



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
STATEMENT OF BASIS
FORMER PORTEC, INC.
PITTSBURGH, PENNSYLVANIA
PAD004336814

I. Introduction

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) to solicit public comment on its proposed remedy for the former Portec, Inc. facility located at 900 Freeport Road, Pittsburgh, PA 15238 (Facility). EPA's proposed remedy is based on actions directed by the Pennsylvania Department of Environmental Protection (PADEP or Department) and completed by the Facility from 1988-1998.

The Facility property is subject to EPA's 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. §§ 6901 et seq. (Corrective Action Program). This program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property.

The proposed remedy consists of the maintenance and compliance of specific Institutional Controls (ICs) that restrict certain property uses. The proposed remedy is currently enforced under an Environmental Covenant entered into by the PADEP and the Facility dated December 13, 2010 (Covenant).

EPA has reviewed the record of the investigation and the actions taken on the property under PADEP oversight. EPA conducted a Corrective Action site visit at the property on September 8, 2008. EPA has determined that no additional characterization or remediation is necessary for the Facility to satisfy its federal RCRA Corrective Action obligations.

In Pennsylvania, EPA has not yet delegated authority for the Corrective Action Program to PADEP. Therefore, EPA must take final action for all facilities subject to the Program. EPA is proposing this remedy to satisfy this obligation and to allow the public an opportunity to review and comment on the PADEP actions already completed. EPA believes the PADEP actions are protective of human health and the environment and are consistent with Corrective Action Program guidance.

The Administrative Record contains all documents, including data and quality assurance information, on which EPA's proposed decision is based. See Section VIII, Public Participation, for information on how you may review the Administrative Record.

II. Facility Background

The Facility is located at 900 Freeport Road in Pittsburgh, O'Hara Township, Allegheny County, Pennsylvania. The Facility is bordered by railroad tracks and commercial development to the north and residential development and the Allegheny River to the south. The Facility covers approximately 7.75 acres.

In 1929, the Railway Maintenance Corporation (RMC) purchased a portion of the Facility and constructed a plant for the manufacture of railroad track maintenance equipment. Portec, Inc. (Portec) purchased this RMC facility in 1975 and then acquired an additional nine

acres of land for future expansion. By 1979, the Facility had acquired the property which makes up its current footprint. In May 1989, Portec stopped assembling railroad maintenance equipment. The product line was sold to the Fairmont Corporation, and by December 1989 all operations at the Facility ceased. Portec, Inc. was renamed Portec Rail Products, Inc. in 1997 and still maintains its corporate office in part of the building on the Facility. The Facility was sold in 1999 to O'Hara Hospitality Park, L.P., which leases the building to Kratsa Properties. Kratsa Properties subleases the building to several tenants for commercial/retail non-hazardous product storage and sales. In 2003, O'Hara Hospitality Park, L.P. sold the southeastern portion of the property (approximately 4 acres) to Chapel Harbors at the Water Associates, L.P., who have redeveloped this parcel and the area south of the Facility.

III. Summary of Environmental Investigation

The initial investigation of the Facility was performed in November 1988 by Schneider Engineers on behalf of Riverside Associates, a developer who had been interested in acquiring the Facility. This report concluded that there was no evidence of widespread property contamination. Subsequently, PADEP requested that Portec undertake a soils investigation to determine the nature and extent of volatile organic compounds (VOC) and/or petroleum hydrocarbons within four areas of the Facility (Areas 1 to 4; see Figure 1). Portec had Earth Sciences Consultants (ESC) perform a Phase I investigation of these areas in August 1989 which concluded that three of the four areas (Areas 2 through 4) contained VOCs and petroleum hydrocarbons in soil at low concentrations. Soils sampled in Area 1 following the drum removal exhibited no significant levels of contamination; therefore, no further action was recommended in this area.

After meeting with PADEP to discuss the findings of the Phase I investigation, ESC performed a Phase II investigation in September 1989 on behalf of Portec to determine whether groundwater had been impacted by VOCs found in soils. A groundwater monitoring program was initiated that confirmed the presence of VOCs in groundwater from shallow monitoring wells; however, VOCs were not identified in a deeper plant production well. Analysis of soil samples taken from the borings during well construction yielded results that generally were lower in VOC concentrations than soil samples taken from test pits in the Phase I investigation. As a result of the Phase I and II investigations, a track drain and sump located outside the western portion of the Facility building were cleaned and closed, a terra-cotta drain line was excavated to the property boundary, and the 37 drums were removed from Area 1 and properly disposed of off-site.

