

PUBLIC NOTICE

STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION DIVISION OF SOLID WASTE MANAGEMENT

The Division of Solid Waste Management (DSWM) has accepted into its Brownfield Program an approximately 60-acre parcel of land to facilitate site redevelopment by Birch Street Properties LLC (BSP). The industrial site is located at 250 Birch Street in Blountville, Sullivan County, Tennessee. The site contains seven permanent industrial buildings and several secondary structures, including an office trailer, guard shack, diked containment area, three wooden sheds, and an engineered liner system that covers a closed-in-place hazardous waste management unit (HWMU). This Brownfield will shield BSP from liability for historic environmental conditions being remediated at the property so long as BSP follows the conditions and limitations imposed by the DSWM. This action is being taken pursuant to Tennessee Code Annotated § 68-212-224.

A Brownfield Voluntary Agreement between the DSWM and BSP is being entered into which will include liability protections for BSP and certain related parties for matters addressed in the agreement. Protection against potential third-party contribution claims relating to the property is subject to notice of the Brownfield Voluntary Agreement being given to any such potential claim holders and affording them a 30-day opportunity to comment on the Brownfield Voluntary Agreement. This notice constitutes such a required public notification.

The subject site is currently vacant. The site was formerly occupied by Davis Pipe (a.k.a. Davis Pipe and Metal Fabricators, DP Holdings, Premier Pipe and Tube Group) who utilized the facility for fabrication of welded stainless steel and alloy pipe and fittings. Davis Pipe operated at the site from 1977 until around 2004 and conducted activities including fabrication of metal piping, pipe cutting, annealing, pickling, welding, storage of raw production materials and finished product, and shipment of finished product and waste material.

Heavy metal fabrication machinery, a heat-treating furnace, acid vats, water treatment equipment, wastewater treatment tanks, office supplies, office furniture, storage containers (i.e., roll-off boxes and drums), unused chemicals, and general debris still remain throughout the facility. Investigations indicate that there is not significant contamination of soil or water at the site, and that it is suitable for restricted redevelopment.

This notice also constitutes public notification of the DSWM's intention not to renew a hazardous waste permit for the Davis Pipe site. The property includes a 0.57-acre capped hazardous waste landfill that requires post-closure care. The previous property owner, who was also the former president of Davis Pipe Company, is deceased. His death left no viable responsible party to maintain the requirements of the RCRA Post-Closure Care Permit. Because Davis Pipe was in violation of certain terms of the permit, TDEC foreclosed on the financial assurance, took over the maintenance and monitoring for the HWMU, and will not renew the permit that expired on September 30, 2003. The DSWM will continue to provide for the long-term security and maintenance of the unit, including groundwater monitoring in accordance with the Tennessee Hazardous Waste Management Regulations. A Fact Sheet has been prepared by the DSWM that details the post-closure care requirements.

As part of the Brownfield Voluntary Agreement and in accordance with T.C.A. 68-212-225, BSP agrees to file a Notice of Land Use Restriction that will prohibit residential use and restrict the use of the groundwater beneath the property. TDEC has indicated that allowing use of the site groundwater as a drinking water source would be an unacceptable risk. Public water is supplied to the site and surrounding area, so there is an alternate potable water source for the site other than groundwater.

A Draft of the proposed Brownfield Voluntary Agreement and the Fact Sheet are available for public inspection at the Sullivan County Public Library, 1655 Blountville Boulevard, Blountville, TN 37617, (423)279-2714. These materials are also available for public inspection during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the TDEC Johnson City Environmental Field Office, Public Access Area, 2305 Silverdale Road, Johnson City, TN 37601-2162, (423)854-5400 and at the DSWM Central Office, 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535, (615)532-0780. The public may contact Clayton Bullington at (615)532-0859 to obtain a copy of the Brownfield Voluntary Agreement or to request additional information. The DSWM is also accepting written comments from any parties with potential claims regarding the matters addressed in the Brownfield Voluntary Agreement for thirty (30) days from the publication date of this notice. Any such comments should be mailed to Clayton Bullington at the above Nashville address or by e-mail to clayton.bullington@tn.gov.

NOTICE ISSUED: June 7, 2011

FACT SHEET

DP HOLDINGS, INC.

Facility Name: DP Holdings, Inc. (Davis Pipe and Metal Fabricators, Inc.)

