

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AGENCY DETERMINATION
UNDER THE
RESOURCE CONSERVATION AND RECOVERY ACT
AS AMENDED BY THE HAZARDOUS AND SOLID WASTE
AMENDMENTS OF 1984

Facility: NewChem, Inc. Facility

ID Number: WVD074968413
Address: 7743 Ohio River Boulevard
New Cumberland, West Virginia 26048

I. PURPOSE

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (Final Decision) under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 *et seq.*, regarding the NewChem, Inc. Facility located in New Cumberland, West Virginia (the Facility).

II. PROPOSED FINAL REMEDY

On August 25, 2011, EPA issued a Statement of Basis (SB) in which it explained the information gathered during environmental investigations at the Facility, and in which it described the Proposed Final Remedy for the Facility. In the SB, EPA's proposed remedy for the Facility consists of the following components: (1) the implementation of enhanced anaerobic bioremediation through the introduction of a non-toxic compound into groundwater at select monitoring well locations at the Facility in order to accelerate the treatment process for the removal of groundwater contamination. Additional treatment will be applied as necessary until Maximum Contaminant Levels (MCLs) in the groundwater at the Facility are met; (2) the verification of the effectiveness of the treatment through groundwater monitoring; (3) application of the State of West Virginia Department of Health and Human Resources Bureau for Public Health Water Well Regulations, Section 64-19-1 *et seq.* (Water Well Regulations), Title 64 (Health), Series 19 (Legislative Rule) and its implementing statute set forth at the West Virginia Code, Chapter 16 (Public Health), Article 1 (State Public Health System) as an institutional control mechanism that will reduce potential human exposure to contaminated groundwater attributable to the Facility; and (4) the execution of an enforceable mechanism such as a permit, order, or an Environmental Covenant, pursuant to the West Virginia Uniform Environmental Covenants Act, Chapter 22, Article 22.B, §§ 22-22B-1 through 22-22B-14 of the West Virginia Code to ensure that the Facility not be used for any purpose other than industrial unless it is demonstrated to EPA that another use will not pose a threat to human health or the environment.

Such mechanism shall require EPA's prior written approval for non-industrial uses.

II. RESPONSE TO COMMENTS

Consistent with the public participation provisions under RCRA, EPA requested comments from the public on the proposed Final Remedy. The commencement of a thirty (30)-day public comment period was announced in the Hancock County Courier on August 25, 2011. The public comment period ended on September 26, 2011. During that time, the Administrative Record, including the Statement of Basis describing the proposed remedy, was made available for review by the public at the EPA Region III office in Philadelphia and also at the Swaney Memorial Library in New Cumberland, West Virginia. EPA received no comments on its proposed Final Remedy. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A to this document.

III. FINAL REMEDY

The selected Final Remedy for the Facility, which is explained in detail in the SB, is the implementation of enhanced anaerobic bioremediation for contaminated groundwater and institutional controls. EPA has determined that the Final Remedy protects human health and the environment

V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the NewChem, Inc. Facility, EPA has determined that the Final Remedy selected in this Final Decision and Response to Comments is protective of human health and the environment.



Abraham Ferdas, Director
Land and Chemicals Division
U.S. EPA Region III

11/29/11
Date

Attachment A: Statement of Basis, dated August 25, 2011