In September 1990, ESC's affiliated construction company, CRS Inc., performed a general housekeeping project at the Facility on behalf of Portec that included consolidation of drummed materials, removal and proper disposal of miscellaneous stained soil areas outside the building, and a general cleaning of the building interior. Following the installation of five monitoring wells, ESC sampled and analyzed groundwater on an approximately annual schedule until September 1997, when quarterly sampling was initiated in order to demonstrate attainment of the non-residential non-use aquifer State-wide Health Standard (SHS) under Pennsylvania's Land Recycling and Environmental Remediation Standards Act (Act 2). The final report by ESC summarized the above information and was approved by PADEP on November 30, 1998. The Facility achieved the non-residential non-use aquifer SHS for groundwater. In August 2000 EPA and PADEP visited the Facility in order to determine if the Facility met both of EPA's Environmental Indicators (EIs; see

Section VI, below). The visit consisted of a tour of the Facility and information gathering to assess the current status of the Facility. Based on the comprehensive review of existing records and the visit to the Facility, EPA determined that both human exposures to contamination and migration of contaminated groundwater were under control.

Since the Facility meets the non-residential non-use aquifer SHS and is located in an aquifer non-use area, ICs are required to ensure that land use at the Facility remains non-residential and groundwater beneath the Facility is prohibited from use. These ICs are discussed in more detail in Section V below.

IV. EPA's Proposed Remedy

Corrective Action Objectives

EPA has defined the following Corrective Action Objectives for the Facility:

Soils

The Corrective Action Objective for Facility soils is to control human and environmental exposure to low level residual hazardous constituents remaining in soils.

Groundwater

The Corrective Action Objective for contaminated groundwater at the Facility is to prevent human exposure to low level contaminants in the groundwater and to demonstrate that any contaminant plume does not impact nearby surface water.

When selecting a remedy, EPA must demonstrate how the remedy meets the corrective action goals for protection of human health and the environment. EPA relies on three criteria, established through RCRA program guidance, to evaluate a proposed remedy and to demonstrate that the remedy achieves these goals. These criteria are discussed below.

1. Protect Human Health and the Environment

EPA has determined that the investigation approved by PADEP and subsequent measures implemented under the Covenant are protective of human health and the environment. All relevant exposure pathways were fully evaluated, including the potential for vapor intrusion into present or future buildings. The low levels of contamination that remain at the Facility are not expected to impact any potential receptors at levels that represent an unacceptable risk. Groundwater use beneath the Facility is prohibited since the Facility demonstrated attainment of the non-residential, non-use aquifer SHS. Soil within the Facility is below both direct contact and soil-to-groundwater medium-specific concentrations. The potential for indoor air contamination from contaminants in soil and groundwater at the Facility is not significant due to the low concentrations of contaminants, depth to groundwater underneath the Facility, geology of the area, and soil characteristics. In addition, natural processes are continuing to reduce remaining contamination still present in groundwater and soil.

2. Achieve Media Cleanup Objectives

The Act 2 Final Report, approved by PADEP, demonstrates that the former Portec property has achieved the non-residential SHS for soils and the non-use SHS for groundwater. The RCRA Corrective Action Program does not use specific standards for its cleanup objectives. Instead, the Corrective Action Program, like all EPA cleanup programs, relies on a site-specific determination of acceptable carcinogenic and non-carcinogenic risks under specific human exposure scenarios that are designed to protect human health and the environment far into the future.

For the former Portec property, EPA has determined that the use of the Pennsylvania non-residential SHS for soil and the non-use groundwater SHS comply with EPA guidance provided that the restrictions on land and groundwater use remain in effect.

3. Remediating the Source of Releases

In all remedy decisions, EPA seeks to eliminate or reduce further releases of hazardous wastes or hazardous constituents that may pose a threat to human health and the environment. The Facility met this objective by removing buried drums, drains, sumps, and areas of stained or contaminated soil. There are no remaining large, discrete sources of waste from which constituents would be released to the environment. EPA has determined that this criterion has been met.

V. Institutional Controls

Institutional Controls (ICs) are non-engineered mechanisms such as administrative and/or legal controls that minimize the potential for human exposure to contamination and protect the integrity of a remedy. Under this proposed remedy, some concentrations of contaminants will remain in the groundwater and soil at the Facility above levels appropriate for residential uses. Because contaminants remain in the soil and groundwater at the Facility at levels which exceed residential use, EPA's proposed remedy requires the implementation and maintenance of institutional controls to restrict activities that may result in human exposure to those contaminants. As a result, the proposed remedy requires the Facility to implement ICs in order to restrict use of the Facility soil and groundwater to prevent human exposure to contaminants while such contaminants remain in place.

On Decemer 13, 2010, an Environmental Covenant was recorded by the Allegheny County Recorder of Deeds Office which imposes these ICs on the Facility. Specifically, the ICs are:

1. No person may install or use any well to withdraw groundwater at the Facility for any purposes unless and until such groundwater meets applicable Act 2 standards and written approval for such groundwater use is obtained from the Department. This restriction shall not preclude the extraction of groundwater for any necessary investigational or remedial activities approved by the Department.

2. No person may use or occupy any portion of the Facility, either temporarily or permanently, for any residential use, recreational area use, or any other residential-style facility use as defined in Section 103 of Act 2, without first obtaining the Department's written approval.

The environmental covenant also provides that:

By the end of every second January following the Department's approval of this Environmental Covenant, and within sixty days of any written request by the Department, the then current owner of the Property shall submit, to the Department, written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. The Owner and each subsequent owner shall submit, to the Department, written documentation within sixty days of the transfer of the property and prior to proposed changes in use of the property, filing of applications for building permits for the property or proposals for any site work affecting the contamination on the property subject to this Environmental Covenant.

Under EPA's proposed action, these ICs are enforceable through the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act (Act 68). If the Facility fails to meet its obligations under the Covenant, EPA has the authority to enforce the Covenant. Additionally, if EPA, in its sole discretion, deems that additional ICs are necessary to protect human health or the environment, EPA has the authority to require additional ICs.

VI. Environmental Indicators

EPA sets national goals to measure progress toward meeting the nation's major environmental goals. For Corrective Action, EPA evaluates two key environmental indicators for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. The Facility met these indicators on June 20, 2003.

VII. Financial Assurance

Due to the minimal cost of post-remedial activities (e.g., notifications of property transfers) that must be performed as part of the proposed remedy for the Facility, no financial assurance is required.

VIII. Public Participation

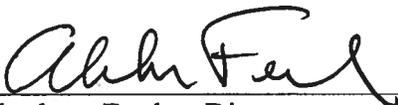
Before EPA makes a final decision on its proposal for the Facility, the public may participate in the remedy selection process by reviewing this SB and documents contained in the Administrative Record (AR) for the Facility. The AR contains all information considered by EPA in reaching this proposed decision. It is available for public review during normal business hours at:

