., Cheshire, CT, Haley & Aldrich, Inc., August 1997
- 13) Report on Current Conditions Report and Proposed Final Remedy, Bovano of Cheshire, 830 Main St., Cheshire, CT, Haley & Aldrich, Inc., Oct. 2000
- 14) Closure of Less Than 90-Day Hazardous Waste Storage Area, CTDEP letter to Bovano Industries, June 2002
- 15) Environmental Indicators, letter from EPA Region 1 to Bovano Industries, Inc., May 2001
- 16) Fax of Summary of Groundwater Results, Haley & Aldrich, Inc., May 2005
- 17) June 2006 RCRA Post-Closure Groundwater Monitoring Event, 830 South Main St, Cheshire, CT, Facility Support Services, LLC, Aug. 2006
- 18) September 2006 RCRA Post-Closure Groundwater Monitoring Event, 830 South Main St, Cheshire, CT, Facility Support Services, LLC, Oct. 2006
- 19) October 2006 RCRA Post-Closure Groundwater Monitoring Event, 830 South Main St, Cheshire, CT, Facility Support Services, LLC, Nov.. 2006
- 20) RCRA Corrective Action Ecological Receptor Exposure Pathway Scoping Checklist, Final Draft, 3/19/2008

FACILITY HISTORY

The facility, Bovano of Cheshire (Bovano) is located at 830 South Main Street (Rte 10) in Cheshire, Connecticut (Figure 1, Site Locus). The facility is bounded to the east by the Mill River, to the south by Jinny Hill Road and a McDonald's restaurant, to the west by South Main Street and a gasoline service station, and to the north by residential properties. The site contains four buildings (Sweet Claude's ice cream shop, garage, retail gift shop and storage facility, and a design manufacturing and warehouse facility) (Figure 2, Site Plan). The remainder of the site is paved, landscaped or wooded. A production/drinking water well is located on site. Groundwater flow direction at the site flows approximately southerly towards the Mill River.

History of Ownership and Description of Operation

The Bovano facility has been producing ornamental glass objects and gifts since 1955. Prior to 1955, a non-ferrous metal foundry dating back to pre-1900 was located at the site. These glass items and gifts are produced by glass enameling on copper for jewelry, figurines and wall ornaments. Operations at the manufacturing facility have included pickling, solvent cleaning and degreasing of metal parts, lacquer application to metal parts and glass enameling by applying glass powder and baking it onto metal. A former solvent degreaser was dismantled in June 1982 and use of the solvent trichloroethylene was discontinued at that time.

Etching is conducted at the facility using a self-contained machine, which was installed at the facility in 1981/1982. At that time the etching was performed using ferric chloride. The facility generated approximately 10 gallons per week of spent ferric chloride. The waste was collected into drums and stored in the former Chemical Storage Area (Figure 2). A closure plan for this former Chemical Storage Area was submitted to CTDEP for review in May 1991. In 1999, the CTDEP requested Bovano close the area under the CTDEP "Draft RCRA Closure Guidance for Generators Who Store Less Than 90 Days". Bovano completed these closure activities in 2002 in compliance with the CTDEP draft guidance document.

In 1986, the facility placed a larger etching machine into operation. Etching with ferric chloride was replaced with cupric chloride at that time. The cupric chloride waste is regenerated at the facility. Overgeneration results in 7 to 8 gallons per week that is manifested out as RCRA-classified D002 and D007 waste. There is a sensor which bleeds off wastewater from the etching process and sends the wastewater to two 1,000-gallon above ground holding tanks (AGHTs) until it is picked up by a waste hauler. The regeneration rate is approximately 1,500 to 1,800 gallons of wastewater every 90 days.

A sulfuric acid and nitric acid bright dip is used to clean metal parts after the etching process. Wastewater from this process is discharged to the two 1,000-gallon AGHTs where it is stored prior to pick-up by a waste hauler. Prior to the installation of the two 1,000-gallon AGHTs, the facility used an indoor open concrete tank with a capacity of 1,500-gallons. The bright dip wastewater was sent to the tank and treated with sodium hydroxide. The treated wastewater in the indoor concrete tank was picked up by a waste hauler from 1981 to 1986. The treatment of the wastewater with sodium hydroxide was terminated in 1986. The untreated wastewater was held in the tank until Environmental Waste Resources picked it up.

From 1976 to 1977, the facility collected the bright dip wastewater into the 1,500-gallon concrete tank for neutralization with sodium hydroxide then discharged the treated wastewater/sludge to an outside lagoon. The liquid in the lagoon was discharged to a dry well. The sludge in the lagoon was classified as copper hydroxide, a RCRA-waste F006.

