



## Long-Term Stewardship Assessment Report

Bingham and Taylor

EPA ID #: VAD003064490

Culpeper, VA 22701

Assessment Date: March 28, 2018

Report Date: May 30, 2018

**Introduction:** Long-term stewardship (LTS) refers to the activities necessary to ensure that engineering controls (ECs) are maintained and that institutional controls (ICs) continue to be enforced. The purpose of the EPA Region 3 LTS program is to periodically assess the efficacy of the implemented remedies (i.e., ECs and ICs) and to update the community on the status of the RCRA Corrective Action facilities. The assessment is conducted in twofold, which consists of a record review and a field inspection, to ensure that the remedies are implemented and maintained in accordance to the final decision.

**Site Background:** Bingham & Taylor (BAT) foundry, a division of Virginia Industries, Inc., of Connecticut, is located at 601 Nalle Place Culpeper, VA 22701 (Property) at the convergence of the Southern Railway, Nalle Place, Yancy Street, and Spencer Street (**Figure 1**). The facility layout consists of two large buildings housing offices and operations (**Figure 2**), several other outbuildings for storage, and a loading dock. The foundry produces cast iron products from recycled scrap iron. Scrap iron loads are delivered to the facility by trucks. The loads are melted in the cupola. The molten iron is then transferred by ladles to various product molds in which the molten material hardens to produce the cast products (valve boxes, curb boxes, meter frames and lids, etc.). In the final step of the process, the castings are immersed into a dip tank for finishing with an asphalt coating.

**Current Site Status:** On December 22, 2004, EPA issued the Final Decision and Response to Comments (FDRTC). The current cleanup status at the Property is Corrective Action Complete with Controls. Controls include land use restrictions, groundwater use restrictions and maintenance of the Facility's asphalt cap. The final remedy detailed in the FDRTC is not yet implemented. However, BAT recorded a Deed Notice in the Circuit Court of Culpeper County on March 22, 2018 (Deed Notice). The facility remains under continued use as a foundry.

**Long-term Stewardship Site Visit:** On March 28, 2018, EPA conducted a long-term stewardship site visit with BAT and representatives to discuss and assess the status of the implemented remedies at the site.

The attendees were:

Name	Organization	Email Address	Phone No.
John Hopkins	EPA Region 3	<a href="mailto:hopkins.john@epa.gov">hopkins.john@epa.gov</a>	(215) 814-3437
Erich Weissbart	EPA Region 3	<a href="mailto:weissbart.erich@epa.gov">weissbart.erich@epa.gov</a>	(410) 305-2779
Darrell Dixon	Bingham and Taylor	<a href="mailto:ddixon@binghamandtaylor.com">ddixon@binghamandtaylor.com</a>	(540) 825-8334
Elizabeth Walters	Bingham and Taylor	<a href="mailto:ewalters@binghamandtaylor.com">ewalters@binghamandtaylor.com</a>	(540) 825-8334
Bill Graves	ENSAT	<a href="mailto:bgraves@ensatems.com">bgraves@ensatems.com</a>	(540) 825- 9083

### **Institutional Controls (ICs) Status:**

***Deed Notice:*** On March 22, 2018, a Deed Notice was placed for the Property which provides future perspective purchasers with information regarding institutional controls required by EPA location of the asphalt cap. The notice is purely an informational device and does not implement land or groundwater use restrictions required by EPA as stated in the FDRTC. The Deed Notice can be found in **Appendix A**.

***Groundwater Use Restriction:*** Groundwater at the facility shall not be used for any purpose other than industrial use as non-contact cooling water and monitoring activities required by VADEQ and/or EPA. Water for potable and manufacturing purposes at the facility is supplied by the Town of Culpeper.

***Land Use Restriction:*** The Property shall not be used for residential purposes or in any way that will adversely affect or interfere with the integrity and protectiveness of the asphalt caps. There were no residential structures observed at the time of the visit. The Facility remains under its continued use.

### **Engineering Controls (ECs) Status:**

***Bituminous Asphalt Cap:*** During the RCRA Facility Investigation (RFI), composite surface and subsurface soil samples were collected on-site. Three samples exceeded the residential soil screening level for lead of 400 parts per million (ppm) and six samples exceeded industrial soil screening level for lead of 800 ppm ranging from 402 ppm to 1410 ppm. BAT identified three areas (Figure 2) that yielded lead samples greater than the 400 ppm residential soil screening level and, as an interim measure, capped these areas to prevent direct contact exposure to contaminated soils and surface water infiltration to groundwater. The 30,000-squarefoot bituminous asphalt cap consists of 2-3 inches of rolled and graded stone, covered by 2 inches of asphalt, covered by another two-inch layer of asphalt resulting in a four-inch cap. At the time of the assessment, the asphalt cap was in good condition, with minor cracking in the surface. Much of the capped area is currently used as a storage area for crates and other supplies. Cracking asphalt may expand and possibly will need to be sealed in the future.