Location: 250 Birch Street
Blountville, Sullivan County, Tennessee 37617

EPA ID Number: TND066723263

Permit Number: TNHW-021, expired

Facility Owner/Operator: Corrective Action by Voluntary Brownfield Agreement;
Post-closure care of Hazardous Waste Management Unit (HWMU)
will be provided by the Division of Solid Waste Management

Facility Contact: Clayton Bullington
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243-1535
Phone: (615)532-0859

Comment Period: Begins: June 7, 2011
Ends: July 8, 2011

FACILITY DESCRIPTION

The DP Holdings site is at 250 Birch Street in Blountville, Sullivan County, Tennessee (Fig. 1). The property consists of approximately 60 acres and is located on the Blountville 7 1/2 quadrangle map (197-SE) at 36° 31' 53" north latitude and 82° 18' 24" west longitude (Fig. 2). Improvements include nine permanent industrial buildings and eight temporary structures. The central portion of the site is situated in a relatively narrow valley between two steep ridges. Evans Creek and a parallel drainage ditch channel surface water flow through the property.

The site was formerly occupied by Davis Pipe and Metal Fabricators Inc. (a.k.a. Davis Pipe; DP Holdings; Premier Pipe and Tube Group) who utilized the facility for fabrication of welded stainless steel and alloy pipe and fittings. DP Holdings operated at the site from 1977 until around 2004 and conducted activities including fabrication of metal piping, pipe cutting, annealing, pickling, welding, storage of raw production materials and finished product, and shipment of finished product and waste material. Regulatory inspection records document the use of methyl ethyl ketone, hydrofluoric acid, nitric acid, caustic soda, naphtha, equipment oil, and lubricants.

The site is currently vacant. Heavy metal fabrication machinery, a heat-treating furnace, acid vats, water treatment equipment, wastewater treatment tanks, office supplies, office furniture, storage containers (i.e., roll-off boxes and drums), unused chemicals, and general debris still remain throughout the facility.

The surrounding area in the vicinity of the subject site contains mixed land use development including industrial, commercial, and residential properties. Public utilities provided to the site and surrounding properties include water, sewer, natural gas and electricity.

PERMIT HISTORY

A hazardous waste permit (TNHW-021) was issued on September 30, 1993 to Davis Pipe and Metal Fabricators, Inc. to perform post-closure care and monitoring of the closed hazardous waste management unit (HWMU). The permit also required the permittee to investigate any releases of hazardous waste or hazardous constituents at the facility and to take appropriate corrective action for any such releases.

On March 30, 1995 the ownership name on the permit was modified to DP Holdings, Inc. The ten-year permit was set to expire on September 30, 2003, but the post-closure care period for a HWMU is thirty years, requiring reapplication. A renewal permit was not issued for the HWMU because DP Holdings, Inc. failed to file an application to renew their permit with the Division of Solid Waste Management (DSWM).

OPERATIONAL HISTORY OF THE REGULATED UNIT

Until January 1989 the pickling operation was in the old pickling building. DP Holdings (DPH) operated three pickling tanks in the old building. Each tank contained a solution of hydrofluoric acid (6%), nitric acid (12%), and water (82%). These baths were maintained at 125° Fahrenheit during processing. Pipes and fittings were cleaned by dipping them into the pickling solution until the metal was brightened and then rinsed manually with potable water. The pickling operation generated rinse water, pickling vat residue, spent pickle liquor, and treatment tank residue. The rinse water was pH adjusted and discharged to the city of Bristol sanitary sewer.

From 1977 to the spring of 1984, DPH treated its pickling liquor drag-out and rinse water in a limestone-lined pit inside the old pickling building. Powdered lime was added to help neutralize the solution. A treatment system was installed in 1982 to treat spent pickling liquors by neutralizing them with caustic soda. A polymer was added to aid solids settling. The treated sludge was bag filtered and placed in drums for disposal. This treatment system was discontinued and all spent pickling liquor and rinse water was sent off-site for disposal at an approved hazardous waste disposal site.

In the spring of 1984 DPH initiated a project to close the pit. The open work shed over the operation was removed. The entire area of the pickling operation was covered with asphalt and sealed with asphalt and ConoKote coal tar emulsion Sealer. DPH also constructed an acid-resistant concrete sump to collect drag-out and rinse water. The existing open work shed was removed and a new building was constructed over the site. The old pickling pit was located approximately in the center of the old pickling building.

