

**RE: Greenwood Chemical Site - Request**

McClelland, John (VDH) [john.mcclelland@vdh.virginia.gov]

**Sent:** Wednesday, April 10, 2013 4:27 PM

**To:** Newman, Eric



SDMS DocID 2157768

Also, Mark Graham (Director of Community Development) has to leave at 1400 (meeting starts at 1300), if that affects your decision...

---

**From:** McClelland, John (VDH)  
**Sent:** Wednesday, April 10, 2013 4:21 PM  
**To:** McClelland, John (VDH); 'Newman, Eric'  
**Subject:** RE: Greenwood Chemical Site - Request

Eric,  
Fyi- the Albemarle County staff are o.k. with conference call if you can't make it in person. Thanks.  
Jack

---

**From:** McClelland, John (VDH)  
**Sent:** Wednesday, April 10, 2013 3:46 PM  
**To:** Newman, Eric  
**Subject:** RE: Greenwood Chemical Site - Request

Eric,  
I forwarded this information to Amelia McCulley, the Director Of Zoning/Zoning Administrator and Mark Graham, the Director of Community Development for Albemarle County. They were very appreciative of you providing it and would like to meet next Thursday (18 APR 13) at 1300 to discuss the issue further. It is their preference to meet with you (and any other representatives from the EPA) in person if at all possible. They realize that this is short notice, but felt the meeting would be more productive if done in person. I think this would also best help to support your communicated objectives in regard to the EPA's current work on the "Five-Year Review" at the site and desire to publish the report this summer, as well as your desire to have the required institutional controls in place prior to publishing that report. Please let me know your thoughts and ability to make this happen and I will work with all parties to facilitate the meeting. Thank you.  
Jack

Jack D. McClelland  
Environmental Health Manager  
Thomas Jefferson Health District  
434-972-6210  
434-972-4310 FAX

---

**From:** Newman, Eric [mailto:Newman.Eric@epa.gov]  
**Sent:** Tuesday, April 09, 2013 6:04 PM  
**To:** McClelland, John (VDH)  
**Cc:** Deppe, Russell (DEQ); Briggs-Steuteville, Sheila; Corbett, Chris; Hendershot, Michael  
**Subject:** RE: Greenwood Chemical Site - Request

Jack,

We would very much appreciate the opportunity to participate in a meeting or conference call to discuss how the local government would benefit by implementing the appropriate land use restrictions through ordinance on this 34 acre parcel in Albemarle County. It bears mentioning that EPA has closely consulted with local elected and public health professionals concerning the appropriate response actions to take at this site throughout the process, from the very beginning of our involvement.

We are never sure of exactly what the future will bring but there are several potential upsides (benefits) to having the appropriate land use limitations in place and no downsides that we can conceive of. It is also prudent to have the limitations in place before an independent third-party/citizen expends resources planning for a land use that is inappropriate (not safe) causing officials to scramble in a defensive/reactionary mode to ensure that citizens are not exposed to hazardous substances which are being properly managed on the property.

#### Short Summary of Past Actions/Cleanup Activities

At the Virginia Governor's request, the United States Environmental Protection Agency (EPA) confirmed that the subject property (which up until the April 1985 explosion/fire supported a chemical manufacturing plant) was legally eligible for federal cleanup under the "Superfund" law. The former owner did not have the funds for cleanup so abandoned the property. EPA spent approximately \$40M investigating and cleaning up the property in addition to several million dollars contributed by the Commonwealth. During the process EPA worked closely with state and local officials to determine the most appropriate future land use scenarios and used that information to customize the cleanup actions and select cleanup levels. EPA, with the support of Virginia DEQ and local public health officials, held several formal public meetings to present what we learned about contamination at the site, along with all the options being evaluated for cleanup – including future land use. The cleanup plan, including land use restrictions was openly discussed and unanimously supported [including by the then owner who subsequently dissolved his company and stopped paying taxes in 1999]. The chemical plant was dismantled, the chemicals were properly containerized and transported to appropriately permitted disposal facilities, contaminated lagoons were drained and excavated, buried drums were excavated, and contaminated soil was excavated to a depth 15 feet below the surface. Excavations were backfilled with clean soil. Even after all that work was completed contaminated soils (at depth) and ground water remain on-site (but safely contained). The property is now safe to use for recreational or industrial purposes (not residential) but putting the property back into productive reuse will require any prospective land owner to know what appropriate limitations are.

