



UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION III

STATEMENT OF BASIS

Babcock and Wilcox Company

KOPPEL AND BIG BEAVER BOROUGHES, PENNSYLVANIA

EPA ID NO. PAD 98 733 5379

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I. Introduction

A. Facility

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) for the Babcock and Wilcox landfill facility located on 5.3 acres in Koppel and Big Beaver Boroughs, Beaver County, Pennsylvania. (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 to 6992k. The Corrective Action program is designed to ensure that certain facilities subject to RCRA have been investigated and that all releases of hazardous waste and hazardous constituents have been remediated.

Information on the Corrective Action program as well as a fact sheet for the Facility can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

EPA has prepared this SB in cooperation with the Pennsylvania Department of Environmental Protection, Southwest Regional Office (PADEP). EPA reviewed all available site data and has determined that no additional characterization or remediation is necessary for the Facility to satisfy its RCRA Corrective Action obligations. Based on its review, EPA is proposing a final remedy for the Facility that relies on the Facility's post-closure permit issued by PADEP. To complete the administrative process, EPA is issuing a draft federal permit pursuant

to Section 3004(u) of RCRA, 42 U.S.C. Section 6924(u). PADEP's post-closure permit and EPA's permit satisfy the corrective action obligation at the Babcock & Wilcox Facility. EPA is providing opportunity for public review and comment on this approach.

B. Proposed Decision

This SB explains EPA's proposed decision that no further action to remediate soil, groundwater or indoor air contamination is necessary given current land use. EPA's proposed remedy recognizes that the PADEP post-closure permit which includes obligations for the Facility to develop and to maintain a groundwater monitoring program, to inspect and to maintain the landfill cover, to maintain financial assurance for the purpose of assuring post closure care, and to implement institutional controls on the property that prohibit disturbance of the landfill cap and restrict other use of the parcel while wastes remain. This action will satisfy the RCRA corrective action requirements.

EPA is proposing that the PADEP post-closure permit is sufficient to maintain the landfill and prevent or manage any release(s) that may occur. PADEP has properly addressed the environmental concerns at this site and Babcock and Wilcox has complied with the permit.

EPA's proposed decision represents "Corrective Action Complete with Controls" as described in EPA Guidance found in the Federal Register / Vol. 68, No. 37 / Tuesday, February 25, 2003 / Notices [FRL – 7454-7] pages 8757 to 8764.

This SB summarizes information that can be found in greater detail in the work plans and reports reviewed by EPA and used by PADEP to develop the post closure permit. Detailed information can be found in the Administrative Record (AR) for this Facility.

C. Importance of Public Input

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 AR for the Facility. The AR contains the complete set of reports that document Facility conditions, including a map of the Facility, in support of EPA's proposed decision. EPA encourages anyone interested to review the AR. The AR is available for public review at the EPA Region III office, the address of which is provided in Section V, below.

EPA will address all significant comments received during the public comment period. If EPA determines that new information or public comments warrant 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 approve its final decision in a document entitled the Final Decision and Response to Comments (FDRTC).

II. Facility Background

The Facility is a closed landfill, near Mount Street in parts of both Koppel and Big Beaver Boroughs, Beaver County, Pennsylvania. The Facility is 5.3 acres and is surrounded by the IPSCO Koppel Tubulars Corporation steel plant, formerly operated by the Babcock and

Wilcox Company. The landfill contains approximately 50,000 cubic yards of electric-arc furnace (EAF) dust generated by Babcock and Wilcox when that company operated the mill.

When the plant was sold in 1999, Babcock and Wilcox retained this 5.3 acre parcel and closed the landfill with PADEP approval and oversight. PADEP has issued a post-closure permit that requires Babcock and Wilcox to maintain the landfill and to monitor groundwater twice a year. The permit also contains contingent measures to remediate any future release to groundwater.

