



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

February 5, 2016

CERTIFIED MAIL 7010 1870 0003 4948 4329

Mr. Steve Elliott
Enpro Industries, Inc.
5605 Carnegie Boulevard
Charlotte, NC 28209-4674

Dear Mr. Elliott:

Enclosed you will find a copy of Agreed Order No. 6617 16 which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

If you have any questions regarding your obligations under the enclosed order, please contact Willie McKercher at (601) 961-5731.

Sincerely,

A handwritten signature in blue ink that reads "Jere Hess".

Jere "Trey" Hess, P.E.
Division Chief
Groundwater Assessment and Remediation Division

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6617 164

ENPRO INDUSTRIES, INC.
5605 CARNEGIE BOULEVARD
CHARLOTTE, NC 28209-4674

RESPONDENT

ORDER

The above captioned cause came before the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) this day for ex parte consideration under the authority of Miss. Code Ann. § 49-2-13, and the Executive Director, having heard and considered the evidence therein, and having determined that an Administrative Order should issue prefatory to any evidentiary hearing and without making any final adjudication of fact or law, finds as follows:

1.

The Respondent is subject to Miss. Code Ann. §§ 17-17-1 *et seq.* and §§ 49-17-1 *et seq.*, and the rules and regulations of the Mississippi Commission on Environmental Quality (Commission).

2.

Soil and groundwater at and/or near the current Borg Warner facility at 600 Highway 32 in Water Valley, Yalobusha County, Mississippi (the Site) has been impacted by trichloroethylene (TCE) from historical operations. In May 2002, EnPro Industries, Inc. (EnPro) acquired the liability for the contamination at the Site.

3.

MDEQ has evaluated the potential for vapor intrusion impacts over the footprint of the identified groundwater plume. Those evaluations identified as many as twenty-eight residential homes and eleven commercial facilities that have the potential for vapor intrusion impacts. MDEQ has requested EnPro to submit a work plan to address the possibility of vapor intrusion impacts for structures over the footprint of the groundwater contamination plume. EnPro has submitted two work plans to MDEQ but has failed in both plans to address the possible impacts to all of the structures as requested by MDEQ.

4.

In addition, MDEQ has requested EnPro submit a corrective action plan to remediate the groundwater and to stop TCE migration into Otoucalofa Creek. EnPro has refused to submit a plan that adequately addresses these issues.

5.

Premises considered, the Executive Director finds that the Respondent must develop and submit for approval a Vapor Intrusion Assessment Work Plan and a Groundwater Corrective Action Plan, and upon approval execute those plans at the Site.

IT IS, THEREFORE, ORDERED as follows:

- A. MDEQ is moving forward with vapor intrusion investigations the week of February 8, 2016. Within five (5) days of being provided with the findings of this initial investigation, EnPro must submit a Vapor Intrusion Assessment Work Plan and schedule to adequately investigate, identify, and define the extent of vapor intrusion impacts to all residential homes and commercial structures located over the footprint of the groundwater contamination plume where concentrations exceed the US EPA residential groundwater screening level of 1.2 $\mu\text{g/L}$ for TCE. Soil gas sampling efforts shall be followed by indoor and ambient air sampling when concentrations are detected above the appropriate US EPA Remedial Screening Level of 16 $\mu\text{g/m}^3$ external soil gas concentration. The Vapor Intrusion Assessment Work Plan must also include a plan for community outreach efforts to obtain site access and keep the

affected parties informed of sampling efforts and results.

- B. Within fourteen (14) days of receipt of approval of the Vapor Intrusion Assessment Work Plan from Complainant, Respondent must begin implementation of the approved work plan according to the approved schedule.
- C. Respondent must complete execution of the approved Vapor Intrusion Assessment Work Plan according to the approved schedule.
- D. Within thirty (30) days of completion of the Vapor Intrusion Assessment Work Plan activities, the Respondent must submit to Complainant a Vapor Intrusion Investigation Report detailing the findings developed as a result of implementation of the approved work plan. The report must include recommendations for corrective action for any structures identified that exceed appropriate regulatory limits.
- E. Respondent shall implement as necessary such interim remedial actions as are necessary to protect human health and the environment from imminent danger.
- F. Within forty-five (45) days of the effective date of this Order, Respondent must submit a Groundwater Corrective Action Work Plan and schedule. This plan must propose remedial efforts supported by appropriate modeling efforts that will effectively remediate the groundwater plume to concentrations below the Mississippi Tier I Target Remediation Goal concentrations within ten (10) years of the effective date of this Order. For any part of the groundwater plume that is located under property owned by a party other than EnPro, EnPro must use its best efforts to have institutional controls placed on the property. These controls must remain in place until the groundwater plume under that property has been remediated below the Mississippi Tier I Target Remediation Goal.
- G. Within thirty (30) days of receipt of approval of the Groundwater Corrective Action Work Plan from Complainant, Respondent must begin implementation of the approved work plan according to the approved schedule.
- H. Respondent must complete execution of the approved Groundwater Corrective Action Work Plan according to the approved schedule.
- I. Within sixty (60) days of completion of the Groundwater Corrective Action Work Plan activities, Respondent must submit to Complainant a Corrective Action Report

detailing the findings developed as a result of implementation of the approved work plan.

- J. Respondent shall submit all Reports (Groundwater Monitoring Reports, Site Investigation Reports, Additional Corrective Action Reports . . .) within sixty (60) days of the conclusion of field work activities.

This Order does not address other sanctions, further actions, and/or future violations of environmental laws, rules and regulations. Nothing contained in this Order shall limit the rights of the Commission to take enforcement or other actions against Respondent for violations addressed herein, violations not addressed herein, fines, penalties, other sanctions, further actions and/or future violations of environmental laws, rules and regulations. The Commission reserves the right to recover its costs for any remedial or clean-up action pursuant to Miss. Code Ann. § 49-17-43.

If aggrieved by this Order, Respondent may request a hearing before the Commission by filing a sworn petition with the Commission within thirty (30) days after the date of this Order in the manner set forth in Miss. Code Ann. § 49-17-41.

ORDERED, this the 5TH day of FEBRUARY, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY