



11032 Tidewater Trail
Fredericksburg, Virginia 22408

GM Powertrain

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 10, 2008

Mr. James C. Bennett
U.S. EPA Region III
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: FINAL ORDER ON CONSENT,
General Motors Powertrain – Fredericksburg, Virginia
Docket No. SDWA-03-2009-0016-DU

Dear Mr. Bennett:

This letter responds to the Final Order on Consent, General Motors Powertrain – Fredericksburg, Virginia Docket No. SDWA-03-2009-0016-DU dated October 22, 2008 and received by General Motors on October 29, 2008.

Enclosed please find the signed Final Order on Consent. If you have any questions concerning this matter, please contact Dan Hughes, Regional Environmental Manager, at (931) 486-6467.

Sincerely,

Royden P. Grove, Jr.

Royden P. Grove, Jr.
Plant Manager

cc: Jon M. Capacasa, Director Water Protection Division, U.S. EPA Region III
Mr. Dan F. Hughes, GM Regional Environmental Manager

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

IN THE MATTER OF:	)	Docket No.
	)	SDWA-03-2009-0016-DU
GM Powertrain	)	
11032 Tidewater Trail	)	
Fredericksburg, Virginia	)	
	)	
	)	
Proceedings under Section	)	FINDINGS
1423(c) of the Safe Drinking	)	AND ORDER ON CONSENT
Water Act, 42 U.S.C. § 300h-2(c)	)	

STATUTORY AUTHORITY

The following FINDINGS are made and ORDER issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c). The EPA Administrator has delegated the authority to take these actions to the Regional Administrator for EPA, Region III, who in turn has delegated the authority to the Water Protection Division Director of EPA, Region III.

FINDINGS AND ALLEGATIONS

1. Section 1422(c) of the SDWA, 42 U.S.C. § 300h-1(c) requires EPA to administer the Underground Injection Control ("UIC") program in states which do not have approved state programs. The Commonwealth of Virginia has not acquired primacy of the UIC program. Therefore, on June 25, 1984, EPA Region III began direct implementation of the UIC program in Virginia. According to 40 C.F.R. § 144.24, all Class V injection operations (as defined by 40 C.F.R. §§ 144.3, 144.6(e), 146.3 and 146.5(e)) are authorized to operate, provided that they comply with 40 C.F.R. Part 144 and do not endanger Underground Sources of Drinking Water ("USDWs").
2. EPA Region III is responsible for conducting inspections of various businesses and industries within Virginia which have the potential to produce wastewater, with particular emphasis on those with subsurface wastewater disposal, which could be harmful to the environment.
3. General Motors Corporation ("Respondent") is a corporation and as such is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12).
4. EPA's UIC Program conducted an inspection of Respondent's facility, located in Fredericksburg, Virginia, on October 25, 2007. Respondent's business deals primarily with the manufacturing of automotive transmission torque converters. At the time of the inspection, the

inspectors identified the "Storm Water Duplex Sump" ("SWDS"), which was designed to collect and pump out ground water that may accumulate behind the exterior walls of the concrete "Press Pit" that is located below a portion of the manufacturing floor at the facility.

5. On November 14, 2007, EPA issued a Request for Information ("RFI") to the Respondent to obtain information regarding the design, maintenance and operation of the SWDS and to obtain sampling data of the water in the SWDS.

6. After the Respondent submitted photographs of the SWDS in response to EPA's November 14, 2007 RFI, the inspectors identified metal cuttings and residual cutting fluids in the vicinity of the steel plate covering the SWDS.

7. In its December 14, 2007 response to EPA, Respondent stated that the discharge from the SWDS enters a sump which flows to the onsite wastewater treatment plant for subsequent treatment and then discharges to the Spotsylvania County POTW. During the course of preparing its RFI response, Respondent determined that of the two pumps serving the SWDS, one was nonoperational and one was operational only in manual mode.

8. Respondent submitted to EPA copies of sampling results from the SWDS during monitoring performed on August 30, 2007 and November 29, 2007. The November 29, 2007 sampling detected Total Organic Carbon ("TOC") at a level of 15.5 mg/l and Oil and Grease at a level of 19.8 mg/l. The laboratory results from the August 30, 2007 sampling event did not indicate the presence of TOC or Oil and Grease.

9. EPA has determined that during the time when the SWDS pumps are malfunctioning the potential exists for contamination to enter an USDW.

10. The UIC regulations at 40 C.F.R. § 144.12 prohibit any injection activity which allows the movement of fluids containing any contaminant into USDWs, if the presence of that contaminant may cause a violation of any primary drinking water regulation or may otherwise adversely affect the health of persons.

11. EPA finds that Respondent's Storm Water Duplex Sump, when malfunctioning, may function as an endangering Class V injection well in violation of 40 C.F.R. § 144.12 of the UIC regulations.

12. Since EPA's issuance of the March 7, 2008 Findings of Violation and Order for Compliance in the above-referenced matter, Respondent has communicated with EPA in writing and by telephone, and Respondent participated in a meeting in the EPA Region III Offices on May 6, 2008.

13. As a result of this process, in accordance with EPA's directives, Respondent has performed the following actions:

- a. Respondent provided EPA with copies of the Material Safety Data Sheets ("MSDSs") for all substances that may enter the Press Pit area.