**Financial Assurance:** Financial Assurance is not required for this facility.

**Mapping:** EPA requested geospatial information regarding the Property boundary and asphalt capped areas during the visit. BAT provided a CAD file which can be used to map these areas. The EPA webpage will be updated displaying each area with specific institutional or engineering controls.

**Conclusions and Recommendations:** Institutional and engineering controls required at the facility are currently not enforceable without the proper implementation mechanism in place. The asphalt cap must be maintained for EPA's final remedy to be protective of human health and the environment. Therefore, EPA recommends that BAT pursue an Uniform Environmental Covenants Act (UECA) environmental covenant or a Deed Restriction.

**Attachments:**

Figure 1: Aerial of Bingham and Taylor

Figure 2: Restricted Soil Management Areas

Picture 1: Area 1

Picture 2: Area 2

Picture 3: Area 3

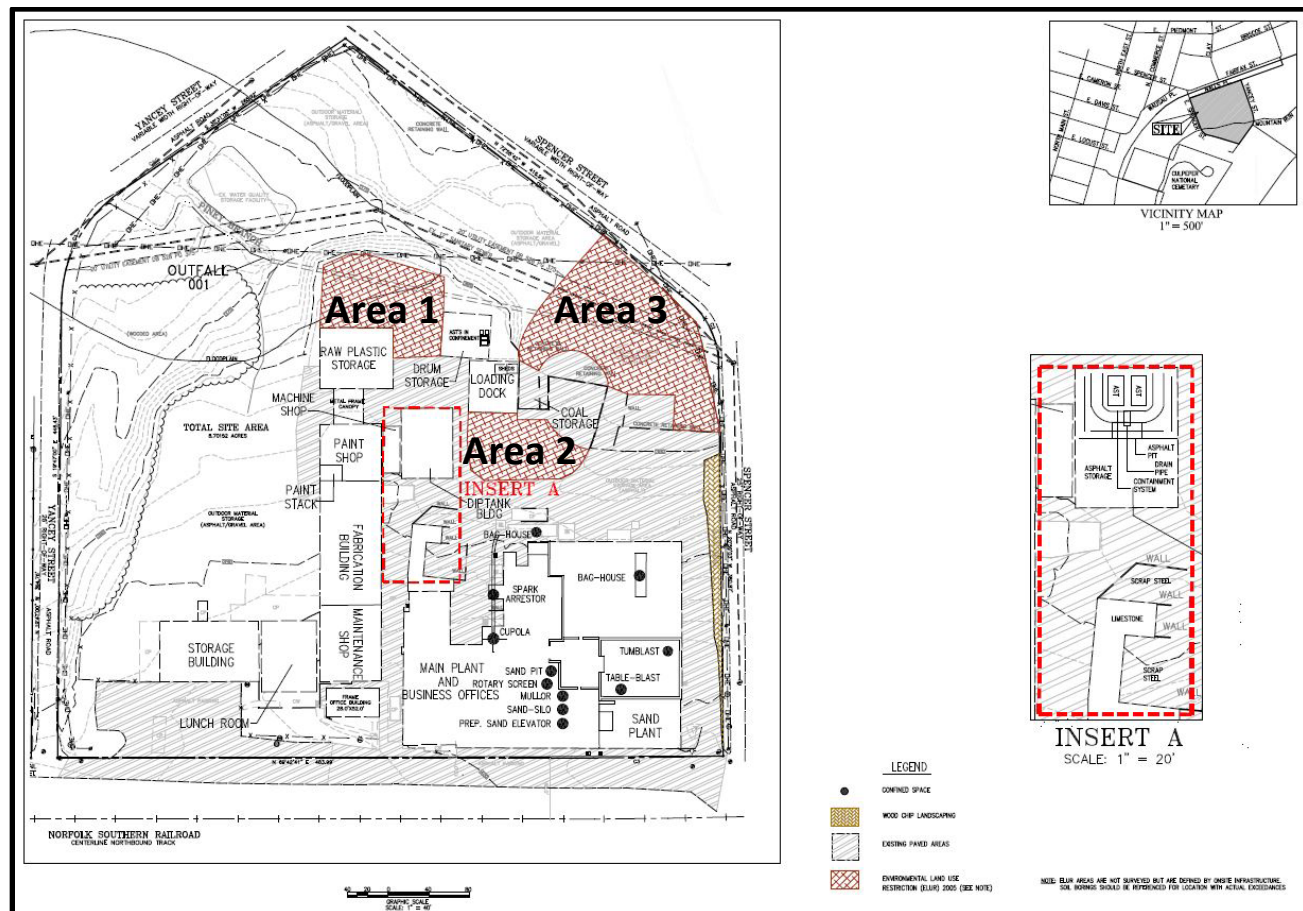
Appendix A: Deed Notice

Figure 1: Aerial of Bingham and Taylor





Figure 1: Restricted Soil Management Areas



Picture 1: Area 1



Picture 2: Area 2





Picture 3: Area 3





## Appendix A

VIRGINIA: IN THE COUNTY OF CULPEPER

INSTRUMENT NO. 180001413

BINGHAM & TAYLOR CORP., EPA I.D. NO. VAD003064490  
CULPEPER, VA

TAX MAP NOS.: 41-A2-1-D2, Lots 1, 1A, 1B, 3, 4, 5 and 5A

**NOTICE OF INSTITUTIONAL CONTROLS AND OBLIGATIONS**  
**REGARDING SUCCESSORS IN INTEREST**

This Notice of Institutional Controls and Obligations Regarding Successors in Interest ("Notice") is made this 19<sup>th</sup> day of March 2018 by BINGHAM & TAYLOR CORP. ("Owner"), grantor and grantee for recordation purposes.

**RECITALS:**

1. Pursuant to a facility lead agreement between the Owner and the U.S. Environmental Protection Agency ("EPA"), Owner undertook corrective action pursuant to § 3004 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6924 and regulations in effect thereunder, to remediate releases resulting from hazardous waste activities at the Owner's property in Culpeper, Virginia ("Property");
2. Said corrective action included installation of an asphalt cap on a portion of the Property consisting of Tax Map Parcels Nos.: 41-A2-1-D2, Lots 1, 1A, 1B, 3, 4, 5 and 5A, and agreement by the Owner to impose institutional controls on current and future uses of that portion of the Property subject to corrective action ("Restricted Property") (see Exhibit A attached hereto);
3. On December 22, 2004, EPA determined that corrective action at the Property was complete, provided that certain institutional controls were imposed and maintained on current and future uses of the Restricted Property;

4. In order to ensure that those institutional controls are maintained and continued by the Owner and by the Owner's successors in interest, it is necessary to record such restrictions in the property records of Culpeper County.

