

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FINAL DECISION AND RESPONSE TO COMMENTS

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

Facilities: Expert Management Inc.
(Formerly ICI Explosives USA, Inc. and ICI Americas, Inc.)

ID Numbers: ICI Explosives USA, Inc. PAD071203046
ICI Americas Inc. PAD000797928

Address: River Road, Tamaqua, PA

PURPOSE

This Final Decision and Response to Comments is issued by the United States Environmental Protection Agency (EPA) 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.*, and EPA regulations at 40 C.F.R. Parts 260-271 and Part 124, to the Expert Management Inc. (formerly ICI Explosives USA, Inc. and ICI Americas, Inc.) facilities in Tamaqua, PA. EPA has used the administrative procedures for permitting found in 40 C.F.R. Part 270 to provide public notice and solicit comment on EPA's proposed decision.

PROPOSED DECISION

In August 2007, EPA proposed that a determination of "Corrective Action Complete with Controls" be granted to the former ICI Americas, Inc. and former ICI Explosives USA, Inc. facilities.

EPA requested comments from the public by announcing the thirty (30) calendar day comment period on the proposed remedy in The Republican & Herald and on the EPA Region III website. The comment period lasted from August 27, 2007 to September 26, 2007. 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.

RESPONSE TO COMMENTS

The thirty (30) day comment period on the proposed decision ended on September 26, 2007 and no comments were received in response to the public notice. Therefore, EPA has decided to finalize its decision as presented in the Statement of Basis and as stated below.

FINAL DECISION - Corrective Action Complete with Controls

Consistent with EPA's February 2003 document, *Final Guidance on Completion of Corrective Action Activities at RCRA Facilities* (reference 68 FR 8757), EPA is making a determination of "Corrective Action Complete with Controls" for the Expert Management, Inc. facilities, formerly known as the ICI Explosives USA, Inc. and ICI Americas Inc. facilities. The guidance recommends that EPA make this determination where the full set of corrective measures has been implemented and all that remains is performance of required operation and maintenance and monitoring actions and/or maintenance of institutional controls. The final remedy of the Expert Management sites meets these objectives and is protective of human health and the environment.

EPA has determined that no further corrective action under EPA is necessary at this time. The following control measures are in place to ensure the land use and groundwater use restrictions at both facilities, and the PADEP-administered groundwater monitoring program at ICI Americas, Inc. remain effective.

1. A Declaration of Covenants and Restrictions has been agreed to by the new property owners for both the ICI Americas, Inc. and ICI Explosives USA, Inc. Sites, and was properly recorded in the deeds at the time the property was sold and/or transferred. Detailed in the Declaration are:
 - a. Land use restrictions allow only non-residential use of the property;
 - b. Proper handling and disposal practices are required for the disturbance of subsurface soils; and
 - c. Groundwater use restrictions allow only non-potable and non-agricultural use of the groundwater.
2. EMI performs groundwater monitoring activities under PADEP authority, and in accordance with PADEP's September 17, 2003 letter, issued under their RCRA program. Under the PADEP requirements for the groundwater monitoring program:
 - a. EMI has an agreement with the property owners to allow access with respect to managing environmental activities including groundwater monitoring;

b. EMI has Financial Assurance, in the form of a Bond, in the amount of Three hundred and Twenty Five Thousand (\$325,000.00) Dollars (adjusted as necessary per PADEP requirements) for 25 years of monitoring (2003-2028);

DECLARATION

Based on the Administrative Record compiled for the corrective action at the Expert Management Inc. facility, I have determined that the remedy selected is protective of human health and the environment and RCRA Corrective Action is complete with controls.

_____/s/_____

09/28/2007

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

Date