MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

SUMMARY AND RESPONSE TO COMMENTS
DRAFT ENVIRONMENTAL COVENANT AND STATEMENT OF BASIS
CHEMICAL RECOVERY CORPORATION
KANSAS CITY, MISSOURI
EPA ID# MOD000669028

The Missouri Department of Natural Resources (hereafter the Department) approved the final remedy of no further corrective action with institutional controls at the Chemical Recovery Corporation facility. The Department is also releasing Chemical Recovery Corporation from regulation as a former interim status hazardous waste treatment, storage, and disposal facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations.

The Department issued a Statement of Basis in support of the proposed final remedy of no further corrective action with institutional controls. The Department conducted public participation activities for the proposed remedy and regulatory release. The Department invited the public to review and offer written comments on the draft Environmental Covenant and Statement of Basis during a 30-day public comment period. The public comment period began December 3, 2014, and ended January 2, 2015.

All written comments received during the public comment period concerning the draft Environmental Covenant and Statement of Basis are listed below. The Department's response to each comment and an explanation of how each comment was addressed is also included. The Department changed certain requirements in the final Environmental Covenant based on technical or legal issues contained in the comments. All changes made in the final Environmental Covenant are identified in the following responses.

COMMENTS FROM DEPARTMENT LEGAL COUNSEL:

Comment #1:

Page 3 of 15, Second Paragraph: The Phrase "as M-3 commercial" was inserted into the first sentence and the sentence, "Chemical Recovery Corporation is located in an industrial area zoned as M-3 commercial" was deleted. The last word in the last sentence was changed from "facility" to "Property."

Response #1:

The final Environmental Covenant language was changed to read, "The Property is industrial zoned, as M-3 commercial, and occupies approximately 0.19 acres. Private residences exist along Fremont Street. The nearest residence is approximately 200 feet (ft) north of the Property."

Comment #2:

Page 3 of 15, Third Paragraph, First Sentence: The Phrase "Reclamare, now Chemical Recovery Corporation" was deleted and replaced with "Owner, under its previous name Reclamare."

Response #2:

The final Environmental Covenant language was changed to read, "Owner, under its previous name, Reclamare, submitted a RCRA Part A Permit Application for hazardous waste storage on November 18, 1980, and RCRA Part B Permit Application on August 24, 1988."

Comment #3:

Page 3 of 15, Third Paragraph: "Chemical Recovery Corporation" was replaced with "Owner" throughout paragraph.

Response #3:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #4:

Page 3 of 15, Fourth Paragraph, First Sentence: "Chemical Recovery Corporation" was replaced with "Owner."

Response #4:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #5:

Page 3 of 15, Fourth Paragraph: The term "located on the Property" was inserted into the fourth sentence.

Response #5:

The final Environmental Covenant language was changed to read, "During the 1996 sampling and site reconnaissance visit, the ground surrounding and in the immediate vicinity of the building located on the Property was designated as area of concern (AOC) 5."

Comment #6:

Page 3 of 15, Fourth Paragraph: The following sentence was inserted at the end of the paragraph, "The various investigations described above indicated the existence of contaminants in soil and groundwater. However, as described below, some of the contaminants do not pose a risk to humans and/or more than likely came to exist on the Property not as a result of Owner's activities."

Response #6:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #7:

Page 3 of 15: The heading "Surface and Subsurface Soil" was added between the fourth and fifth paragraphs.

Response #7:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #8:

Page 3 of 15, Last Paragraph: The phrase "located on the Property" was added to the end of the first sentence.

Response #8:

The final Environmental Covenant language was changed to read, "During the 1996 sampling event, lead and benzo(a)pyrene were detected in surface soil above May 2014 EPA Region 3 Screening Levels (RSLs) for industrial use at one location east of the building located on the Property."

Comment #9:

Page 4 of 15, Second Paragraph: The phrase "which is where is Property is located" was added to the end of the first sentence.