CLOSURE OF THE REGULATED UNIT (OLD PICKLING BUILDING)

Remediation of the pit area (regulated unit) entailed excavating the soil, mixing the soil with cement kiln dust in a pugmill operation, replacing the stabilized soil into the pit, and then capping the area. To make sure the contaminants would not leach to groundwater, each cell in the pit area was tested using a leaching procedure analysis after it was processed. If the material in the hazardous waste landfill did not pass the leaching test, it was reprocessed until it did pass.

A Model 50 pugmill was used to mix the soil and kiln dust. Soil was excavated and brought to the loading hopper. The soil was fed from the hopper into the pugmill conveyor. In the pugmill the soil was mixed with water and kiln dust. The "pug mix" came from the pugmill by conveyor and was stockpiled before being placed back into the ground in layers by a track loader.

Once the soil in the regulated unit was stabilized the site was capped with compacted clay, covered with a geotextile membrane, covered with a 45 mil Hypalon membrane, protected with a second layer of geotextile, and protected further with six inches of sand. On top of all this was crushed stone to act as a base for the 0.57-acre final cap of bituminous prime coat and asphalt.

GROUND WATER INVESTIGATION OF THE REGULATED UNIT

In order to delineate the vertical and horizontal extent of the contaminant plume, an extensive monitoring well system with thirty five monitoring wells was installed. A plume of contamination was identified between the old shipping building and the warehouse. The plume also extends slightly beyond Evans Creek. The plume consisted of the following contaminants: nickel as high as 0.766 ppm--Drinking Water Maximum Contaminant Level (MCL) 0.1 ppm; chromium at 0.145 ppm--MCL 0.1 ppm; and lead at 0.015 ppm--MCL 0.015 ppm. Arsenic, fluoride and nitrate were also constituents of concern for the site. Some groundwater remediation (pump-and-treat) was performed at the facility until the facility shut down. Current analytical data indicates that all hazardous constituents in groundwater are below the groundwater protection standards set for the site.

CORRECTIVE ACTION

The EPA Hazardous and Solid Waste Amendments (HSWA) Permit and the State Hazardous Waste Post-Closure Permit listed forty-eight (48) Solid Waste Management Units (SWMUs) at the facility. A complete history of the investigation of these units is provided in Exhibit B of the Draft Brownfield Voluntary Agreement. Investigations indicate that there is not significant contamination of soil or water at the site, and that it is suitable for restricted redevelopment.

VOLUNTARY BROWNFIELD AGREEMENT

The Division of Solid Waste Management (DSWM) has accepted into its Brownfield Program the former DP Holdings, Inc. tract to facilitate site redevelopment. As part of a Draft Brownfield Voluntary Agreement with Birch Street Properties LLC (BSP), and in accordance with T.C.A. 68-212-225, BSP agrees to file a Notice of Land Use Restriction that will prohibit residential use and restrict the use of the groundwater beneath the property. The Tennessee Department of Environment and Conservation (TDEC) has indicated that allowing use of the site groundwater

as a drinking water source would be an unacceptable risk. Public water is supplied to the site and surrounding area, so there is an alternate potable water source for the site other than groundwater. BSP will also be required to remove the discarded chemicals and waste oils at the site and remove some asbestos items. BSP has agreed to plug and abandon all unnecessary monitoring wells and to not disturb the post-closure cap or the wells associated with the HWMU.

The DSWM does not intend to renew a hazardous waste permit for the site. The property includes a capped hazardous waste landfill that requires post-closure care. The previous property owner, who was also the former president of Davis Pipe Company, is deceased. His death left no viable responsible party to maintain the requirements of the RCRA Post-Closure Care Permit. Because Davis Pipe was in violation of certain terms of the permit, TDEC foreclosed on the financial assurance, took over the maintenance and monitoring for the HWMU, and will not renew the permit that expired on September 30, 2003. The DSWM will continue to provide for the long-term security and maintenance of the unit, including groundwater monitoring in accordance with the Tennessee Hazardous Waste Management Regulations. The DSWM is in the process of finding a suitable contractor for sampling and analysis of the monitoring wells and for the fulfilling the inspection and maintenance requirements for the post-closure unit.

