



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

FORMER COLE OFFICE ENVIRONMENTS

1201 EDEN ROAD

YORK, PENNSYLVANIA

EPA ID NO. PAD052917846

I. FINAL REMEDY

The United States Environmental Protection Agency (“EPA”) has selected the following remedy for the Former Cole Office Environments (the “Facility” or “Site”) located at 1201 Eden Road in York, Pennsylvania. EPA’s final remedy for the Facility consists of a combination of engineering controls (“ECs”) and institutional controls (“ICs”) which are designed to minimize the potential for human exposure to contamination.

The final remedy for the Facility will be implemented through an enforceable agreement, order, or Environmental Covenant entered into pursuant to the Pennsylvania Uniform Environmental Covenants Act (“UECA”), Act No. 68 of 2007, 27 Pa. C.S. §§ 6501, et seq. which will be recorded with the deed for the Facility property. If the Facility owner or subsequent owners fail to meet their obligations under the ICs or if EPA and/or the Pennsylvania Department of Environmental Protection (“PADEP”), in its sole discretion, deems that additional ECs or land and/or groundwater use restrictions are necessary to protect human health or the environment, EPA and/or PADEP has the authority to require and enforce such additional ECs or land and/or groundwater use restrictions.

A. Engineering Controls

EPA’s final remedy for the Facility includes the inspection, operation and maintenance of the already constructed concrete slab under the Former Plating Area where contaminants remain in the soil above relevant EPA Risk Screening Levels (“RSLs”) and the PADEP Statewide Health Standards (“SHSs”) for non-residential soil (“EC Area”). These paved areas eliminate direct contact with contaminated soils and prevent migration. The inspection, operation and maintenance of these areas will be required by an enforceable agreement, order, or Environmental Covenant.

In addition, the agreement, order, or Environmental Covenant will address earth moving activities at the Facility to ensure such activities will not pose a threat to human health (i.e., construction/excavation worker).

B. 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 final remedy, contaminants remain in the Facility soils and groundwater beneath the Facility above levels appropriate for residential uses, but below levels appropriate for non-residential (industrial) uses. Because contaminants remain in the soil and groundwater at the Facility, EPA’s final remedy requires that compliance with and maintenance of land and groundwater use restrictions at the Facility be implemented through an enforceable agreement, order, or Environmental Covenant with the following elements:

- 1) The Facility property shall be restricted to industrial purposes and not be used for residential purposes unless it is demonstrated to PADEP and EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere

with the Final Remedy and PADEP and EPA provide prior written approval for such use;

- 2) Groundwater from beneath the Facility shall not be used for any purpose other than to conduct the operation, maintenance, and monitoring activities required by PADEP and/or EPA, unless it is demonstrated to PADEP and EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere with the Final Remedy and PADEP and EPA provide prior written approval for such use;
- 3) All earth moving activities in the EC Area, including excavation, drilling and construction activities, shall be prohibited unless it is demonstrated to PADEP and EPA that such activity will not pose a threat to human health or the environment or adversely affect or interfere with the Final Remedy and PADEP and EPA provide prior written approval for such use;
- 4) The property owner shall maintain the integrity and protectiveness of the existing concrete slab under the EC Area. The property owner shall inspect the existing concrete slab under the Former Plating Area where contaminants remain in the soil above relevant EPA RSLs and PADEP SHSs for non-residential soil on a biennially basis to ensure that the integrity and protectiveness of the slab is maintained and provide a report documenting the findings of the inspection to EPA and PADEP;
- 5) The property owner shall evaluate compliance with ICs implemented for the Facility on a biennial basis and provide a report documenting the findings of the evaluation to EPA and PADEP; and,
- 6) The property owner shall provide surveys for: (1) the perimeter constituting the legal boundary of the Facility and (2) the EC Area. These two geographic areas represent separate polygons which shall be described and provided to EPA and PADEP in the following ways:
 - Survey description (metes & bounds); and,
 - Longitude/latitude of vertices of each polygon (in decimal degrees to at least seven decimal places, using a World Geodetic System (WGS) 1984 datum, and indicating west longitude as a negative number).

II. PUBLIC COMMENT PERIOD

In November 2011, EPA issued a Statement of Basis (SB) which summarized the information gathered during the environmental investigations at the Facility and described EPA's proposed remedy for the Facility. Consistent with public participation provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*, 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 York Newspaper on November 1, 2011. The public comment period ended on November 30, 2011. EPA received no comments

on the SB. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A.

III. MODIFICATIONS TO PROPOSED REMEDY

In preparing this FDRTC, EPA determined that the IC listed as item number 5 in Section V.B. (Institutional Controls) of the SB was duplicative. Therefore, EPA has not included that IC in the final remedy. Otherwise, EPA's final remedy is unchanged from the remedy proposed in the SB.

IV. AUTHORITY

EPA is issuing this Final Decision 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. §§ 6901 to 6992k.

V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the Former Cole Office Environments 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, Director
Land & Chemicals Division
U.S. EPA Region III

12/15/11
Date