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# Frequently Asked Questions on EPA's Proposed Prospective Purchaser Agreement

## Olin Chemical Superfund Site

Wilmington, MA



**Public comment period will run from Tuesday, July 2, 2024 - Thursday, Aug. 1, 2024**

**A copy of the proposed Prospective Purchaser Agreement is available on EPA's website at: [www.epa.gov/superfund/olin](https://www.epa.gov/superfund/olin)**

The dates of the public comment period will be Tuesday, July 2, 2024 - Thursday, Aug. 1, 2024. Please see the Federal Register notice for the proposed Prospective Purchaser Agreement at:

<https://www.regulations.gov/document/EPA-R01-SFUND-2024-0214-0029>.

### OVERVIEW

This fact sheet provides responses to Frequently Asked Questions ("FAQs") about a proposed prospective purchaser settlement agreement between the U.S. Environmental Protection Agency ("EPA") and the real estate developer Wilmington Woburn Industrial, LLC ("WWI," previously Wilmington Woburn Intermodal, LLC), an affiliate of GFI Partners, LLC ("GFI"), embodied in an Administrative Agreement for Payment of Response Costs by Prospective Purchaser ("Prospective Purchaser Agreement," "PPA," or "Settlement Agreement"). A prospective purchaser agreement is the primary settlement tool used by EPA to address the liability concerns of a prospective purchaser or other third party who wants to redevelop a site. The proposed PPA is for the Olin property – the approximately 50-acre parcel at 51 Eames Street in Wilmington, Massachusetts – where manufacturing and waste disposal activities were formerly conducted. These industrial activities resulted in extensive environmental contamination that led to the Olin Chemical Superfund Site's designation as a federal Superfund site in 2006.

The proposed Settlement Agreement, signed by WWI, EPA, and the Environmental and Natural Resources Division of the U.S. Department of Justice, is subject to a 30-day public comment period. The proposed PPA, signed by WWI, EPA, and the Environmental and Natural Resources Division of the U.S. Department of Justice, is subject to a 30-day public comment period.

To submit comments: Submit your comments online at: <https://www.regulations.gov> (Docket ID No. EPA-R01-SFUND-2024-0214). Enter EPA-R01-SFUND-2024-0214 in the search field and click "Search." Or go directly to: <https://www.regulations.gov/document/EPA-R01-SFUND-2024-0214-0029>.

### BACKGROUND

The Olin Chemical Superfund Site (the "Site") includes the 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.

[continued >](#)

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 (“Olin”) purchased the property in 1980. The facility was used to produce blowing agents, stabilizers, antioxidants, and other specialty chemicals for the rubber and plastics industries. 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 3.

More information about the Site can be found here: [www.epa.gov/superfund/olin](http://www.epa.gov/superfund/olin)

### WHAT MUST BE DONE TO CLEAN UP THE SITE?

The cleanup plan for the Site was selected by EPA in 2021 (in a Record of Decision or “ROD”) and includes interim actions to remove ongoing sources of contamination in groundwater and final cleanup actions for addressing contaminated soil, sediments, and surface water:

- 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.



