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Frequently Asked Questions on EPA's Cleanup Settlement

Olin Chemical Superfund Site

Wilmington, MA



A copy of the Consent Decree is available on EPA's website at: www.epa.gov/superfund/olin

The dates of the public comment period will be published shortly on the U.S. Department of Justice's website at: <https://www.justice.gov/enrd/consent-decrees>

OVERVIEW

This fact sheet provides responses to Frequently Asked Questions ("FAQs") about EPA's cleanup settlement (a "Consent Decree") with four parties responsible for contamination at the Olin Chemical Superfund Site (the "Site"). This fact sheet also provides information on redevelopment and how the community can stay informed throughout the cleanup process. The Consent Decree, lodged in the U.S. District Court for the District of Massachusetts on May 11, 2023, is subject to a 30-day public comment period and approval by the federal court. A copy of the Consent Decree and information on how to provide comments is available on the U.S. Department of Justice's website at: www.justice.gov/enrd/consent-decrees

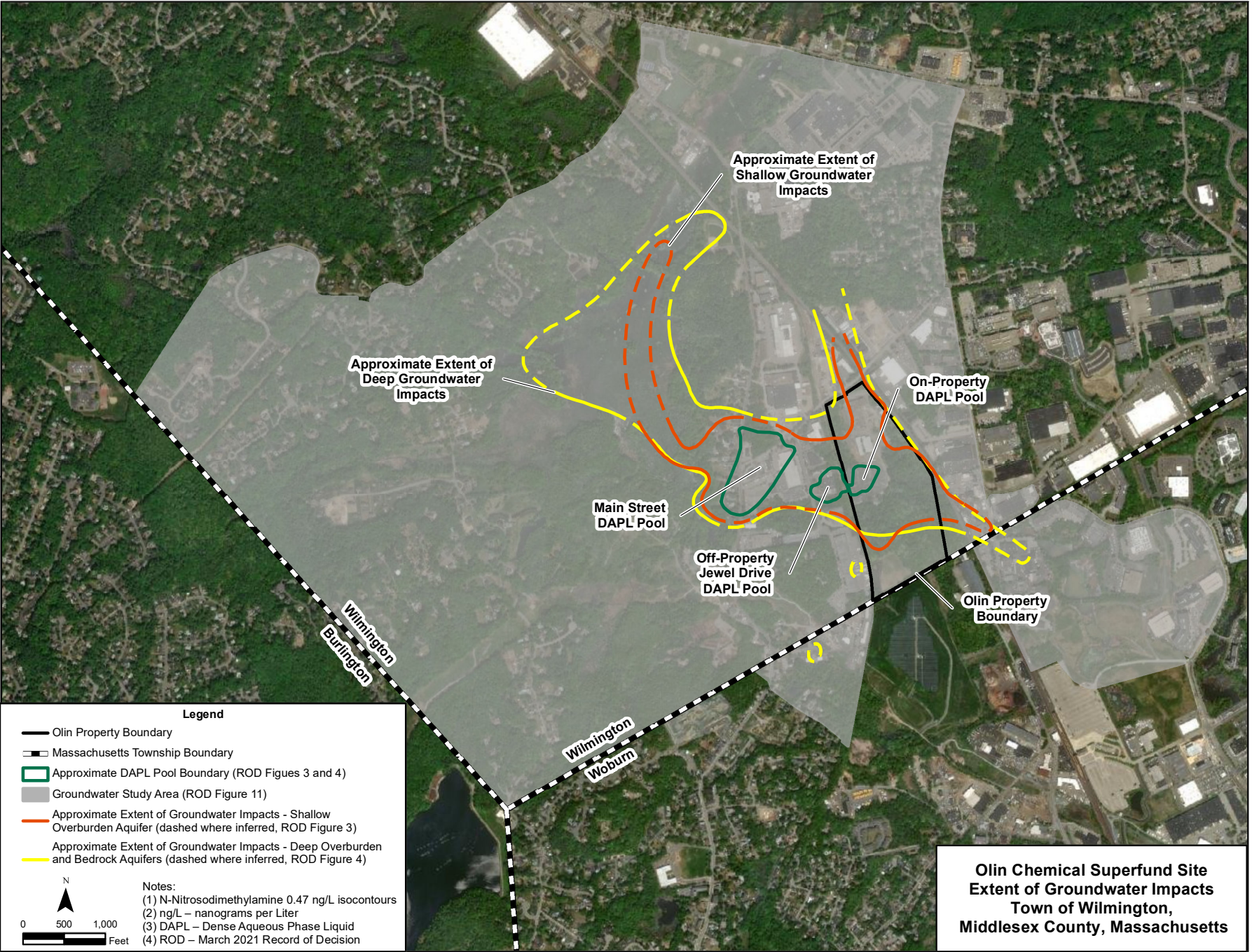
BACKGROUND

The Site includes the approximately 50-acre property at 51 Eames Street in Wilmington, Massachusetts ("Olin property") and the surrounding areas that have been impacted by contaminant releases from manufacturing and waste disposal activities formerly conducted at the Olin property.

Chemical manufacturing by a series of owners and operators began at the Olin property in 1953 and continued until the facility closed in 1986. Olin Corporation purchased the property in 1980. The facility was used to produce blowing agents, stabilizers, antioxidants, and other specialized chemicals for the rubber and plastics industry. Prior to the early 1970s, chemicals were discharged into several unlined pits and ponds in the central portion of the property, and later even when lined lagoons were used, leaks in the liners resulted in additional releases of fluids. As the liquid materials moved downward through the soil, they reached the groundwater table – because the liquids were more dense than water, they continued to sink downward (as Dense Aqueous Phase Liquid or "DAPL"), pooling in a series of cascading depressions on the bedrock surface.

