UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

FORMER PORTEC, INC.
PITTSBURGH, PENNSYLVANIA
EPA ID NO. PAD004336814

I. FINAL DECISION

The United States Environmental Protection Agency (EPA) has determined that no further remedial action is required to make the former Portec, Incorporated (Facility) property suitable for current and anticipated land use. This determination is based on our findings as detailed in the Statement of Basis (SB), attached hereto as Attachment A and made a part hereof, and is consistent with EPA's February 2003 *Final Guidance on Completion of Corrective Action Activities at RCRA Facilities* (reference 68 FR 8757). Because contamination will remain in the soil at the Facility, EPA is requiring institutional controls (ICs). ICs are non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination and/or protect the integrity of the remedial action by limiting land or resource use. The required ICs are:

a. a restriction on the withdrawal or use of groundwater beneath the Facility for any purposes
b. a restriction on land use to prevent residential, recreational, or residential-style use or occupation of the Facility property

In addition to the above ICs, the owner of the Facility and each subsequent owner must notify EPA or the Pennsylvania Department of Environmental Protection (PADEP) of any transfers in property, proposed changes in use of the property, or any work on the

property that may potentially affect areas of remaining contamination. These ICs are enforceable through an Environmental Covenant (Instrument Number 33359, Volume 14460, Page 149; Receipt 1735326) that was recorded and filed with the Pittsburgh Department of Real Estate on December 20, 2010 in accordance with the Pennsylvania Uniform Environmental Covenants Act, 27 Pa.C.S. §§ 6501-6517 (UECA). The Covenant is available for view on the PADEP Activity and Use Limitations Registry at http://www.depgis.state.pa.us/pa-aul/PdFFetcher.ashx?DocID=77791&extension=PDF or through the EPA factsheet at http://www.epa.gov/reg3wcmd/ca/pa/webpages/pad004336814.html.

II. PUBLIC COMMENT PERIOD

On April 12, 2011, EPA issued a Statement of Basis in which it announced its proposed remedy for the Facility. Consistent with public participation provisions under the Resource Conservation and Recovery Act (RCRA), EPA requested comments from the public on the proposed remedy as described in the SB. The commencement of a thirty (30)-day public comment period was announced in the *Tribune-Review* on April 12, 2011 and on the EPA Region III website. The public comment period ended on May 12, 2011.

III. RESPONSE TO COMMENTS

EPA received no comments on the proposal. Consequently, the Final remedy is unchanged from that proposed in the SB.

IV. AUTHORITY

EPA is issuing this Final Decision and Response to Comments under the authority of the Solid Waste Disposal Act, as amended by RCRA, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. Sections 6901 to 6992k.

V. DECLARATION

Based on the Administrative Record compiled for Corrective Action at the former Portec facility, EPA has determined that the remedy selected in this Final Decision and Response to Comments is protective of human health and the environment.

LIST OF ATTACHMENTS
A. April 12, 2011, Statement of Basis

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

5/19/11
Date