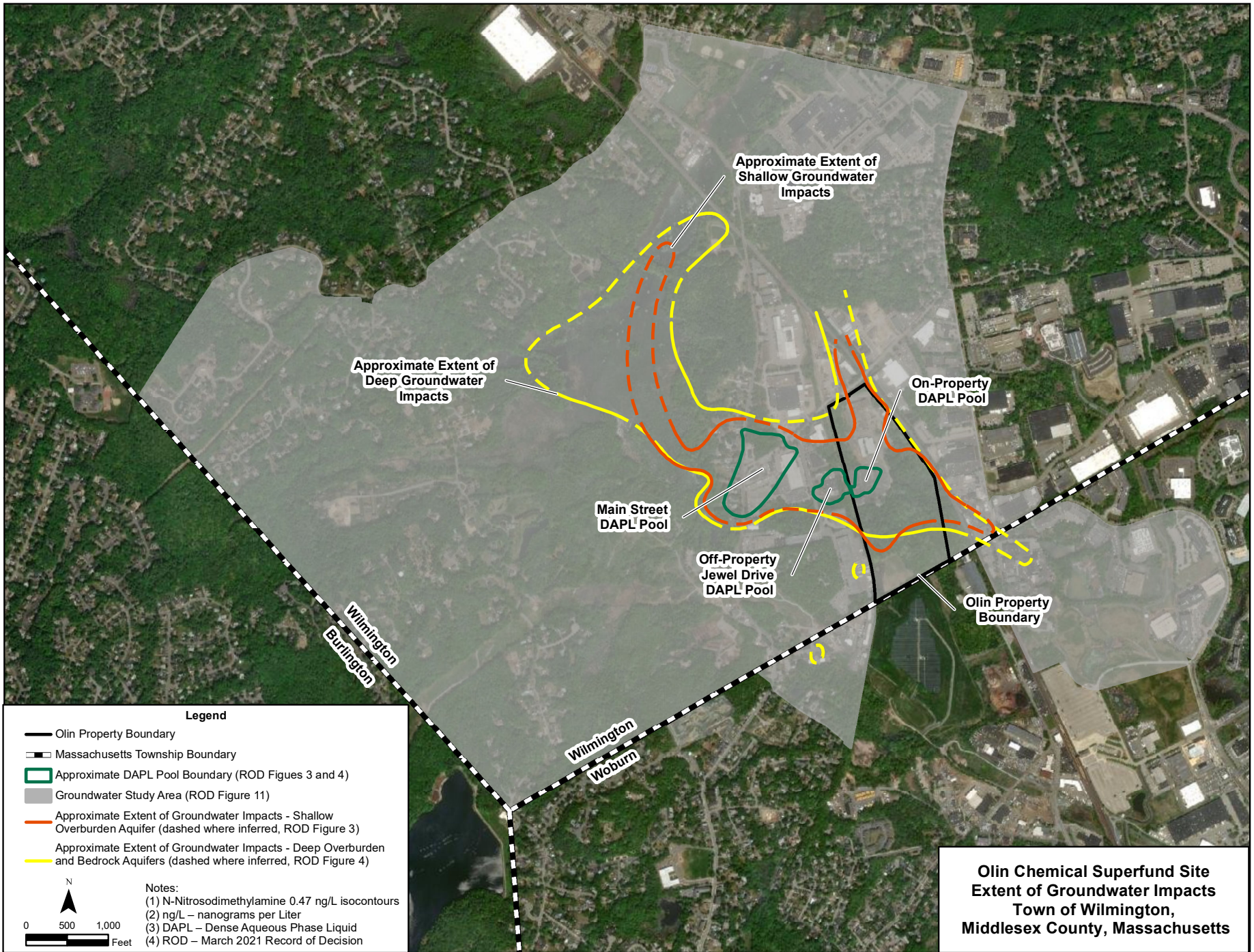
*Workers drilling a new monitoring well as part of the ongoing groundwater investigations.*

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.

### WHO IS RESPONSIBLE FOR THE CLEANUP?

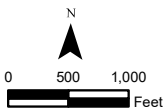
EPA reached an agreement (a “Consent Decree”) with four parties responsible for the contamination at the Site to conduct the cleanup specified in the ROD, which was accepted and finalized by the U.S. District Court for the District of Massachusetts on September 28, 2023. Under the Consent Decree, American Biltrite, Inc., NOR-AM Agro LLC, Olin Corporation, and Stepan Company, (collectively, the “Settling Defendants”) will address the areas of soil, sediment, and surface water contamination on and around the Olin property and implement the interim cleanup plan for groundwater. Olin will perform the cleanup at the Site on behalf of the Settling Defendants and under the supervision of EPA. Regardless of whether a sale of the Olin property ultimately occurs, Olin has agreed, along with the other Settling Defendants, to perform the cleanup for the Site in accordance with the terms of the Consent Decree.

More information about the cleanup, how the work will be organized, and opportunities for public input can be found here: <https://semspub.epa.gov/work/01/100024854.pdf>



**Legend**

- Olin Property Boundary
- - - Massachusetts Township Boundary
- Approximate DAPL Pool Boundary (ROD Figures 3 and 4)
- Groundwater Study Area (ROD Figure 11)
- Approximate Extent of Groundwater Impacts - Shallow Overburden Aquifer (dashed where inferred, ROD Figure 3)
- Approximate Extent of Groundwater Impacts - Deep Overburden and Bedrock Aquifers (dashed where inferred, ROD Figure 4)



Notes:  
 (1) N-Nitrosodimethylamine 0.47 ng/L isocontours  
 (2) ng/L - nanograms per Liter  
 (3) DAPL - Dense Aqueous Phase Liquid  
 (4) ROD - March 2021 Record of Decision

**Olin Chemical Superfund Site  
 Extent of Groundwater Impacts  
 Town of Wilmington,  
 Middlesex County, Massachusetts**

## WHAT IS HAPPENING WITH REDEVELOPMENT OF THE OLIN PROPERTY?

The Olin property is currently owned by Olin. In December 2022, WWI submitted a request to EPA to enter into a prospective purchaser agreement. A prospective purchaser agreement 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 to purchase the Olin property (“Contract”). EPA and WWI have negotiated the terms of the proposed PPA that is now available for public review and comment.