Ultimately, contaminated groundwater migrated nearly a mile to the west and northwest of the Olin property and resulted in the Town of Wilmington placing its municipal drinking water supply wells in the Maple Meadow Brook aquifer off-line due to contamination from the site. A map showing the extent of groundwater contamination can be found on page 2.

EPA added the Site to the Superfund program's National Priorities List in April 2006.



SETTLEMENT INFORMATION

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The parties to the Consent Decree are the United States (on behalf of EPA), the Commonwealth of Massachusetts (on behalf of the Massachusetts Department of Environmental Protection or "MassDEP"), and four parties responsible for contamination at the Site. Under the agreement, American Biltrite, Inc., NOR-AM Agro LLC, Olin Corporation, and Stepan Company, (collectively, the "Settling Defendants") will address areas of soil, sediment, and surface water contamination on and around the Olin property and implement the interim cleanup plan for groundwater. Olin Corporation will perform the cleanup at the Site on behalf of the Settling Defendants and under the supervision of EPA.

EPA prefers to reach an agreement with Potentially Responsible Parties ("PRPs") to clean up a Superfund site instead of issuing an order or doing the work and then recovering its cleanup costs later. EPA's Consent Decree for the Site is an agreement with the Settling Defendants that formalizes the cleanup work that will be done and other requirements that the Settling Defendants must follow, including those related to community involvement during the cleanup. A judicial consent decree is the only type of settlement that EPA can use for the final cleanup phase ("Remedial Action") at a Superfund site.

HOW WILL THE CONTAMINATION BE ADDRESSED?

The cleanup plan for the site was selected by EPA in 2021 and includes interim actions to remove ongoing sources of contamination in groundwater and final cleanup actions for addressing contaminated soil, sediments, and surface water at the Site:

- Construction and operation of new groundwater extraction and treatment systems.
- Capture and treatment of oily waste and contaminated groundwater that flows into surface water by construction and operation of new multi-phase extraction and treatment systems.
- Construction and maintenance of caps and cover systems on areas of soil contamination, including an impermeable cap over the feature on the Olin property known as the "Containment Area."
- Remediation and restoration of contaminated wetlands.
- Long-term monitoring and land use controls.