COMMENTS

The Brownfield Voluntary Agreement between the DSWM and BSP will include liability protections for BSP and certain related parties for matters addressed in the agreement. Protection against potential third-party contribution claims relating to the property is subject to notice of the Brownfield Voluntary Agreement being given to any such potential claim holders and affording them a 30-day opportunity to comment on the Agreement.

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Persons who wish to be on the Division's mailing list should request a Mailing List Request form by calling or writing: Public Participation Officer; Division of Solid Waste Management; Tennessee Department of Environment and Conservation; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0798; or e-mail Solid.Waste@state.tn.us.

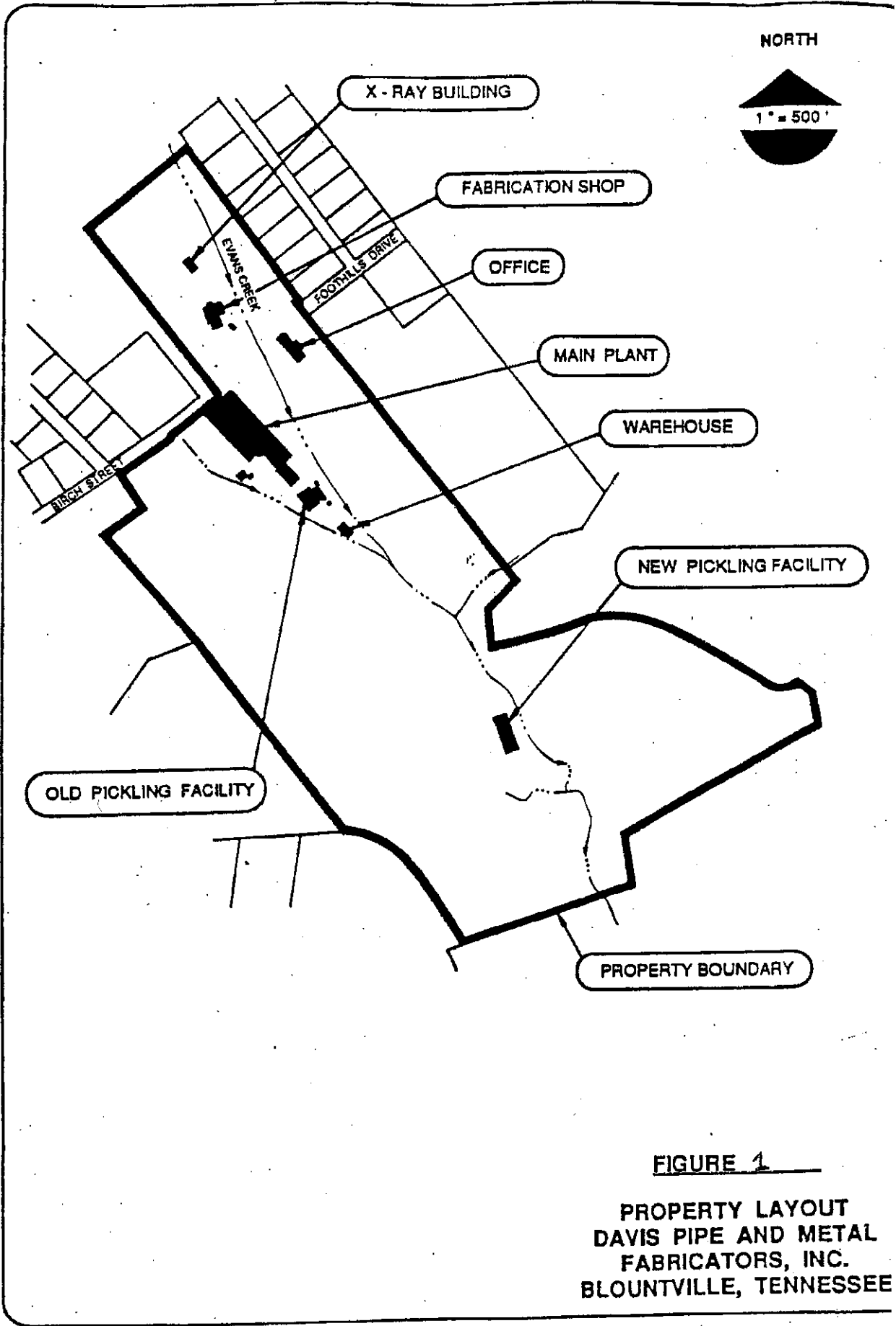
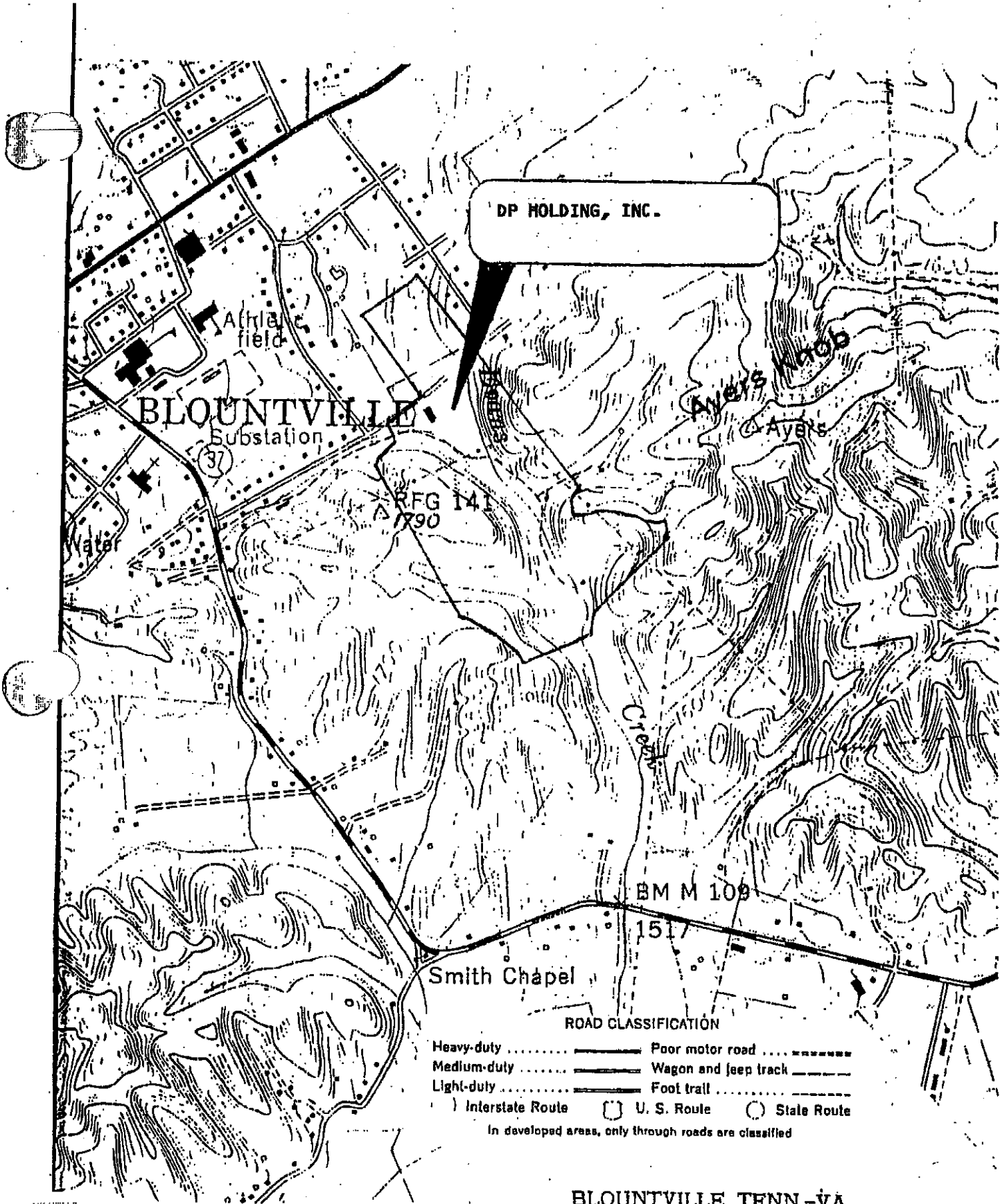


FIGURE 1

**PROPERTY LAYOUT
DAVIS PIPE AND METAL
FABRICATORS, INC.
BLOUNTVILLE, TENNESSEE**



BLOUNTVILLE, TENN.-VA.
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PHOTO REVISED 1968 AND 1978
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Figure 2