Response #9:

The final Environmental Covenant language was changed to read, "During the 2003 sampling event, arsenic was detected in all fifteen soil samples above the May 2014 EPA RSLs for residential and industrial soils, but below the established background level for arsenic in soil in the Blue Valley Industrial Corridor which is where the Property is located."

Comment #10:

Page 4 of 15, Second Paragraph: In the last sentence the phrase, "…contamination related to facility activities" was changed to"…contamination related to activities Owner conducted on the Property."

Response #10:

The final Environmental Covenant language was changed to read, "Therefore, the concentrations of arsenic in soil at the facility appear to be naturally occurring background soil concentrations in the area, rather than a result of contamination related to activities Owner conducted on the Property."

Comment #11:

Page 4, Third Paragraph: This paragraph was modified to clarify the rationale for site specific Preliminary Remediation Goals rather than EPA Regional screening levels for evaluating lead. "Chemical Recovery Corporation" was replaced with "the Property" throughout the paragraph.

Response #11:

The final Environmental Covenant language was changed to read, "Lead was detected in one sample location above the May 2014 EPA RSLs for residential soils and industrial soil during both the 1996 and 2003 sampling events. Both of these soil samples were collected from the east side of the building located on the Property. All other soil

samples for lead were representative of background levels in soil. The Property is located in the Blue River Industrial Corridor, which is a highly industrialized area of Kansas City. Site-specific Preliminary Remediation Goals (PRGs) for lead were previously calculated for two other nearby facilities. PRGs for both sites were calculated using the Integrated Exposure-Update Biokinetic Model and Adult Lead Methodology. Based on these calculations, the limited instances of lead above the noted screening levels at the Property, and the current and anticipated future use of the Property, potential exposures to lead at the at the Property are expected to be insignificant."

Comment #12:

Page 4 of 15: The heading "Groundwater" was added between the fourth and fifth paragraphs.

Response #12:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #13:

Page 5 of 15, Second Paragraph, Third Sentence: The sentence " Bis(2-ethylhexyl)phthalate is a common laboratory contaminant; and was not used in any of Chemical Recovery Corporation's treatment or recovery processes" was modified as follows, "Bis(2-ethylhexyl)phthalate is a common laboratory contaminant; however, none was used in any of Owner's treatment or recovery processes."

Response #13:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #14:

Page 5 of 15, Third Paragraph, First and Third Sentence: The term "facility" was replaced with "Property." In the third sentence, the term "on the property is" was deleted and the term "was found" was inserted.

Response #14:

The final Environmental Covenant language was changed to read, "There are no drinking water wells in the vicinity of the Property and water is provided to residents and industry through city of Kansas City public water supply system; therefore, domestic use/consumption of groundwater is not expected. Use of the groundwater for drinking water purposes in the larger Blue Valley Industrial Corridor is also unlikely. There are no monitoring wells at the Property and groundwater was found at a depth of approximately 20 ft below ground surface (bgs) during the 2003 investigation."

Comment #15:

Page 5 of 15, Fourth Paragraph: The following sentence was added to the beginning of the Paragraph, "Additionally, the Property was assessed for vapor intrusion risks as well as whether any surface water or sediments are contaminated." "Chemical Recovery Corporation" was replaced with "the Property" in the second sentence.

Response #15:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #16:

Page 6 of 15, First Paragraph, Fifth Sentence: The term "facility" was replaced with "Property."

Response #16:

The final Environmental Covenant language was changed to incorporate the language above.

Comment #17:

Page 6 of 15, Second Paragraph: Why is this included if there are no cancer risks associated with the remaining contamination? Isn't the EC more about what's left rather than what all has been assessed?

Response #17:

This comment refers to the paragraph that describes the calculated cancer and non-cancer risks at the Property. The purpose of this paragraph is to demonstrate that residual concentrations in the soil do not pose a human health risk. The final Environmental Covenant language remained the same as the draft Environmental Covenant language.