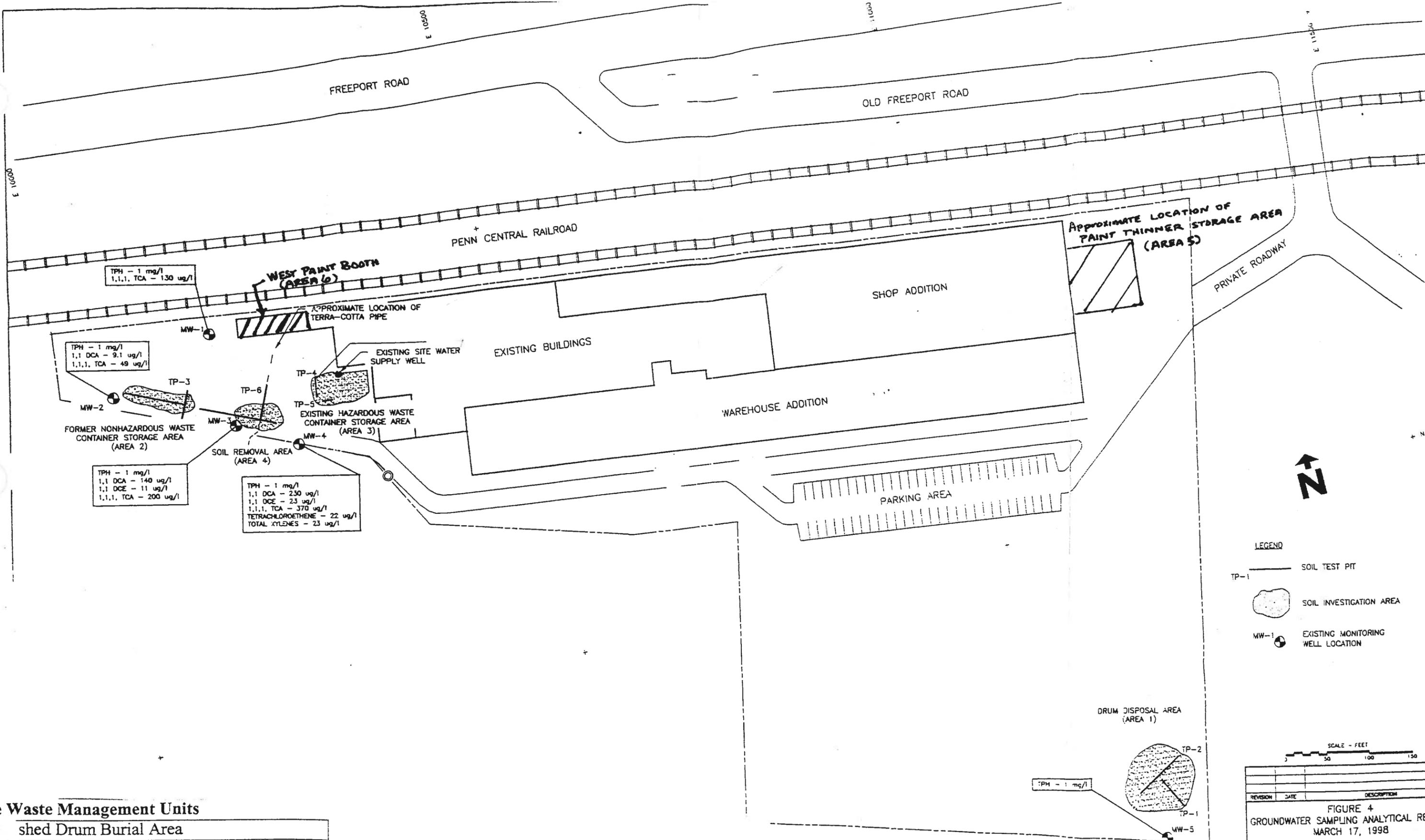
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Mr. Griff Miller (3LC30)
Phone: (215) 814-3407
Fax: (215) 814-3113
Email: miller.griff@epa.gov

Interested parties are encouraged to review the AR and comment on EPA's proposed decision. The public comment period will last thirty (30) calendar days from the date that notice is published in a local newspaper. You may submit comments by mail, fax, or e-mail to Mr. Griff Miller. EPA will hold a public meeting to discuss this proposed decision upon request. Requests for a public meeting should be made to Mr. Miller.

EPA will respond to all relevant comments received during the comment period. If EPA determines that new information warrants 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 announce its final decision and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC). All persons who comment on this proposed decision will receive a copy of the FDRTC. Others may obtain a copy by contacting Mr. Miller at the address listed above.

Date: 4/19/11


Abraham Ferdas, Director
Land and Chemicals Division
US EPA, Region III

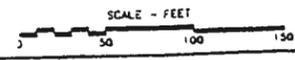


Site Waste Management Units

- 1) Shed Drum Burial Area
- 2) Former Outside Non-Hazardous Storage Pad
- 3) Former Outside Hazardous Waste Storage Pad
- 4) Soil Removal Area
- 5) Paint Thinner Storage Area
- 6) West Paint Booth

LEGEND

- TP-1 SOIL TEST PIT
- SOIL INVESTIGATION AREA
- MW-1 EXISTING MONITORING WELL LOCATION



REVISION	DATE	DESCRIPTION
FIGURE 4 GROUNDWATER SAMPLING ANALYTICAL REPORT MARCH 17, 1998 PORTEC RAIL PRODUCTS, INC. PREPARED FOR PORTEC RAIL PRODUCTS, INC. O'HARA TOWNSHIP, PENNSYLVANIA		
APPROVED	7-17-97	
CHECKED	4/24/97	
DRAWN	02/14/0000	