In parallel to the cleanup, studies are ongoing under a separate 2007 EPA settlement agreement to improve the characterization of the bedrock and further define the extent of groundwater contamination. These studies will be used to evaluate long-term groundwater cleanup options, leading to the selection in the future of a final cleanup plan for groundwater. In the near term, these aquifer studies will help identify the best places to locate groundwater extraction wells for the cleanup.

More information about the Site can be found here: www.epa.gov/superfund/olin



A drilling crew advances a bedrock boring on private property in South Wilmington in August 2022. Groundwater investigations on and off the Olin property continue under a 2007 legal agreement between EPA and the Potentially Responsible Parties ("PRPs").

WHO WILL PAY FOR THE CLEANUP?

The cost of the cleanup is estimated by EPA's March 2021 Record of Decision to be approximately \$48 million. Under the terms of the Consent Decree, the Settling Defendants will conduct and pay for the cleanup, as well as reimburse EPA approximately \$400,000 for past response costs at the Site. The Settling Defendants will also pay EPA for agency costs to oversee the cleanup.

HOW LONG WILL IT TAKE TO DO THE CLEANUP?

Design of the groundwater extraction and treatment system and other site cleanup work will begin upon approval of the Consent Decree by the Court. EPA estimates that it will take approximately two to three years to design and construct the groundwater and oily waste extraction and treatment systems and address the areas of soil contamination. It is estimated that the pump-and-treat systems for the interim groundwater cleanup will operate for a minimum of eight years.

HOW IS THE CLEANUP ORGANIZED?

The first step in the cleanup process is for the Settling Defendants to prepare a work plan for EPA's approval that outlines how the design and construction work will be structured. Once this work plan is approved, pre-design investigations will take place to collect additional data necessary to design the remediation systems. Design plans will be submitted for EPA's approval, following which construction can begin on the groundwater treatment systems and upland soil areas.

After the new groundwater treatment systems are constructed, construction of the cap over Containment Area soils will begin. After the groundwater treatment systems are confirmed to be working properly (after approximately one year of operation), the design phase for the surface water remediation will begin. The sediments cleanup and restoration of any impacted wetlands will take place after the surface water cleanup, so as to avoid recontamination by contaminated surface water. A flow chart showing how the cleanup is organized can be found on page 5.

Additional information on schedules and sequencing for the various components of the cleanup may be found in Section 9 (Schedules) of the Statement of Work, which is Appendix B of the Consent Decree. The Statement of Work is essentially the "game plan" for the cleanup - it sets forth the procedures and requirements for the Settling Defendants' implementation of the design and construction of the Site's cleanup. Section 9 of the Statement of Work is divided into two main parts - tables of schedules for the design of the cleanup components ("Remedial Design"), and tables of schedules for implementation ("Remedial Action"). There are schedules for design and implementation of groundwater extraction and treatment systems, and remediation of upland soil, wetland soil and sediments, surface water, and areas contaminated with oily wastes (Light Non-Aqueous Phase Liquid or "LNAPL").

