

US EPA ARCHIVE DOCUMENT

# **Region III**

## **Pilot Proposal for Brownfields Redevelopment**

### **Genicom Facility, Waynesboro, Virginia**

#### **Background**

The Genicom site is located near the northern boundary of the City of Waynesboro in Augusta County, Virginia, and consists of approximately 114 acres. Prior to 1954, the facility property was a municipal airfield. General Electric owned and operated an electro-mechanical equipment manufacturing plant at the site from 1954 to 1983. In 1983, Genicom acquired the facility from GE through an asset purchase agreement and used it to manufacture computer printers and related equipment.

In 1990, EPA Region III issued an Administrative Order to Genicom under Section 3008(h) of RCRA requiring Genicom to conduct a RCRA Facility Investigation and Corrective Measures Study for releases of hazardous waste at the facility. During the investigation, Genicom installed a groundwater pump-and-treat system as a stabilization measure to control the migration of contaminated groundwater from the facility. On February 16, 1999, the Virginia Department of Environmental Quality (“VADEQ”) issued Genicom a Post-Closure Permit requiring operation of the groundwater treatment system and long-term monitoring and maintenance of two closed hazardous waste management impoundments.

#### **Innovative Approaches in the Pilot**

On March 10, 2000, Genicom filed a petition for reorganization under Chapter 11 in the Delaware bankruptcy court. Because Genicom intended to liquidate, there was a real potential Genicom would abandon the facility. Consistent with EPA Brownfield policy, EPA and VADEQ responded by offering a combination of innovative approaches (such as a RCRA Prospective Purchaser Agreement (PPA) and a state Comfort Letter), and traditional enforcement mechanisms to address both facility reuse and environmental concerns.

By letter to EPA dated March 22, 2001, Solutions Way Management (“SWM”) of Huntington, West Virginia, expressed its interest in negotiating a Prospective Purchaser Agreement (“PPA”) with EPA, including a covenant not to sue and contribution protection covering the Site (“PPA Request”). After EPA was assured that SWM had no previous involvement at the Site and did not contribute in any way to the existing contamination at the Site, EPA and the United States Department of Justice (“DOJ”) engaged in PPA negotiations with SWM.

On May 17, 2001, a notice was published in the Federal Register announcing the execution of a proposed PPA among the U.S. EPA, the U.S. DOJ, and the prospective purchaser, SWM. This notice initiated a fourteen (14) day public comment period (“the public comment period”) during which

EPA accepted comments on the proposed PPA. On June 14, 2001, EPA responded to public comments received and on June 19, 2001, the PPA with SWM became effective.

The PPA, which is patterned after the Superfund model, provides SWM with a covenant not to sue from the federal government for existing pre-purchase contamination. In return, the PPA requires SWM to perform substantial work relating to existing contamination at the Site. Furthermore, the PPA severely restricts SWM's future use of certain areas of the Site and requires EPA approval with respect to any development in any area of the Site. Additionally, the PPA requires SWM to provide specific notices relating to existing contamination to any successors-in-title or any grantee of any interest in the property. Finally, the PPA gives EPA access to perform or cause others to perform additional remediation.

To facilitate the sale, VADEQ provided a Comfort Letter to SWM to address state liability issues of concern to the purchaser. VADEQ is pursuing the financial assurance posted by the now-bankrupt Genicom in an enforcement action. Once VADEQ has secured the financial assurance, EPA and VADEQ will coordinate its application to activities at the facility.

EPA Region III intends to require GE to complete the RCRA Facility Investigation and Corrective Measures Study ("CMS") for releases of hazardous waste at the facility and to continue operation of the existing pump-and-treat system under an enforceable document. GE has expressed an interest in working with EPA to streamline clean up of the property in the spirit of the corrective action reforms. Potential areas of focus include development of a streamlined CMS and evaluation of remote monitoring of the pump and treat system.

### **Goals of the Pilot**

This pilot project will require coordinated efforts by EPA, DOJ and VADEQ while working with GE and SWM. The pilot is intended to accomplish the following:

- facilitate sale of the property using innovative legal approaches (**completed**)
- address ongoing environmental concerns and corrective action through a cooperative effort by current and past owners
- use a streamlined approach for CMS and remedy development
- explore innovative technologies for long term monitoring of the remedy

### **Projected Milestones**

Finalize RCRA PPA	June, 2001 ( <b>completed</b> )
Finalize VADEQ Comfort Letter	June, 2001 ( <b>completed</b> )
Target issuance date for enforceable document to GE	September, 2001

Develop streamlined CMS requirements and innovative long  
term monitoring approaches  
Target CMS submittal  
Target CMS approval  
Issue Statement of Basis

October, 2001  
February 2002  
June 2002  
September 2002

### **Stakeholder Involvement**

EPA Region 3 will continue to coordinate with the VADEQ and local governments (City of Waynesboro, Augusta County, and State and County Health Departments) regarding site activities.

### **Progress Reports**

EPA Region 3 will provide EPA HQ with semi-annual reports concerning the progress of cleanup at the Genicom site and the status of the PPA.

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