



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

WABTEC
WILMERDING, PENNSYLVANIA
EPA ID NO. PAD004341269

I. FINAL DECISION

The United States Environmental Protection Agency (EPA) has selected the compliance with and maintenance of Institutional Controls (ICs) as the Final Remedy for the Wabtec facility (the Facility), located at 1001-1003 Air Brake Avenue, Wilmerding, Pennsylvania 15148. This determination is based on EPA's findings as detailed in the Statement of Basis (SB). This determination is consistent with EPA's February 2003 *Final Guidance on Completion of Corrective Action Activities at RCRA Facilities* (reference 68 FR 8757).

EPA's Final Remedy relies on Environmental Covenants executed by the owners of the Facility and approved by the Pennsylvania Department of Environmental Protection (PADEP) pursuant to the Pennsylvania Uniform Environmental Covenants Act, 27 Pa. C.S. Sections 6501-6517 (UECA). The Environmental Covenants restrict land use to non-residential purposes and prohibit the use of groundwater for potable purposes or

agricultural activities. The land use and groundwater use restrictions have already been recorded in the chain of title for the Facility property.

If the owners of the Facility property fail to meet the obligations under the Environmental Covenants, or EPA or PADEP, in its sole discretion, deems that additional ICs are necessary to protect human health or the environment, both Agencies have the authority to enforce the Environmental Covenants and/or require additional ICs.

II. PUBLIC COMMENT PERIOD

On August 28, 2012, EPA issued a SB 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. The commencement of a thirty (30)-day public comment period was announced in *The Tribune-Review* on August 28, 2012 and on the EPA Region III website. The public comment period ended on September 27, 2012.

III. RESPONSE TO COMMENTS

EPA received no comments on the proposed remedy. Consequently, the Final Remedy is unchanged from that proposed in the SB. The SB is incorporated herein and made a part thereof as Attachment A.

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 the Corrective Action at the 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/

9/28/12

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

Date

Attachment A: Statement of Basis dated August 23, 2012