WWI has informed EPA that its planned redevelopment of the Olin property includes the construction of a 195,400 square foot warehouse facility with associated parking at the main entrance to the property along Eames Street. There will be no construction over the Containment Area feature (an engineered, underground slurry wall and temporary cap) on the Olin property while EPA’s investigations and remediation work in this area are underway.

WWI indicated that a second phase of the project may be proposed in the future, which would include an additional 135,000 square feet of warehouse space extending over the Containment Area. This work can only take place once EPA has finished its investigation and remediation work in this area.

In the PPA, WWI agrees that it will coordinate and cooperate with Olin and the other Settling Defendants to ensure that the construction of the project will be consistent with the requirements of the ROD and Consent Decree. Further, WWI will ensure that the project will be designed and constructed to be consistent with, and not interfere with, any site investigation or cleanup activities on the Olin property.

## WHAT OTHER INFORMATION IS AVAILABLE ABOUT THE PROPOSED REDEVELOPMENT PROJECT?

WWI also stated to EPA that GFI has purchased the property at 779 Woburn Street in Wilmington, located at the intersection of Eames and Woburn Streets, to potentially improve traffic conditions in the area.

## MORE ABOUT PROSPECTIVE PURCHASER AGREEMENTS

A prospective purchaser agreement is a legally binding agreement between EPA and a prospective purchaser of a contaminated Superfund site or a portion of a Superfund site. When landowners acquire property with the knowledge of pre-existing contamination, they may be held accountable under federal law to conduct or pay for remediation efforts. Therefore, EPA periodically receives requests to limit the liability of prospective purchasers. A prospective purchaser agreement may include language whereby EPA agrees not to sue the purchaser for existing contamination in exchange for the purchaser’s pledge to undertake certain response activities. These activities can include compliance with requirements relating to human health and environmental protection; accommodation of necessary investigatory, cleanup, and/or monitoring efforts; and reimbursement of EPA’s oversight and response costs.

## WHAT PARTS OF THE CLEANUP WILL THE DEVELOPER BE RESPONSIBLE FOR?

Whether or not EPA enters into a prospective purchaser agreement 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 located at 51 Eames Street, in accordance with the terms of the Consent Decree and associated Statement of Work.



*Aerial image of the Containment Area feature (engineered slurry wall and temporary cap) on the Olin property. Olin Corporation replaced the previous cover of the Containment Area in the fall of 2021.*

Pursuant to its Contract with Olin, WWI will construct a multi-layer, low-permeability cap over the Containment Area that meets Resource Conservation and Recovery Act Subtitle D and Massachusetts solid waste landfill performance standards (the “Cap”). WWI will construct such Cap in coordination with the timing of Settling Defendants’ performance of the Remedial Action, which will be subject to EPA approval (in consultation with the Massachusetts Department of Environmental Protection (“MassDEP”)), in accordance with the terms of the Consent Decree and associated Statement of Work. The PPA allows WWI to propose a warehouse building to function as a component of the Cap, which Olin and the other Settling Defendants will then incorporate into the technical design plans that are to be submitted to EPA for approval under the Consent Decree. The PPA further requires WWI to maintain and monitor the Cap, and cooperate with Olin and the other Settling Defendants in reporting on the cap.

WWI will also be required to perform assessments, referred to as “vapor intrusion evaluations,” for new buildings constructed on the Olin property or building alterations. As required by EPA, WWI will also be required to install and maintain vapor mitigation systems such as passive vapor barriers and/or active sub-slab or sub-membrane depressurization systems. These are measures required by the Consent Decree to address the potential for harmful vapors to accumulate at unsafe levels in the indoor air of buildings on the Olin property, due to the presence of certain chemicals in the soils on the property (trimethylpentenes or “TMPs”) that can easily evaporate and move upwards as a gas. Without these types of engineered systems, there is the potential for these gases to accumulate in indoor air at levels that could pose risks for building workers or occupants.

### **WHAT ELSE DOES IT SAY IN THE PROPOSED PPA?**

WWI acknowledges that its redevelopment of the Olin property may be a part of the cleanup work that the Settling Defendants are required to perform under the Consent Decree (and if performed by WWI, such performance will be pursuant to the Contract in coordination with Settling Defendants and in accordance with the terms of the Consent Decree and associated Statement of Work). WWI also agrees that it will coordinate and cooperate with the Settling Defendants to ensure that the construction of any project or work at the Olin property will be consistent with the requirements of the ROD and Consent Decree and to ensure that the design of such is consistent with, and does not interfere with, any Site remedial activities or investigations.