#### Establishing land use restrictions (aka institutional controls)

Most environmentally compromised properties have a viable (and hopefully taxpaying) owner. In such cases EPA will normally enter into a consensual "environmental easement/protective covenant" with that owner to establish the land use control. In cases that we are unable to reach agreement, EPA has the authority under CERCLA (the Superfund law) to issue a legal order to restrict the land use; however, we need a property owner to issue the order to. In the unusual circumstance that we find ourselves in, a property with no owner, we have successfully partnered with local authorities to utilize municipal ordinances.

#### What is the benefit to the local government in passing an ordinance on this property?

As mentioned, there are many "what ifs" that can play out depending on future action taken by parties/authorities/citizens not within our control. The bottom line is that many potential stakeholders would benefit from the certainty of knowing which types of specific actions cannot be undertaken on the property. A couple benefits/scenarios that come to mind include:

- 1) Federal, State and local officials have spent a lot of resources to restore this environmentally

compromised property to the point that it can be beneficially reused. Currently, there is no owner so no one is paying taxes on the property. It has been our experience that citizens do not look favorably on properties that have been "cleaned up" but remain under utilized and an ongoing economic burden to the community. There are a variety of viable beneficial purposes that the property may be suitable for such as, a solar panel farm, ATV riding parks, ostrich farms, or simply wildlife habitat areas to name a few but facilitating productive reuse by the local authorities can be just what is needed to complete a revitalization success story.

- 2) We commonly have these abandoned properties with back taxes "put up" for sheriff tax sale. Speculators/entrepreneurs often purchase these environmentally compromised properties for pennies on the "tax bill" dollar – often sight unseen - then set out to exploit their investment. It can be very messy and time consuming to all local, state and federal authorities explaining the land use limits that need to be attached to the property. It is much cleaner to have the ordinance in place so authorities are only assisting citizens who are truly prepared to develop or reuse the land in an appropriate manner. This way no one will need to deal with irate purchasers who are demanding their money back or simply failing to pay taxes the following year....
- 3) Adjacent property owners are commonly "stressed" with the uncertainty of living on (or purchasing) land that is near a former "Superfund" site. Providing an ordinance that spells out the appropriate land use limitations on the Site, along with the boundaries of those limitations, can provide a level of comfort to the nearby citizens. The boundaries established for the ordinance provides them a degree of certainty that their property does not have a restriction.

These are just a few thoughts that come to the top of my head when asked the question, "why would local government benefit from passing an ordinance on this property?" We can go through myriad other "what ifs" but in short, anticipating risks that our citizens may find themselves up against and taking advanced action to mitigate those risks, whether they be health or financial risk – especially when the "cost" of taking such action is minimal – is just good government.

As mentioned previously, EPA and VDEQ attorneys can draft the initial overlay district ordinance which can substantially reduce the resource burden to the zoning board. We will make ourselves available to discuss this matter further at your convenience. Thanks again for your attention to this matter, Eric

**ERIC NEWMAN, RPM**  
**ENVIRONMENTAL ENGINEER**  
**US EPA REGION 3, HS23**  
**1650 ARCH STREET**  
**PHILADELPHIA, PA 19103**  
**215-814-3237**  
**NEWMAN.ERIC@EPA.GOV**

---

**From:** McClelland, John (VDH) [mailto:john.mcclelland@vdh.virginia.gov]  
**Sent:** Tuesday, April 09, 2013 2:08 PM  
**To:** Newman, Eric  
**Subject:** RE: Greenwood Chemical Site - Request

Eric,

Trying to set up meeting with Albemarle County Director of Zoning and Current Development and the Director of Community Development. One question they had and communicated to me was: "Why would we benefit from passing an ordinance on this property?" It would appear that it be helpful to be able to answer this question to help facilitate resolution. Let me know your thoughts. I left you a phone message as well.

Jack

Jack D. McClelland  
Environmental Health Manager  
Thomas Jefferson Health District  
434-972-6210  
434-972-4310 FAX

---

**From:** Newman, Eric [<mailto:Newman.Eric@epa.gov>]  
**Sent:** Tuesday, April 09, 2013 12:17 PM  
**To:** Newman, Eric; McClelland, John (VDH)  
**Subject:** RE: Greenwood Chemical Site - Request

Jack – It occurred to me that the “hot link” that I provided below only brings a person to the EPA website and that further navigation would be required to pull up the 2008 Five Year review. For you convenience, I am attaching a .pdf version to this email. Eric

**ERIC NEWMAN, RPM**  
**ENVIRONMENTAL ENGINEER**  
**US EPA REGION 3, HS23**  
**1650 ARCH STREET**  
**PHILADELPHIA, PA 19103**  
**215-814-3237**  
**[NEWMAN.ERIC@EPA.GOV](mailto:NEWMAN.ERIC@EPA.GOV)**

---

**From:** Newman, Eric  
**Sent:** Monday, April 08, 2013 2:15 PM  
**To:** 'McClelland, John (VDH)'  
**Subject:** RE: Greenwood Chemical Site - Request

Jack,  
That is good news. We look forward to hearing back. Thanks for following up. Eric

**ERIC NEWMAN, RPM**  
**ENVIRONMENTAL ENGINEER**  
**US EPA REGION 3, HS23**  
**1650 ARCH STREET**  
**PHILADELPHIA, PA 19103**  
**215-814-3237**  
**[NEWMAN.ERIC@EPA.GOV](mailto:NEWMAN.ERIC@EPA.GOV)**

---

**From:** McClelland, John' (VDH) [<mailto:john.mcclelland@vdh.virginia.gov>]  
**Sent:** Monday, April 08, 2013 1:23 PM  
**To:** Newman, Eric  
**Subject:** RE: Greenwood Chemical Site - Request

Eric,  
I had been meaning to send you a message to let you know that I contacted Amelia McCulley who is the Director of Zoning and Current Development in Albemarle County and forwarded your message and information to her.

She e-mailed me last week and said her and some applicable county staff were going to meet about it last Thursday (4 APR 13) and she would contact me this week to set up a meeting to discuss. I will let you know when I hear back from her and if it is not in the next day or two, I will call her. Thanks.

Jack

Jack D. McClelland  
Environmental Health Manager  
Thomas Jefferson Health District  
434-972-6210  
434-972-4310 FAX

---

**From:** Newman, Eric [<mailto:Newman.Eric@epa.gov>]  
**Sent:** Monday, April 08, 2013 12:44 PM  
**To:** McClelland, John (VDH)  
**Subject:** FW: Greenwood Chemical Site - Request

Jack, Have you had the necessary time to think about this issue and provide some advice to US EPA moving forward to implement institutional controls at the Greenwood Chemical site? Please let us know at your earliest convenience. Thanks, Eric

**ERIC NEWMAN, RPM**  
**ENVIRONMENTAL ENGINEER**  
**US EPA REGION 3, HS23**  
**1650 ARCH STREET**  
**PHILADELPHIA, PA 19103**  
**215-814-3237**  
**NEWMAN.ERIC@EPA.GOV**

---

**From:** Newman, Eric  
**Sent:** Thursday, March 28, 2013 11:27 AM  
**To:** 'John.McClelland@vdh.virginia.gov'  
**Cc:** Kevin Greene; Briggs-Steuteville, Sheila; Driscoll, Stacie; Russel Deppe ([russel.deppe@deg.virginia.gov](mailto:russel.deppe@deg.virginia.gov))  
**Subject:** Greenwood Chemical Site - Request

Jack,

Congratulations for becoming the Environmental Health Manager for the Thomas Jefferson Health District. We have enjoyed decades of excellent communication/coordination with Jeff McDaniel with respect to the Greenwood Chemical Superfund site (located in unincorporated Newtown), and look forward maintaining that relationship with your office.

As discussed in our brief telephone call, EPA and VDEQ have implemented the selected cleanup actions at the Greenwood Chemical site to the point that the property can be safely used for industrial or recreational purposes. However, the selected cleanup plan also requires the implementation of land use restrictions through institutional controls (i.e., Easement and Protective Covenant). Unfortunately, we are unable to enter into an Easement and Protective Covenant at the Greenwood Chemical Site because the property has been abandoned by the former land owner. The land owner had been the Greenwood Chemical Company (GCC) which dissolved as a corporation in 2003, and the former sole shareholder of GCC is now deceased. EPA and VDEQ are

requesting your advice and direction in communicating with the appropriate Albemarle County officials necessary to explore the feasibility of placing the requisite land use restrictions by passing a county ordinance that would apply to the subject parcel.

In similar circumstances throughout the Region we have been able to coordinate with appropriate land use and zoning officials to implement appropriate land use restrictions through local ordinance. A recent example that we may be able to use as a model for the process was completed for the Kim Stan Landfill Superfund Site in Alleghany County. I've attached files of the "overlay district" and final use restrictions drafted and passed by Alleghany County for your consideration. The general process involved EPA/VDEQ and local public health officials briefing appropriate local zoning officials of the rationale and appropriateness of the land use restrictions sought. EPA attorneys then drafted appropriate legal documents for full consideration and processing by appropriate local officials.