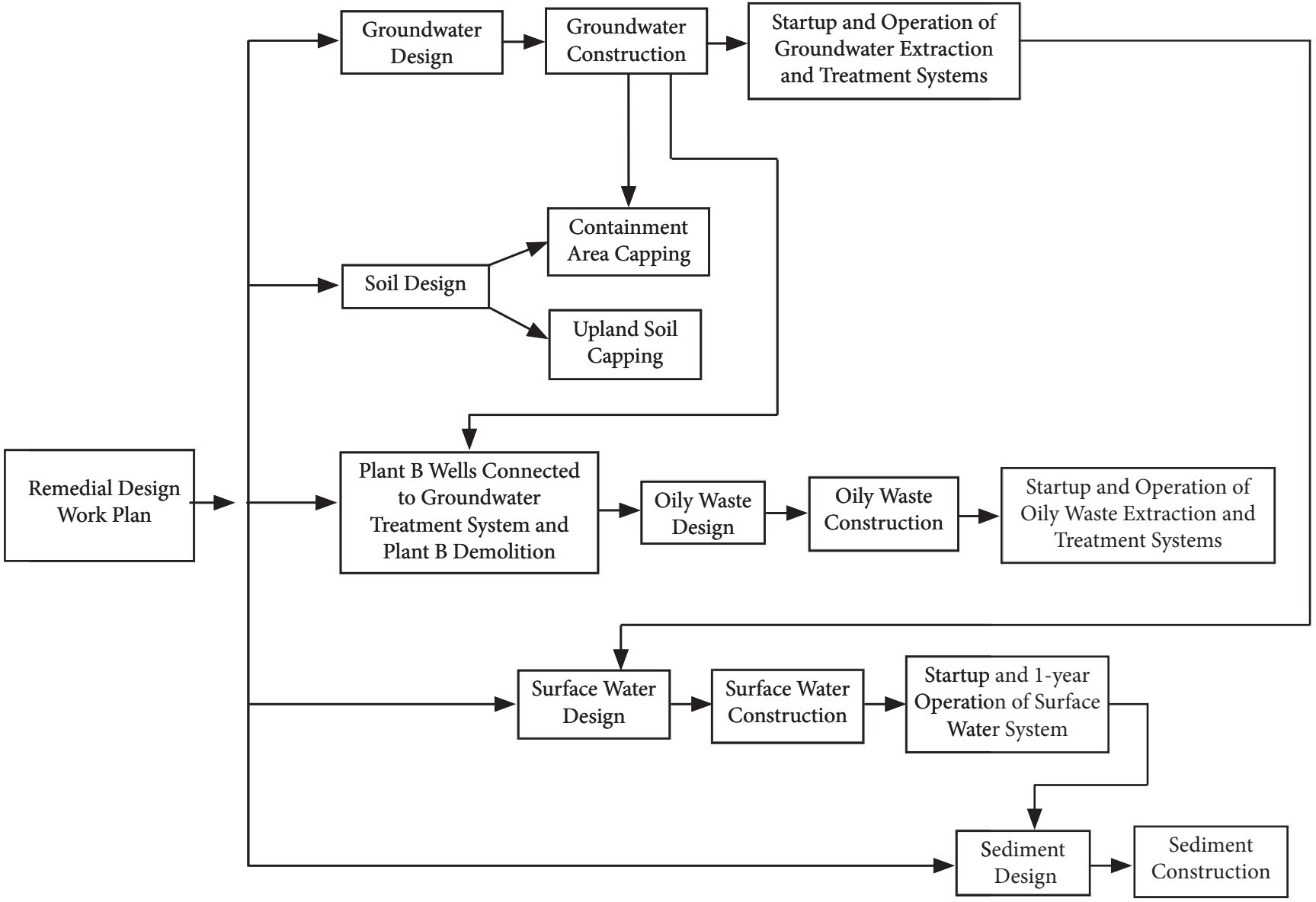
WHO WILL OVERSEE THE CLEANUP WORK AND WHAT OPPORTUNITIES WILL THERE BE FOR PUBLIC INPUT?

EPA is the lead in implementing, overseeing, and enforcing the work required under the Consent Decree. MassDEP is the support agency and may comment on any document or deliverable required under the Consent Decree.

EPA has the lead responsibility for developing and implementing community involvement activities at the Site, which may be supported by MassDEP.

EPA will keep the community informed throughout the cleanup and provide opportunities for public input on the technical deliverables required under the Statement of Work, such as preliminary, intermediate, and final remedial design plans, remedial action plans, and work completion and monitoring reports.

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HOW DO I COMMENT ON THE CONSENT DECREE?

The Consent Decree is subject to a 30-day public comment period and approval by the federal court. A copy of the Consent Decree and information on how to provide comments is available on the U.S. Department of Justice's website at:

<https://www.justice.gov/enrd/consent-decrees>

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WHAT HAPPENS AFTER THE PUBLIC COMMENT PERIOD CLOSSES?

