



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

FINAL DECISION AND RESPONSE TO COMMENTS

**Parcel A
6Twelve Properties
Follansbee, West Virginia
WVD004319539**

INTRODUCTION

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) in connection with a 326-acre parcel known as Parcel A within the 6Twelve Properties. Parcel A, currently owned by 6twelve Properties, L.P., is located within the former RG Steel-Wheeling facility located north of the city of Follansbee in Brooke County on West Virginia Route 2, Wheeling, West Virginia (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 *et seq.* The Corrective Action program is designed to ensure that certain facilities subject to RCRA have investigated and addressed releases of hazardous waste and hazardous constituents that have occurred at their property.

On June 29, 1989, EPA issued a Final Administrative Order (Order), EPA ID No. WVD004319539, under RCRA Section 3008(h), 42 U.S.C. Section 6928(h), to Wheeling Pittsburgh Steel Corporation, (WPSC). The facility name was changed to RG Steel-Wheeling on March 31, 2011. In 2013, 6Twelve Properties, L.P. purchased a portion of the property from RG Steel in a bankruptcy estate sale.

On August 26, 2014, EPA issued a Statement of Basis (SB) in which it described the information gathered during environmental investigations at the parcel and proposed a Final Decision for Parcel A. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment B.

Consistent with the public participation provisions under RCRA, EPA solicited public comment on its proposed Final Decision. On August 29, 2014, notice of the SB was published on the EPA website and in the Herald Star Weirton Daily Times. One comment was received by email during the public comment period, and EPA's response is provided in Attachment A. EPA has determined that the comment has no impact on the proposed decision and thereby it is unnecessary to modify its proposed decision as set forth in the SB. Thus, the remedy proposed in the SB is the Final Decision selected by EPA for Parcel A.

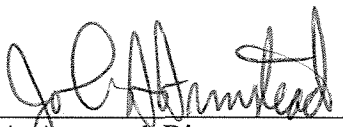
FINAL DECISION

EPA's Final Decision for the Facility consists of a determination that there are no known, documented or otherwise suspected releases identified at the Parcel that would be subject to Corrective Action.

DECLARATION

Based on the Administrative Record, I have determined that the Final Decision as set forth in this Final Decision is appropriate and will be protective of human health and the environment.

Date: 11.12.14



John A. Armstead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

Attachment A: EPA's response to comment

Attachment B: Statement of Basis August 26, 2014

Attachment A
EPA Response to Comment

Comment by email:

Sat 9/27/2014 8:57 AM
From: Josh Cook friendof.mine@yahoo.com
To: Andrew Fan
Subject: Parcel A Follansbee

Hi Andrew,

I'm curious about the decision to give this property no controls. What would prevent this property being developed into a childcare facility or something like that? This property is right on top of Parcel B which does have hazardous waste oozing out of the ground. Has any drilling or anything similar been done on Parcel A to justify that no hazardous waste is there? Would developers of Property A,(i.e. prospective buyers) have to be informed about the waste at Parcel B? I think these must be addressed before this property is given no controls.

Thanks
Josh

EPA's response:

Parcel A is not located on top of, but surrounding, Parcel B. Thus, Parcel A is not inclusive of Parcel B and the two parcels are managed separately. Parcel A has been identified as needing no further action because there is no evidence that Parcel A has been used for industrial or waste disposal activities in the past. EPA did not require drilling in Parcel A as part of the investigation because historical aerial photos and topographic maps provide sufficient evidence to support EPA's decision. Since there is no evidence that Parcel A has been impacted by hazardous wastes, there are no land use restrictions

A Site investigation is currently taking place in Parcel B to address hazardous (coal tar) waste buried in the ground, which includes sampling at the boundary abutting Parcel A. If a release of hazardous constituents is identified at the boundary, EPA will then make decisions regarding management of hazardous releases attributable to Parcel B. As an interim measure, the former owner has erected a fence with a sign surrounding the coal tar oozing area to warn against the risks of entering the coal tar area.