The facility has nine booths where glass powder or “frit” is applied by hand to copper or brass parts that have been sprayed with a food-grade adhesive. The parts are then baked in ovens. The glass powder was formerly sprayed onto parts and collected outside the north end of the facility in a wooden baffle box. Soil in that area of the site was sampled and was found to contain lead, cadmium and arsenic. The CTDEP issued an order to have the soil remediated and the area was excavated in 1990. The soil was disposed off-site in 1992 by Excavation Technologies, Inc. of Cheshire, Connecticut. Currently the nine booths are connected to a bag house located on the roof of the facility. Lacquering is applied to metal by hand using a paintbrush. This process does not generate any waste.

Summary of Release History and Resulting Enforcement

Order No. 2036: The order required Bovano to install a treatment system for its metal finishing operations. Bovano installed the former on-site lagoon as a response to this order. The in-ground lagoon and dry well was designed with the assistance of the CTDEP and TRC Consultants and was constructed of cinder blocks and lined with limestone. In December 1978, CTDEP issued Bovano a permit to discharge treated wastewater to the former sludge lagoon. The granting of this permit acknowledged full compliance with Order No. 2036.

Order No. 3242: The order was issued after a RCRA inspection of the former sludge lagoon in December 1981. The order contained three items to be addressed:

1. An investigation of soil, surface water and groundwater contamination;
2. A best management plan (BMP) for chemical handling and storage; and,
3. Elimination of metal finishing wastewater discharges to groundwater.

Bovano complied with the order by taking the following actions:

1. Elimination of the trichloroethylene (TCE) degreaser in June 1982;
2. Contracted with TRC Consultants to conduct an environmental investigation at the site. TRC results indicated copper and TCE impacts to soil and groundwater. (refer to Table I, Results of Chemical Testing of Groundwater)..
3. Remediation of contaminated soil associated with the former sludge lagoon was done by removal and offsite disposal, while the former chemical storage area was decommissioned to the satisfaction and approval of the CTDEP.

Notice of Violation (NOV) No. 307: As a result of a hazardous waste inspection, the NOV was issued for Bovano to comply with the following:

1. Hazardous waste determinations
2. General inspection requirements
3. Personnel training
4. Contingency plan and emergency procedures
5. Use and management of containers

Order No HM-688: Issued May 1990, the order was prompted by a CTDEP inspection for compliance with NOV 307. Compliance with NOV 307 was obtained in August 1990. Another stipulation of the order was to excavate and remove soil impacted by enamel powder located on the ground surface north of the facility which resulted from overspray disposal through air filters. The soil was removed and disposed off-site in 1992 by Excavation Technologies, Inc. of Cheshire, Connecticut.

On 26 April 2000, a NOV No. 1046 was issued by the CTDEP as a result of a facility inspection conducted on 3 February 2000. The NOV listed the following:

1. Failure to establish financial assurance for the closure of the former hazardous waste storage area,
2. Failure to properly establish financial assurance for post-closure care of the facility,
3. Failed to perform hazardous waste determinations,
4. Failed to perform and log inspections; and,
5. Failed to perform an assessment of tank systems.

In a letter from CTDEP dated 8 June 2000, CTDEP concurred with Bovano that the hazardous waste storage area should not be closed under generator requirements. Consequently, the CTDEP did not require Bovano to establish financial assurance for closure of the facility or financial assurance for post-closure care of the facility as stated in NOV 1046. The CTDEP recognizes that Bovano has not operated as a RCRA storage facility and thus, the CTDEP required that Bovano close the former hazardous waste storage area in accordance with the CTDEP "Draft RCRA Closure Guidance for Generators Who Store Less Than 90 Days". This is required by Section 22a-449(c)-102(a) of the Regulations of Connecticut State Agencies ("RCSA") incorporating 40 CFR Parts 262.354 (a), 265.111 and 265.114.

All issues raised in NOV 1046 were resolved to the DEP's satisfaction in 2002.

Abutting Land Uses

Abutting land use to the west and south is Commercial/Retail and to the east and north residential. Land use at the site and vicinity of the site is commercial/retail and residential. A gasoline station is located west of the site across South Main Street (Rte. 10). A McDonald's restaurant and Fabric Store are located south of the site. Residential property is located north and east of the site and across Jinny Hill Road south of the site.

With the exception of two apartment complexes located within 0.25-miles to 0.5-miles of Bovano, the area is served by municipal water supplied by the South Central Regional Water Authority (SCRWA) (New Haven Water Company). A well, installed in 1975, owned by the SCRWA is located approximately 0.75-mile south of Bovano adjacent to the eastern side of South Main Street (Rte. 10) (refer to Figure 1, Site Locus).

NATURE AND EXTENT OF CONTAMINATION

Historical release of copper, lead, and TCE to soil and groundwater at the site has led to the completion of various environmental assessments and remediation of soil and groundwater at the site. The CTDEP through various administrative orders and NOVs has overseen the investigation and remediation of soil and groundwater.