After the public comment period ends, EPA, the Commonwealth of Massachusetts, and the U.S. Department of Justice (the agencies) will review and consider all of the comments submitted. EPA will post the comments and responses on EPA's website:

<http://www.epa.gov/superfund/olin>

If, after considering all of the comments, the agencies decide to finalize the settlement, they will ask the Court to approve the settlement. The Court will then review the terms of the settlement, the comments, and the agencies' responses. If the Court is satisfied with the settlement and finds that it satisfies the applicable legal standards, the Court will approve the settlement and the design process for the selected cleanups can begin.

WHAT IS HAPPENING WITH REDEVELOPMENT OF THE OLIN PROPERTY?

In December 2022, a real estate development company named Wilmington Woburn Industrial, LLC ("WWI," previously Wilmington Woburn Intermodal, LLC), a subsidiary of GFI Partners, LLC ("GFI"), submitted a request to EPA to enter into an agreement called a "Prospective Purchaser Agreement" or "PPA." A PPA is the primary settlement tool to address the liability concerns of a prospective purchaser or other third party who wants to clean up and reuse a site. As part of their request, WWI informed EPA that they are under contract with Olin Corporation ("Olin") to purchase the Olin property. EPA is currently considering WWI's request for a PPA. Whether or not EPA enters into a PPA with WWI, and whether or not the Olin property is ultimately acquired by WWI or any other entity, the Consent Decree requires the Settling Defendants (which include Olin) to perform all of the cleanup work at the Site, including the Olin property, in accordance with the terms of the Consent Decree and associated Statement of Work.

HOW DO I STAY INFORMED THROUGHOUT THE CLEANUP?

EPA conducted a series of community interviews throughout the spring 2022 to further understand community members' concerns and needs regarding the Site. EPA used the feedback to develop a Community Involvement Plan, which will guide EPA's community involvement process. The plan is available on EPA's website: <http://www.epa.gov/superfund/olin>

EPA will continue to work with MassDEP, the Town of Wilmington, local organizations including the Wilmington Environmental Restoration Committee, and community members to make sure Site information and important site updates are shared directly with the public. To sign up for the site e-mail or mailing list, please contact EPA's Community Involvement Coordinator, Charlotte Gray, at gray.charlotte@epa.gov or by calling (617) 918-1243.

EPA has identified and developed a variety of tools and activities to involve the community:

- EPA maintains a webpage for the Site with background information, updates on current activities, and important documents.

- EPA disseminates newsletters to the community with site updates.
- EPA prepares periodic fact sheets, public notices, press releases, and other informational materials.
- EPA staff host meetings, informal public information sessions, and open houses to share information with the community. EPA will be providing American Sign Language translation services for community meetings.
- EPA staff meet with local officials and community groups to provide briefings about the Site and respond to questions and concerns.

WHERE CAN I GO FOR MORE INFORMATION ABOUT THE SITE?

For more information on EPA's cleanup of the Olin Chemical Superfund Site, please visit EPA's website: <https://www.epa.gov/superfund/olin>

You may also contact EPA's Community Involvement Coordinator, Charlotte Gray, at gray.charlotte@epa.gov or by calling (617) 918-1243.

Scan for more:



SITE CONTACTS:

Charlotte Gray
EPA Community Involvement Coordinator
(617) 918-1243
gray.charlotte@epa.gov

Melanie Morash
EPA Remedial Project Manager
(617) 918-1298
morash.melanie@epa.gov

Chris Kelly
EPA Remedial Project Manager
(617) 918-1382
kelly.christopher@epa.gov

Garry Waldeck
MassDEP, Bureau of Waste Site Cleanup
Environmental Engineer
(617) 348-0417
garry.waldeck@mass.gov



Aerial image of the Containment Area feature (engineered slurry wall and temporary cap) on the Olin property facing south, December 2021. The PRPs replaced the previous cover of the Containment Area in the fall of 2021.