



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

79 ELM STREET HARTFORD, CT 06106-5127

PHONE: 860-424-3001



Amey W. Marrella  
Commissioner

October 13, 2010

Mr. Curt Richards, Vice President, Environmental, Health & Safety  
Olin Corporation  
3855 North Ocoee Street, Suite 200  
Cleveland TN 37312

**Subject: Response to April 8, 2010 Letter Regarding  
Proposed Use of Treated Soil at the Tire Pond**

Dear Mr. Richards:

Ray Frigon of the Remediation Division of the Department of Environmental Protection ("the Department") shared with me David Share's letter dated April 8, 2010 which addresses a plan to reuse treated soil at the Tire Pond. While the Department's concerns about this letter were discussed with your staff and your attorney in the spring, since the letter addressed issues about soil to be excavated in future years we did not respond formally to the letter while we focused on the details of coordinating the initiation of the cleanup now underway. Since your staff members and your attorney, Doug Cohen, continue to raise the issue, despite Department staff members' direction on this matter, I am reiterating the Department's position for you.

Our response to David Share's letter is the same as that which we previously provided in Diane Duva's February 26, 2010 letter to him about these soils. As explained in that letter, the soil from the nine outlier areas does *not* meet the Material Acceptability Protocol, and any plan to reuse those soils at the Tire Pond is *not* acceptable.

The February 26, 2010 letter specifically noted that our concurrence regarding the acceptability of Non-Public Property fill materials "did not extend to the nine outlier areas that have been identified as containing elevated concentrations of lead." Further, we stated that "based on *the requirements and purpose* [emphasis added] of the Material Acceptability Protocol, any soils that at any time exhibited lead at or in excess of 1,000 mg/kg (via mass analysis) or 5.0 mg/l (via TCLP) shall not be eligible for reuse as fill material at the Tire Pond (regardless of treatment)."

The Department remains committed to this distinction regarding what materials are acceptable and unacceptable, based on the requirements and purpose of the Material Acceptability Protocol, which says in part that "materials deemed acceptable for use during closure activities include soil, sediment, rock, concrete, and brick" and "materials deemed unacceptable for use include, *but are not limited to* [emphasis added], asphalt, construction and demolition waste, materials 'treated' with paints or stains, and concrete with rebar protruding at lengths greater than two inches." It is our determination that based on the context of this particular property's closure and capping needs, stabilized materials that at one time contained lead above the 5 mg/l threshold are deemed unacceptable for reuse as cover material in the closure of the Tire Pond.

While soils that at any time exhibited lead at or in excess of 1,000 mg/kg (via mass analysis or 5.0 mg/l (via TCLP) shall not be eligible for reuse as grading or cover material at the Tire Pond (regardless of treatment), there is tremendous value in delineating and treating soils so that the material upon excavation does not trigger the 5 mg/l hazardous waste toxicity characteristic threshold for lead. If that threshold were triggered it would require that the excavated soil be managed as hazardous waste. Therefore, delineation and successful treatment minimizes the volume of treated soil that may need to be managed as hazardous waste, and this opens up a range of reuse and disposal locations significantly less expensive than disposing of the excavated soils at a permitted hazardous waste facility out of state. Such treated material can then be either reused elsewhere with proper approvals or discarded as a solid waste at a permitted Connecticut solid waste landfill, or an out-of-state permitted landfill, after it meets the regulatory threshold and any applicable treatment standard. In summary, there are other reasonable options for reuse and disposal of this portion of the excavated material.

We continue to be willing to work with you to assist in determining the optimal management options for such material. If you have any questions, please do not hesitate to contact Diane Duva, Assistant Director of the Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, at (860) 424-3271.

Yours truly,



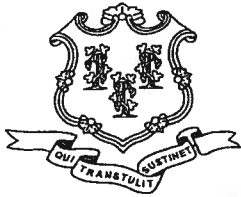
Amey W. Marrella  
Commissioner

AWM/dwd

Enclosure: February 26, 2010 letter to David M. Share, Olin Corporation

Copy:

Mr. David M. Share, Olin Corporation, 3855 North Ocoee Street, Suite 200, Cleveland, TN 37312  
Ms. Carrie Hunt, Olin Corporation, 3855 North Ocoee Street, Suite 200, Cleveland, TN 37312  
Mr. Doug Cohen, Brown Rudnick, 185 Asylum Street, CityPlace 1, Hartford CT 06103  
Mr. Nelson Walter, MACTEC, 511 Congress Street, P.O. Box 7050, Portland, ME 04112  
Mr. Alan Elia, Severson, 2749 Lockport Road, Niagra Falls, NY 14305  
Mr. Michael J. Freda, First Selectman, Memorial Town Hall, 18 Church Street, North Haven, CT 06473  
The Honorable Scott Jackson, Mayor, Town of Hamden, 2750 Dixwell Avenue, Hamden, CT 06518  
Mr. Alan Fredricksen, Land Use Administrator, Memorial Town Hall, 18 Church Street, North Haven, CT 06473  
Mr. Larry Bingaman, Regional Water Authority, 90 Sargent Dr., New Haven, CT 06511-5966  
Ms. Jill Barrett, Fitzgerald & Halliday, Inc., 72 Cedar Street, Hartford, CT 06106  
Mr. Chris Harriman, Haley & Aldrich, Inc., 800 Connecticut Blvd., Suite 100, East Hartford, CT 06108-7303  
Mr. Michael Manolakas, Leggette, Brashears & Graham, Inc., 4 Research Drive, Suite 301, Shelton, CT 06484  
Ms. Meg Harvey, CTDPH, P.O. Box 340308, 410 Capitol Avenue, MS# 11CHA, Hartford, CT 06134-0308  
Mr. John M. Looney, Attorney General's Office;  
Ms. Krista Trousdale, Attorney General's Office  
Mr. Raymond Frigon; Mr. Robert Bell; Mr. Patrick Bowe, CTDEP, Remediation Division



# STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



February 26, 2010

Mr. David M. Share  
Director, Environmental Remediation  
Olin Corporation  
3855 North Ocoee Street, Suite 200  
Cleveland, TN 37312

**Subject:       Concurrence with TCLP Lead Data Review  
                  Evaluation of Material for Placement at the "Tire Pond" Landfill  
                  Non-Public Properties, Newhall Street Neighborhood  
                  Hamden, Connecticut**

Dear Mr. Share:

Staff of the Waste Engineering and Enforcement Division ("the Department") have reviewed the soil characterization report entitled "Evaluation of Fill TCLP Lead Data, Non-Public Properties, Newhall Street Neighborhood, Hamden, Connecticut," dated December 15, 2009. The report was prepared and submitted by MACTEC Engineering and Consulting, Inc. ("MACTEC") on behalf of Olin Corporation. The report includes a comparison of TCLP lead data from 109 samples of soil collected from residential properties located within the Non-Public Property portion of the Newhall Street Neighborhood, to the numeric criteria of the Tire Pond Material Acceptability Protocol, dated March 14, 2007.

The report states that seven of the 109 TCLP lead samples contained elevated concentrations of TCLP lead that exceed the Material Acceptability Protocol acceptance criteria of 5 mg/L. These seven samples were collected from six distinct areas that are located specifically in Blocks C, E, F, H, L, and Q of the Non-Public Property area. The report states that the seven newly identified areas will be fully delineated and that fill material from these areas, as well as fill from the two previously identified outlier areas located in Block F, will be handled separately from the remaining Non-Public Property fill material.

The report concludes that the 109 TCLP lead samples are sufficient to meet the sampling frequency requirement of 1 sample per 1,000 cubic yards of material specified in the Material Acceptability Protocol. The report also concludes that all of the Non-Public Property fill material, with the exception of the seven newly identified areas (and the two previously identified outlier areas in Block F, for a total of 9 outlier areas), meets the requirements of the Material Acceptability Protocol.

**The Department concurs with the conclusions presented in the December 15, 2009 report. In the interest of clarity, please note that this concurrence applies only to those materials that are removed to achieve compliance with the remedy for the Newhall Remediation Project. Also, this concurrence does not extend to the nine outlier areas that have been identified as containing elevated concentrations of lead. Please also note that, based on the requirements and purpose of the Material Acceptability Protocol, any soils that at any time exhibited lead at or in excess of 1,000 mg/kg (via mass analysis) or 5.0 mg/l (via TCLP) shall not be eligible for reuse as fill material at the**

**Tire Pond (regardless of treatment). The Department is willing to work with you to assist in determining the management options for such material.**

The Department notes that the MACTEC report contains a proposal to further characterize and delineate each of the seven newly identified areas containing elevated TCLP lead. Please be aware that the Department's Remediation Division will address this aspect of the report in a separate letter.

If you have any questions regarding this matter, please do not hesitate to contact me at (860) 424-3271 or alternatively, you may contact William Sigmund of my staff at (860) 418-5924.

Sincerely,



Diane W. Duva, Assistant Director  
Waste Engineering and Enforcement Division  
Bureau of Materials Management and Compliance Assurance

DWD/wjs

Copy:

Ms. Krista Trousdale, Attorney General's Office  
Mr. Patrick Bowe, CTDEP, Remediation Division  
Mr. Rob Bell, CTDEP, Remediation Division  
Mr. Raymond Frigon, CTDEP, Remediation Division  
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Mr. Alan Fredricksen, Land Use Administrator, Memorial Town Hall, 18 Church Street, North Haven, CT 06473 (w/ enclosure)  
Mr. Larry Bingaman, Regional Water Authority, 90 Sargent Dr., New Haven, CT 06511-5966  
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Mr. Chris Harriman, Haley & Aldrich, Inc., 800 Connecticut Blvd., Suite 100, East Hartford, CT 06108-7303  
Mr. Michael Manolakas, Leggette, Brashears & Graham, Inc., 4 Research Drive, Suite 301, Shelton, CT 06484