- b. To address EPA's concerns regarding the structure and operation of the SWDS, Respondent installed the following equipment at the SWDS:
 - i. Two new pumps and level controllers;
 - ii. A new sealed sump cover;
 - iii. An alarm for the sump pumps; and
 - iv. A digital flow meter for the discharge pipe from the sump.
- c. Respondent prepared a maintenance plan for the new groundwater pumps, and the maintenance plan is part of the facility's preventative maintenance reporting system.

14. In August and September 2008, Respondent began exploring additional options for management of the ground water collected in the SWDS, including storage of the accumulated ground water in lined, on-site stormwater collection ponds. EPA acknowledges that the facility may begin to implement this practice for handling uncontaminated ground water in the immediate future.

15. In order to document that Respondent has taken proper actions to resolve the violations cited above, without Respondent's admission of liability or any agreement to the facts alleged by EPA, and to legally close out this case, Respondent and EPA have agreed to enter into this ORDER ON CONSENT.

ORDER ON CONSENT

Based on the foregoing, and having taken into account the factors annotated in section 1423(c)(4)(B) of the SDWA, 42 U.S.C. 300f, and under the authority of Section 1423(a) and (c) of the SDWA, 42 U.S.C. §§ 300h-2(a) and (c), EPA HEREBY ORDERS the Respondent to comply with this ORDER ON CONSENT.

1. Respondent shall, within thirty (30) days of the effective date of this ORDER, submit the following to EPA.
 - a. Analysis of a sample of the Storm Water Duplex Sump discharge for the following parameters: pH; Oil and Grease; TOC; Total Petroleum Hydrocarbons; Glycol Scan; Benzene and Xylene. The samples will be taken directly from the ground water sump discharge pipe located on the plant floor near press #6.
 - b. Well drilling logs for the two on-site water wells (identified as P-1 and P-2) at the facility.
 - c. Copies of the maintenance plan and the sampling plan for the SWDS developed in response to EPA's requests.
2. Respondent shall, within thirty (30) days of the effective date of this ORDER, and once every quarter thereafter, perform the specified analysis/scan of the Storm Water Duplex Sump

discharge.

3. If any of the following parameters; Oil and Grease; TOC; Total Petroleum Hydrocarbons are detected, Respondent will perform a full Volatile Organic Compounds (VOC) analyses of a sample from the Storm Water Duplex Sump discharge.
4. Following four quarterly sampling events with no exceedance of the MCLs of Benzene, Xylene, and if required, any of the parameters sampled during a VOC scan, Respondent shall have satisfied the sampling requirements. If any of the parameters exceed an MCL, Respondent shall sample until samples are reliably and consistently below the MCL.
5. All above samples are to be analyzed by a laboratory certified to analyze drinking water samples by the Virginia Department of Health.
6. Respondent shall plug and abandon the two on-site water wells (P-1 and P-2) located at the facility no later than June 30, 2009.
7. If, as a result of circumstances beyond its direct control, Respondent is unable to complete a requirement in accordance with the deadlines established in this ORDER, Respondent shall immediately advise EPA of the situation and shall work with EPA to complete the action in an appropriate and timely manner.
8. Upon completion of all the requirements of this ORDER, a final report shall be submitted. The final report shall include photographs, sample results, and other appropriate information to document that the Storm Water Duplex Sump has been repaired and/or modified to ensure no endangerment to any USDW.
9. This ORDER shall remain in effect until Respondent has completed the requirements set forth in the ORDER. After completion of these requirements, unless EPA has previously terminated the ORDER, Respondent may request EPA's confirmation that the ORDER has been completed and is therefore terminated.
10. Respondents agree to waive their right to a hearing and to appeal this ORDER ON CONSENT. EPA agrees that this ORDER ON CONSENT resolves the matters identified in its March 7, 2008 Findings of Violation and Order for Compliance to Respondent.

11. All information shall be sent to the following:

James C. Bennett
U.S. EPA Region III
Ground Water and Enforcement Branch (3WEP22)
1650 Arch Street
Philadelphia, PA 19103-2029

GENERAL PROVISIONS

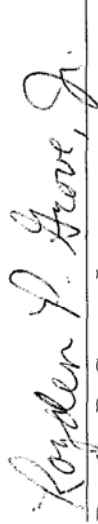
This ORDER does not constitute a waiver, suspension or modification of the requirements of 40 C.F.R. " 147.2350-2352, which remain in full force and effect. Issuance of this ORDER is not an election by the EPA to forgo any civil or any criminal action otherwise authorized under the SDWA.

Violations of the terms of this ORDER after its effective date may subject the Respondent to a civil penalty of not more than \$11,000 for each day of violation, for any past or current violation, up to a maximum administrative penalty of \$157,500, and/or civil action in a United States district court with penalties up to \$32,500 per day of violation as authorized in Section 1423(c)(1) and 1423(b) of the SDWA, 42 U.S.C. §§ 300h-2(c)(1) and (b).

EFFECTIVE DATE

Issuance of this ORDER ON CONSENT occurs as provided by Section 1423(c)(3)(A) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(A). Pursuant to Section 1423(c)(3)(D) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(D), this ORDER becomes effective thirty (30) days from the date of signature by the U.S. EPA.

Issued this 22nd day of October, 2008.



Royden P. Grove, Jr.

Plant Manager
GM Powertrain
Fredericksburg, Virginia
On Behalf of General Motors Corporation



Jon M. Capacasa, Director

Water Protection Division