#### CONDITIONS

In order to comply with the conditions of approval imposed by EPA and to ensure the maintenance and continuation of those institutional controls incorporated in the approved plan of corrective action, the following shall be observed by the Owner, the Owner's successors in interest and any other person or persons acquiring an interest in the Property:

1. Groundwater beneath the Restricted Property shall not be used for any purpose other than monitoring, testing and sampling as necessary to determine groundwater quality;
2. The Restricted Property shall not be used for residential purposes; other than for transient occupancy facilities such as hotels and motels;
3. The Restricted Property shall not be used for day care facilities, schools or similar facilities to be used primarily by persons under the age of sixteen;
4. The Owner shall include in any instrument conveying any interest in any portion of the Restricted Property, included but not limited to deeds, leases and deeds of trusts, a notice in substantially the following form:

THE INTEREST CONVEYED HEREBY  
IS SUBJECT TO A NOTICE OF  
INSTITUTIONAL CONTROLS AND  
OBLIGATIONS REGARDING  
SUCCESSORS IN INTEREST AND THE  
TERMS, CONDITIONS AND  
RESTRICTIONS CONTAINED THEREIN,  
DATED MARCH 19, 2018. THE


NOTICE OF INSTITUTIONAL  
CONTROLS AND OBLIGATIONS  
REGARDING SUCCESSORS IN  
INTEREST WAS RECORDED ON  
MARCH 22, 2018, IN THE CIRCUIT  
COURT OF CULPEPER COUNTY,  
INSTRUMENT NO. 180001413.

5. Within thirty (30) days of the date any such instrument of conveyance is executed, the Owner shall provide EPA with a certified true copy of said instrument including the Instrument Number where the instrument is recorded, if applicable;
6. Any conveyance of the property to a successor in interest shall include and be subject to this Notice of Institutional Controls and Obligations Regarding Successors in Interest.

**CERTIFICATION**

The undersigned certifies that he is authorized to execute this Notice of Institutional Controls and Obligations Regarding Successors in Interest on behalf of Bingham & Taylor Corp. and to bind Bingham & Taylor Corp. to its terms and obligations.

Given under my hand and seal this 19<sup>th</sup> day of March 2018 by Laura Grondin

  
\_\_\_\_\_  
Signature

By: BINGHAM & TAYLOR CORP.

Name: Laura Grondin

Title: President and CEO



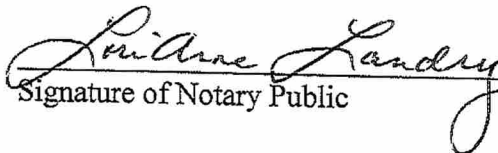
**NOTARY ACKNOWLEDGEMENT**

State of Connecticut

County of Hartford ss. (Rocky Hill)

On this the 19th day of March, 2018, before me, LoriAnne Landry, the undersigned individual personally appeared, Laura Grondin, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

  
Signature of Notary Public

Date Commission Expires:

