



PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

MICHAEL SCOTT

Acting Director

March 28, 2016

Mr. Franklin Hill
Director, Superfund Division
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303-8931

Dear Mr. Hill:

The North Carolina Department of Environmental Quality (NCDEQ) concurs with the United States Environmental Protection Agency's (EPA) decision to defer final listing of the Stony Hill Road TCE Site (Site) on the National Priorities List (NPL) while NCDEQ oversees the remaining response actions at the Site.

This letter confirms NCDEQ's acknowledgement of the roles and procedures outlined in your letter of March 17, 2016 (attached), to be conducted in accordance with EPA's Guidance on the Deferral of NPL Listing Determinations and in accordance with the 1997 State Deferral Memorandum of Agreement between the EPA and NC.

I would like to express the NCDEQ's thanks for the expertise and hard work of your technical staff during the Emergency Removal Action and protracted Site Assessment efforts at the site, and for the talent and persistence your legal staff brought to bear on the successful coordinated enforcement negotiations conducted by our two agencies.

Sincerely,

A handwritten signature in blue ink that reads 'Jim Bateson'.

Jim Bateson
Chief, Superfund Section

Cc: Michael Scott
David Lown
Jay Osborne
Bianca Jaikaran
Ken Rhame
Jennifer Wendel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED

MAR 17 2016

MAR 24 2016

Superfund Section

James Bateson
Superfund Section Chief
NCDEQ Division of Waste Management
3800 Barrett Drive
Raleigh, North Carolina 27609

Re: Stony Hill Road Site added to the Superfund State Deferral Program

Dear Mr. Bateson:

In accordance with the United States Environmental Protection Agency's "Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions" (OSWER Directive 9375.6-11) (May 1995) (Deferral Guidance), and the "Superfund State Deferral Memorandum of Agreement between US EPA Region IV and the State of North Carolina" (1997), the EPA acknowledges agreement to defer final listing of the Stony Hill Road TCE Site (Site) on the National Priorities List (NPL) while North Carolina Department of Environmental Quality (NCDEQ) oversees the remaining response actions at the Site. The EPA agrees that the NCDEQ has met the deferral criteria outlined in the Deferral Guidance and that Site deferral is appropriate at this time. This letter specifies the plans and expectations of each agency at the Site and memorializes agreements necessary to ensure that the response actions undertaken at the Site are substantially similar to actions otherwise taken under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP). Once the Site response actions are successfully completed, it is expected that the EPA will have no further interest in considering the Site for final listing on the NPL and the Site will be removed from the active Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS).

I. BACKGROUND

The Stony Hill Road TCE Site is comprised of contamination source areas located on two properties, 7303 Stony Hill Road and 7648 Bud Morris Road, in Wake Forest, Wake County, North Carolina, and a contaminated groundwater plume that has comeled under residential homes and has impacted private drinking water wells. Circuit Board Assemblers (CBA), n.k.a. Flextronics International, Inc., and C-Tron, conducted operations for electronic circuit board assembling and manufacturing at the 7303 location between 1989 and 2010. The 7648 location is a residential property once owned by a former CBA employee. Trichloroethylene (TCE) and Tetrachlorethylene (PCE) contamination associated with the operation of the Site has been detected in groundwater beneath the Site and in private drinking water wells in the surrounding residential area.

In 2005 a tenant at 7305 Stony Hill Road contacted Wake County with a complaint of a petroleum odor in the drinking water of the residence. Wake County sampled the potable well and detected TCE. The 7305 residence was connected to a neighbor's clean well. Wake County notified the NCDEQ Division of Water Quality, Aquifer Protection Section (NCDEQ-APS) of the contamination. NCDEQ confirmed the result and sampled other private wells in the area. No additional contamination was discovered. In April of 2006, NCDEQ-APS issued a Notice of Corrective Action to the property owner at 7303 Stony

manner. The EPA and NCDEQ agree that a deferral should address the Site sooner than, and at least as quickly as the EPA would expect to respond.

The Site is included in the CERCLIS inventory and has been assessed, scored and determined to qualify for listing on the NPL. NCDEQ will not request, nor utilize, federal trust fund money to implement any portion of the actions in this deferral.

C. Community Acceptance

The EPA and NCDEQ provided outreach to the affected community at a meeting held March 11, 2014. The EPA and NCDEQ explained to the community the differences between a response action under state law pursuant to the terms of the deferral process and a response conducted under the NCP. NCDEQ solicited written public comment, which was received over a 30-day period and entered into the public record. The public response was largely supportive of the EPA deferring the Site to NCDEQ for oversight. NCDEQ has community involvement protocol under its Inactive Hazardous Waste Sites program, including public comment on the proposed AOC for the work, and public comment on NCDEQ approval of any proposed Remedial Action Plan. This community is not an EJ community.

