UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION III

STATEMENT OF BASIS

BETHLEHEM APPARATUS COMPANY, INC.

HELLERTOWN, PENNSYLVANIA

EPA ID NO. PAD002390961

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I. Introduction

A. Bethlehem Apparatus Company, Inc.

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) for the Bethlehem Apparatus Company, Inc. (BAC) facility located at 890 Front Street, Hellertown, Pennsylvania 18055 (hereinafter referred to as the Facility).

The Facility is subject to the Corrective Action program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. Sections 6901 to 6992k. The Corrective Action program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous wastes and constituents that have occurred at their property. Pennsylvania is not yet authorized for the Corrective Action program. Therefore, EPA retains authority to administer this program.

BAC currently operates under the Hazardous Waste Storage Permit (permit number PAD002390961) issued by the Pennsylvania Department of Environmental Protection (PADEP) for the storage and treatment of hazardous wastes. The Pennsylvania permit became effective on February 16, 2005 and will remain in effect until February 16, 2015, at which point the permit will be renewed or replaced with a similar State mechanism. EPA's proposed decision completes the RCRA permitting process and will take the form of an attachment to the State permit.

Information on the Corrective Action program as well as a fact sheet for the Facility can be found by navigating http://www.epa.gov/reg3wcmd/correctiveaction.htm.

B. Proposed Decision

This SB explains EPA's proposed decision that Corrective Action is complete and no land use controls are required for the Facility. EPA's proposed decision is based on a review of EPA and PADEP files regarding the environmental history of the Facility as presented in the Final Environmental Indicator Inspection Report submitted on February 4, 2008. EPA has concluded that there are no current or unaddressed releases of hazardous wastes or hazardous constituents from the Facility.

C. Importance of Public Input

Before EPA makes a final decision on its proposal for the Facility, the public may participate in the remedy selection process by reviewing this SB and documents contained in the Administrative Record (AR) for the Facility. The AR contains the complete set of reports that document the historic use of the Facility and its current conditions to support EPA's proposed decision. EPA encourages anyone interested to review the AR. The AR is available for public review at the EPA Region III office, the address of which is provided in Section V, below.

EPA will address all significant comments received during the public comment period. If EPA determines that new information or public comments warrant a modification to the

proposed decision, EPA will modify the proposed decision or select other alternatives based on such new information and/or public comments. EPA will approve its final decision in a document entitled the Final Decision and Response to Comments (FDRTC).

II. Facility Background

Bethlehem Apparatus Company, Inc. (BAC) is situated on approximately 1.2 acres of land at the western limits of the Borough of Hellertown, Northampton County, Pennsylvania. The Facility specializes in cost effective methods for recycling a wide variety of solid and liquid mercury bearing wastes. It is also a global supplier of prime virgin and high purity mercury and a manufacturer of glass-blowing equipment.

In 1948, BAC was founded by Henry and C.W. Nieman. The business initially operated out of the Neiman's homes. In 1950, the Nieman's purchased a parcel of land from the Borough of Hellertown at Front and Depot Streets. By 1951, operations were moved to the new facility. At the new facility, BAC manufactured glass-blowing equipment and distilled mercury. Until 1975, manufacturing of glass-blowing equipment accounted for approximately 80 percent and mercury distillation was approximately 20 percent of the company's business. In the mid-seventies the Facility shifted the majority of their operations towards mercury recovery and distillation, which now accounts for approximately 90 percent of the current business.

III. Summary of Environmental History

As part of the Environmental Indicator (EI) inspection and evaluation for Current Human Exposures and Migration of Contaminated Groundwater, a comprehensive record search and review were conducted by the PADEP and its contractor, URS Corporation (URS). This undertaking consisted of evaluating the Facility's manufacturing operations and waste management practices, RCRA permit applications, historical spills and releases, documentation of previous site inspections, RCRA closure activities and correspondence between the EPA, the Pennsylvania Department of Environmental Protections (PADEP) and the Facility.

On October 2007, PADEP and URS conducted a site visit. The visit consisted of a plant tour and information gathering to assess the current status of the Facility. No obvious areas of concern were identified during the visit. Historically, there appears to be no indications of spills or releases that have negatively impacted soil, groundwater, surface water, or air that would lead to adverse impacts to human health or the environment at this time.

IV. Evaluation of EPA's Proposed Decision

Based on the comprehensive review of existing records, the site visit, and the Environmental Indicator Inspection Report, EPA has determined that both Environmental Indicators are under control (i.e., there is no contamination problem that creates an unacceptable risk to human health nor is there any evidence of groundwater contamination caused by the Facility). Moreover, EPA concludes that there have been no past or current releases that warrant

further investigation or corrective action at the Facility at this time. EPA proposes that no further corrective action or controls are necessary at this time. EPA has determined that its proposed decision for the Facility is protective of human health and the environment.

V. Public Participation

Interested persons are invited to comment on EPA's proposed decision. The public comment period will last thirty (30) calendar days from August 13, 2009 when the notice is published in the Lehigh Valley Express-Times newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Khai M. Dao at the address listed below.

A public meeting will be held upon request. Requests for a public meeting should be made to Mr. Khai M. Dao at the address listed below. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed decision at this Facility. The Administrative Record is available at the following location:

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Mail code: 3LC30
Philadelphia, PA 19103
Contact: Mr Khai M. Dao
Phone: (215) 814-5467
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