III. Summary of Environmental History

Babcock and Wilcox operated a melt shop at the Koppel facility using electric arc furnaces (EAF) to melt steel. These EAF furnaces are equipped with baghouses that remove process dust from the exhaust. This dust is considered a hazardous waste due to the presence of lead, chromium, and cadmium. Babcock and Wilcox stored this dust outdoors in a large pile. In 1988, PADEP approved a plan to close the waste pile. Babcock and Wilcox constructed a double-lined landfill to permanently contain the material. The waste pile and contaminated soils were excavated and disposed in the new landfill. Closure was completed in 1989 with approximately 50,000 cubic yards of dust and contaminated soil contained in the landfill. Babcock and Wilcox sold the plant in 1999, but retained the landfill parcel.

Groundwater monitoring of the area was initiated in 1982 and continues under the PADEP permit. Results reveal no significant impacts to the groundwater beneath the site.

IV. Evaluation of EPA's Proposed Decision

This section provides a description of the criteria EPA uses to evaluate proposed remedies under the Corrective Action Program. The criteria are applied in two phases. In the first phase, EPA evaluates three criteria, known as Threshold Criteria. In the second phase, EPA sometimes uses seven balancing criteria to select among alternative solutions, if more than one is proposed. The Facility has demonstrated that the current conditions meet the threshold criteria established by EPA. Because EPA is not selecting among alternatives, a complete evaluation of the balancing criteria is not necessary.

The following is a summary of EPA's evaluation of the Threshold Criteria:

1. Protect Human Health and the Environment - This proposed remedy protects human health and the environment from exposure to contamination. EPA's proposed decision meets this standard for current and anticipated land use. Essentially, EPA is agreeing that the measures that Babcock and Wilcox implemented under PADEP oversight are appropriate and sufficient to protect human health and the environment. The PADEP post-closure permit requires the Facility to maintain a groundwater monitoring program, to inspect and to maintain the landfill cover, and to implement land use controls on the property that prohibit disturbance of the landfill cap and restrict other uses of the property while wastes remain.

2. Achieve Media Cleanup Objectives - EPA's proposed remedy meets the appropriate cleanup objectives based on assumptions regarding current and reasonably

anticipated land and water resource use(s). Groundwater monitoring confirms there are no significant impacts to groundwater beneath the landfill.

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 has remediated the sources of releases by consolidating this material into a properly designed landfill. Groundwater monitoring and site inspection continue under the PADEP permit to detect any release into the future.

V. Institutional Controls

The PADEP post-closure permit represents an enforceable document that requires Babcock and Wilcox to operate and maintain the landfill and groundwater monitoring system until May 2012, at which point the permit will be renewed or replaced with a similar State mechanism. Pursuant to PADEP regulations, Babcock and Wilcox have placed a notice in the chain of title for the property and attached a survey of the area where the waste will remain. This requirement provides notice to any successor-in-interest of the existence of the landfill, in the event of a conveyance of an interest in the property.

EPA has determined that the controls imposed by PADEP are protective of human health and the environment. Therefore, EPA is proposing no additional institutional Controls in this Statement of Basis.

VI. Environmental Indicators

Under the Government Performance and Results Act (GPRA), EPA has set national goals to address RCRA corrective action facilities. Under GPRA, EPA evaluates two key environmental clean-up indicators for each facility: (1) Current Human Exposures Under Control and (2) Migration of Contaminated Groundwater Under Control. EPA approved the PADEP evaluation of these indicators on October 10, 2008. The environmental indicator determinations are available at <http://www.epa.gov/reg3wcmd/ca/pa/pdf/pad987335379.pdf>

VII. Financial Assurance

Under PADEP RCRA regulations, Babcock and Wilcox must provide a financial instrument to assure that routine maintenance and other contingencies will be completed during the post closure period. Babcock and Wilcox complies with this requirement with a Letter of Credit payable to PADEP in the amount of \$1,059,125.

VIII. Public Participation

Interested persons are invited to comment on EPA's proposed decision. The public comment period will last forty-five (45) calendar days from the date that notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Paul Gotthold. Contact information is below.

A public meeting will be held upon request. Requests for a public meeting should be

made to Mr. Paul Gotthold. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed decision at this Facility. The Administrative Record is available at the following location[s]:

U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Mr. Paul Gotthold (3LC30)
Phone: (215) 814-3410
Fax: (215) 814 - 3113
Email: gotthold.paul@epa.gov