D. Cleanup Levels

The NCDEQ agrees to pursue a CERCLA-protective cleanup of the Site that will be substantially similar to a CERCLA response. The response actions will be protective of human health and the environment, as generally defined for individual human exposure by an acceptable risk level for carcinogens between 10^{-4} and 10^{-6} (using 10^{-6} risk level as the point of departure for determining remediation goals for alternatives) and for non-carcinogens a Hazard Index of 1 or less, and no significant adverse impacts to ecological receptors. The response actions will also treat hot spots of contamination to the extent feasible. The NCDEQ will give preference to solutions that will be reliable over the long term. In addition, the NCDEQ agrees to ensure that any remedy selected at the Site will comply with all applicable or relevant and appropriate² federal requirements and more stringent applicable or relevant and appropriate state requirements to the maximum extent practicable under the NCDEQ's state authorities.

Soils, surface water and groundwater will be investigated and assessed as part of the comprehensive risk assessment conducted at the Site. The comprehensive risk assessment will include an assessment of contamination at the Site, as well as the consideration of potential exposure pathways to residents, workers, and receptors that might exist in and around the Stony Hill Road study area. The EPA anticipates that the CERCLA-protective remedy includes the recognition that groundwaters of the United States are valued natural resources, and that response actions will ensure the remedies are protective by restoring contaminated groundwater to beneficial uses.

E. Natural Resources Trustees

The NCDEQ agrees to promptly notify the appropriate state and federal trustees for natural resources of discharges and releases at the Site that are injuring or may injure natural resources, and include the trustees, as appropriate, in activities at the Site. NCDEQ agrees to, consistent with CERCLA and the

² The phrase "applicable or relevant and appropriate requirements" shall be defined by reference to Section 121 of CERCLA, 42 U.S.C. § 9621, the National Contingency Plan (see 40 C.F.R. § 300.5 definitions of "applicable requirements" and "relevant and appropriate requirements"), and applicable EPA Guidance.

IV. COMMUNITY PARTICIPATION

The NCDEQ will conduct public involvement activities that are substantially similar to those intended by the NCP, and in accordance with the Inactive Hazardous Sites Act.

A. Site files will be maintained at the NCDEQ office.

B. Site related documents will be available at one or more locations near the Site.

C. Site-related information will be provided to community groups.

D. Upon request, NCDEQ staff will provide technical assistance to members of the community in interpreting information with regard to the nature of the hazard, investigations, and studies conducted, and implementation decisions at the Site.

V. COMPLETION OF STATE RESPONSE ACTIONS

A. Certification and Confirmation

Once the NCDEQ considers the response actions at the Site to be complete, it agrees to certify to the EPA and the affected community that the remedy has been successfully completed and intended cleanup levels achieved. As part of the certification, the NCDEQ agrees to submit for the EPA review a Remedial Action completion Report as required by the Inactive Hazardous Sites Act, and substantially similar to that described in the EPA's Guidance, "Remedial Action Report; Documentation for Operable Unit Completion (OSWER Directive 9355.0-39FS) (June 1992).

The EPA will review the certification and supporting information, and may choose to initiate a deferral completion inquiry to confirm the certification. The EPA agrees to work with the NCDEQ to address any data deficiencies hindering the confirmation and agree to a time frame for completion of the inquiry. Upon completion of response actions and confirmation by the EPA, the Site will be removed from CERCLIS. If the response at the Site is confirmed as complete, the Site will not be further evaluated for NPL listing unless the EPA receives information of a release or potential release at the Site which poses a significant threat to human health or the environment.

B. Termination and Modification

The EPA may terminate this deferral at any time after providing 30-days notice to the NCDEQ. This deferral may be terminated if the response is not CERCLA- protective, is unreasonably delayed, is inconsistent with the agreed upon roles outlined in this letter, does not adequately address the concerns of the affected community, or for other appropriate reasons, such as the NCDEQ's inability to enforce compliance or the absence of appropriate funding to complete the response actions. The NCDEQ may also choose at any time, after 30-days notice to the EPA, to terminate this deferral for any reason. During any 30-day notice period required by this paragraph, the EPA and the NCDEQ agree to meet to discuss the decision to terminate this deferral.

Upon termination of this deferral, the EPA will consider taking any necessary response actions including initiating the rulemaking process to finalize listing the Site on the NPL. The EPA and the NCDEQ agree