Groundwater Quality

The results of most recent groundwater testing, done in 2006, are attached in Appendix A, while the summary of historical and current groundwater quality is summarized in Table I. The graphical representation of historical data in Appendix B indicates the previously identified site groundwater plume has naturally attenuated over time.

Groundwater from the on-site production/drinking water well (WS-1) has also historically been sampled. The groundwater was chemically tested by a state-certified laboratory for the presence of VOCs by EPA Method 8260 and total and dissolved cadmium, chromium, copper and lead. A summary of chemical

testing is presented in the following table and shows that the site water supply well meets regulatory criteria.

Date	VOCs (ug/L)	Total Metals (mg/L)	Dissolved Metals (mg/L)	Regulatory Exceedances
9 August 1996	ND ⁽¹⁾	Copper 1.54 mg/L, Lead 0.494 mg/L	Copper 0.74 mg/L, Lead 0.016 mg/L ⁽³⁾	Exceeds GA GWPC of 1.3 mg/L for copper and 0.015 mg/L for lead
8 May 1997	ND	ND	-- ⁽²⁾	None
28 May 1998	ND	Copper 0.12 mg/L, Lead 0.002 mg/L	Copper 0.09 mg/L	None
12 July 1999	ND	Copper 0.06 mg/L, Lead 0.003 mg/L	ND	None

Notes:

⁽¹⁾ ND means the analyte was not detected at or above the laboratory detection limit.

⁽²⁾ -- means the parameter was not tested.

⁽³⁾ The drinking water sampled was filtered and preserved.

CURRENT SITE CONDITIONS

Natural Attenuation of Site Volatile Organic Compounds

Review of the historical groundwater chemistry data for the site shows the effect of natural degradation processes since the earliest monitoring conducted in 1982 on the concentrations and distributions of site-related VOCs. For example, figures in Appendix B illustrate a 100% reduction in TCE over time in wells MW-B and MW-3 from September 1982 to the most recent sampling in 2006. Well MW-B, situated adjacent to the areas of suspected source release, contained substantial levels of TCE shortly after the source removal action in 1982 (1220 ppb), but displayed quick and steady declines to non-detectable levels by 1995. Well MW-3, installed in 1984, had slightly higher, but similar levels of TCE as did MW-B at that time (50 ppb compared to 34 ppb) and has now shown complete degradation.

The mechanism for attenuation at the Bovano site is likely a combination of biodegradation and dilution. Evidence for biodegradation included the historical presence of 1, 2-*cis*-DCE in MW-3. The *cis*-DCE isomer is essentially all created by biological factors and is highly unlikely to have been a constituent of the original release. Also, its absence, appearance and then disappearance in concert with reduction in the parent compound, TCE, suggests biological activity. Other degradation products, such as vinyl chloride and ethene are rapidly oxidized to CO₂ and hydrogen in an aerobic environment and would not likely be detectable.

Groundwater upgradient in the MW-B area has already been attenuated to non-detectable levels. Three of the last three rounds of sampling at MW-3 have shown non-detectable levels of VOCs. Given the fact that (1) source removal has occurred, (2) one well (MW-B) adjacent to the original source has moved from highly contaminated to non-detect and (3) the last remaining well (MW-3) with any detectable contamination has consistently measured below detection shows that the site has naturally attenuated.

Contaminated sites undergoing remediation in Connecticut must meet the Connecticut Remediation Standard Regulations (RSRs) prior to closure. The RSRs contain numeric standards for remediation of soil and groundwater, and in the case of the Bovano site residual groundwater contamination has met the standards. Below is a tabular summary of applicable RSRs compared to VOCs with historical exceedances at the Bovano site:

	Bovano	GA, GAA Mobility Criteria (ppm)	GW Protection Criteria (ppb)	Surface Water Protection Criteria (ppb)	Volatization Protection Criteria (ppb)
Trichloroethylene	ND ¹	0.1	5	2340	540*
Cis 1,2 dichloroethylene	ND	1.4	70	-	-

Notes:

*- Industrial /Commercial

¹ – Non detect

Since the groundwater meets all the applicable RSRs, the Bovano site can be deemed remediated and subject to closure under state standards.

Risk Assessment of Migration Pathways and Ecological Exposures

Groundwater

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One production/drinking water supply well (WS-1) is located adjacent to the south side of the facility. The results of annual chemical testing of groundwater from this well (1996 through 1999) indicate that groundwater has not been impacted by site activities during the previous three years. Also, the well owned by the SCRWA located approximately 0.75-mile south of the Bovano site has recently been tested and no VOCs were detected at or above State and Federal MCLs. Other than these two supply wells, the area around the Bovano site is served by municipal water. Based on this information, there is no known exposure pathway from groundwater usage. Additionally, as described above, contaminants at the site have completely attenuated, so no contamination is migrating offsite in groundwater and therefore there is no risk of consumption of contaminated groundwater from the Bovano site.