As I mentioned, EPA is currently conducting a "Five-Year Review" at the Site and must publish the report this summer. It is our strong desire to have the required institutional controls in place prior to publishing that report. I have forwarded (below) an email that I sent Jeff McDaniel that includes a "hotlink" to the last Five-Year Review completed in 2008 for your reference.

The following sections/paragraphs in the 2008 Five-Year Review are particularly relevant to the institutional control issue we are trying to resolve:

- The 5<sup>th</sup> bullet on Page 14 describes the institutional controls mandated in the selected remedy for the site
- The 2<sup>nd</sup> paragraph on Page 16 and 3<sup>rd</sup> Paragraph on Page 28 describe EPA's intention to enter into an easement with the now-deceased former property owner
- Table 9 on page 33 identifies issues that were to be resolved prior to completing the 2013 Five-Year Review
- The 2<sup>nd</sup> paragraph on Page 34 includes the "protectiveness statement" made for the site in 2008. To paraphrase it states that the site is protective in the short term because the property is not being utilized in a manner inconsistent with the remedy but that institutional controls must be implemented for the property to be protective in the long-term.

We sincerely appreciate your assistance and advice in deciding how to best move this matter forward in Albemarle County. I look forward to hearing back from you after you have had the opportunity to consider our circumstances. Please do not hesitate to contact me if you have questions or require clarification on this or any other matter.

Sincerely,

**ERIC NEWMAN, RPM  
ENVIRONMENTAL ENGINEER  
US EPA REGION 3, HS23  
1650 ARCH STREET  
PHILADELPHIA, PA 19103  
215-814-3237  
[NEWMAN.ERIC@EPA.GOV](mailto:NEWMAN.ERIC@EPA.GOV)**

From: "McDaniel, Jeff (VDH)" <[Jeff.McDaniel@vdh.virginia.gov](mailto:Jeff.McDaniel@vdh.virginia.gov)>  
To: Eric Newman/R3/USEPA/US@EPA  
Cc: "Willis, Durwood (DEQ)" <[Durwood.Willis@deq.virginia.gov](mailto:Durwood.Willis@deq.virginia.gov)>, "Christiansen, Carl (VDH)" <[Carl.Christiansen@vdh.virginia.gov](mailto:Carl.Christiansen@vdh.virginia.gov)>, "McDaniel, Jeff (VDH)" <[Jeff.McDaniel@vdh.virginia.gov](mailto:Jeff.McDaniel@vdh.virginia.gov)>

Date: 01/25/2012 11:02 AM  
Subject: RE: Greenwood Chemical site being transferred to VDEQ lead....

---

Eric,

Thanks for the call. I do appreciate the update in case we get calls.

My mailing address is:  
Jeff McDaniel  
c/o TJHD  
PO Box 7546  
Charlottesville, VA 22906

**From:** Eric Newman [mailto:[Newman.Eric@epamail.epa.gov](mailto:Newman.Eric@epamail.epa.gov)]  
**Sent:** Tuesday, January 24, 2012 4:41 PM  
**To:** McDaniel, Jeff (VDH)  
**Cc:** Willis, Durwood (DEQ); Christiansen, Carl (VDH)  
**Subject:** Greenwood Chemical site being transferred to VDEQ lead....

[www.epa.gov/superfund/sites/fiveyear/f2008030002488.pdf](http://www.epa.gov/superfund/sites/fiveyear/f2008030002488.pdf)

Jeff - I am following up on our telephone conversation with site contact information to update your records. For your convenience, I am also attaching a web link to the Five-Year Review that was published in September 2008 to be used as an easy reference to you. The document is easy to find as I pulled the web link up by googling "Greenwood Chemical Five Year Review".

VDEQ will be taking over operations and management for the project on March 15, 2012. We are preparing a simple fact sheet to inform the community of the transfer of responsibilities and plan to have a public availability session prior to March 15th to provide an opportunity for residents to come meet the VDEQ team and answer any questions that they may have. Our community involvement coordinator is working out the details for the meeting. I will let you know when it is set.

I would appreciate it if you would respond to both Durwood and me with your mailing address so we can confirm that our information is up to date.

My contact information is listed below.

As mentioned, Durwood Willis is the VDEQ contact. Durwood can be reached at 804-698-4192 or [durwood.willis@deq.virginia.gov](mailto:durwood.willis@deq.virginia.gov)

Carl - I am copying you on this e-mail for my convenience. We traded v-mails last week and I'd like to convey the same message you.

Please do not hesitate to contact me if you have further questions. Eric

Eric Newman, RPM  
Environmental Engineer

DE, VA & WV Remedial Section (3HS23)  
US EPA 1650 Arch Street  
Philadelphia, PA 19103  
215-814-3237