### **WHAT IS EPA’S POSITION ON THIS PROPOSED REDEVELOPMENT PROJECT?**

EPA is not taking a position that advocates for or against a particular redevelopment plan. A redeveloper must cooperate fully with EPA’s environmental investigation and response actions at the Site; protect and maintain remedial systems; and refrain from using the Olin property in any manner that would interfere with the necessary cleanup at the Site, aggravate or contribute to the existing contamination, or pose health risks to the community.

EPA will review any redevelopment plans that WWI submits to ensure that the proposed redevelopment is protective of public health, does not adversely impact the cleanup or hinder EPA’s efforts to collect more data to select and carry out a final cleanup plan for groundwater. EPA will also review the plans to ensure that the Olin property is safe for its intended use and consistent with EPA’s cleanup goals for the Site, which include remediating the Olin property to a level that is safe for a commercial/industrial use based on the current zoning.

More information on redevelopment at Superfund sites can be found here: <https://www.epa.gov/superfund-redevelopment>  
Information on EPA’s Prospective Purchaser Inquiry Service, and how it can provide communities, developers, and other stakeholders with information on EPA and reuse efforts, can be found here: <https://semspub.epa.gov/work/HQ/100002921.pdf>

### **WHERE CAN I VIEW THE PROPOSED PROSPECTIVE PURCHASER AGREEMENT?**

The PPA is available at EPA’s website: <https://www.epa.gov/superfund/olin> and at <https://www.regulations.gov> by searching for Docket ID No. EPA-R01-SFUND-2024-0214. Or go directly to: <https://www.regulations.gov/document/EPA-R01-SFUND-2024-0214-0029>.

The proposed PPA and related Site documents are also available for public inspection at the U.S. EPA, Region 1, SEMD Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109 by appointment only (by calling 617-918-1440 or by emailing [r1.records-sems@epa.gov](mailto:r1.records-sems@epa.gov)).

### **HOW DO I COMMENT ON THE DRAFT PROSPECTIVE PURCHASER AGREEMENT?**

The proposed PPA is subject to a 30-day public comment period that runs from Tuesday, July 2, 2024 - Thursday, Aug. 1, 2024. Submit your comments online at <https://www.regulations.gov> (Docket ID No. EPA-R01-SFUND-2024-0214). Enter EPA-R01-SFUND-2024-0214 in the search field and click "Search." Or go directly to: <https://www.regulations.gov/document/EPA-R01-SFUND-2024-0214-0029>.

### **WHAT ELSE SHOULD I KNOW ABOUT COMMENTING ON THE PPA AT REGULATIONS.GOV?**

Note, that once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information ("CBI") or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system).

For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, see: <http://www.epa.gov/dockets/commenting-epa-dockets>.

Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via [Regulations.gov](https://www.regulations.gov), a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on [Regulations.gov](https://www.regulations.gov)). By submitting a comment, you agree to the terms of participation <https://www.regulations.gov/user-notice> and privacy notice <https://regulations.gov/privacy-notice>.

### **HOW DO I STAY INFORMED ABOUT REDEVELOPMENT AND THE CLEANUP?**

EPA will continue to work with MassDEP, the Town of Wilmington, local organizations including the Wilmington Environmental Restoration Committee ("WERC"), and community members to make sure Site information and important site updates are shared directly with the public. EPA will keep the community informed throughout the cleanup, including providing updates and information about redevelopment of the Olin property.

### **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, with any questions, or to sign up for the site e-mail or mailing list. Charlotte can be reached at [gray.charlotte@epa.gov](mailto:gray.charlotte@epa.gov) or by calling (617) 918-1243.

### **SITE CONTACTS**

Charlotte Gray, EPA Community Involvement Coordinator (617) 918-1243 [gray.charlotte@epa.gov](mailto:gray.charlotte@epa.gov)

Melanie Morash, EPA Remedial Project Manager (617) 918-1292 [morash.melanie@epa.gov](mailto:morash.melanie@epa.gov)

Chris Kelly, EPA Remedial Project Manager (617) 918-1382 [kelly.christopher@epa.gov](mailto:kelly.christopher@epa.gov)

Garry Waldeck, MassDEP Bureau of Waste Site Cleanup, Environmental Engineer (617) 694-2085 [garry.waldeck@mass.gov](mailto:garry.waldeck@mass.gov)