Surface Water

Surface water adjacent to the site is classified by the CTDEP as “B/AA”. The “B” designation allows for uses such as a cold water fishery and wildlife habitat, recreational use, agricultural and industrial supply and navigation. The CTDEP goal for this surface water is “AA”. The “AA” designation allows for the surface water to be used for direct human consumption without pretreatment as well as those uses under the “B” designation with a potential restriction on recreational use.

With the complete attenuation of contaminants observed in the groundwater monitoring record, the likelihood of a surface water impact from the Bovano site is impossible. Thus the risk of exposure from contaminated surface water is nonexistent.

Ecological Risk Assessment

The USEPA defines ecological risk assessment (ERA) as “A process that evaluates the likelihood that adverse ecological effects may occur or are occurring as a result of exposure to one or more stressors”. An ERA conducted under the RCRA process involves three steps: Problem Formulation, Stressor Response and Exposure Analysis, and Risk Characterization. The goal of this assessment is to determine if there may be a potential for an adverse ecological impact posed by past or present conditions at or surrounding Bovano of Cheshire.

Problem Formulation

The site is located in an area that is primary commercial/residential, and, although releases of hazardous materials have occurred in the past, it is clear, through annual monitoring and remedial activities, that there is virtually no probability that an ecological receptor could be exposed under current conditions. Off-site, the possibility exists that terrestrial or semi aquatic species could forage between the site and the Mill River as a portion of the site is “wooded”. The probability of exposure and/or a toxic response, however, is negligible for reasons discussed below.

Stressor Response and Exposure Analysis

ERA is a direct function of both the inherent toxicity of a hazardous material *and* a direct (e.g. inhalation) or indirect (e.g. incidental exposure via soil ingestion) exposure to the toxicant(s). The only environmental media of concern are groundwater and surface water. Although solvents (trichloroethylene and *cis*-1,2-dichloroethylene) have historically been detected in groundwater, both compounds were non-detect in the last three sampling rounds. It is therefore concluded that both compounds have, over time, attenuated in groundwater.

Additionally, there is virtually no available habitat on-site (paved or landscaped) for terrestrial receptor use, and the potential area that an ecological receptor could use for off-site habitat (e.g. nesting, burrowing, foraging, etc.) is a very small strip of land between the site and the Mill River. That area is approximately 300 x 50 feet (~1/3rd of an acre) which, according to the report, is subject to frequent flooding. Although there is a potential exposure pathway for an ecological receptor (groundwater to surface water to aquatic organisms in the Mill River), the lack of the presence of a viable stressor (TCE and *cis*-1,2-DCE) would render an exposure to an aquatic receptor *incomplete*.

Risk Characterization

Based on the fact that a) there is no viable habitat adjacent to the site and b) the lack of a complete exposure pathway exists due to the absence of a chemical stressor (no site-related contaminants in groundwater), the conclusion can confidently be made that there is virtually no risk posed to aquatic receptors by site-related groundwater emanating from the Bovano site.

In addition, EPA evaluated the site in 2001 according to its Environmental Indicators [EI] criteria for Human Exposures and Groundwater and concluded that “..EPA agrees that the facility does not pose any significant risk to the human health and the groundwater within the facility and downgradient of the facility is in compliance with the applicable federal and state health based standards.”

A RCRA Corrective Action Ecological Receptor Exposure Pathway Scoping Checklist was completed on 6/12/2008 which supports the findings that there is no potential for exposure of ecological receptors to contaminants.

EPA’S PROPOSAL

Based on the above information, EPA is proposing a Completion without Controls Determination for the facility. In accordance with the EPA guidance on Completion Determinations, EPA New England believes a Completion without Controls Determination is appropriate because:

1. There are no ongoing treatment, storage, or disposal activities at the site that require a permit,
2. All closure and post-closure requirements applicable at the previously identified regulated units have been fulfilled; and
3. All corrective action obligations, including implementation of long-term monitoring procedures, have been met.

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, *See* Corrective Action Completion Guidance I at 50197: Corrective Action Completion Guidance 2 at 9177 n156.

In summary, EPA, using all available information, is announcing its Corrective Action “Completion without Controls” Completion Determination proposal. Because investigations performed at the facility

demonstrate that releases of hazardous wastes have naturally attenuated and do not pose a threat to human health or the environment and because the facility has attained all media protection and human health and environmental standards promulgated by the State of Connecticut for protection of human health, the public and the ecosystems, a Complete without Controls Determination is reasonable and appropriate.