



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

FORMER EMLENTON WAX PLANT
EMLENTON, PENNSYLVANIA
EPA ID NO. PAD004337127

I. FINAL DECISION

The United States Environmental Protection Agency (EPA) has determined that no further remedial action is required to make the former Emlenton Wax Plant (Facility) property suitable for current and anticipated land use. This determination is based on our findings as detailed in the Statement of Basis (SB) 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 and groundwater at the Facility, EPA is requiring institutional controls (IC). ICs are non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination 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
- c. a restriction on development or excavation in or near the Former Waste Disposal Area, and an obligation to maintain vegetative cover and surface drainage features in this area

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 2009-006038) that was recorded and filed with the Venango County Recorder of Deeds on November 30, 2009 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 UECA website at http://www.ahs.dep.state.pa.us/LandRecycling_Brownfields/ or through the EPA factsheet <http://www.epa.gov/reg3wcmd/ca/pa/pdf/pad004337127.pdf>.

II. PUBLIC COMMENT PERIOD

On March 10, 2010, EPA proposed a determination of “Corrective Action Complete with Controls.” 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 *Allied News* on March 10, 2010 and on the EPA Region III website. The public comment period ended on April 8, 2010.

III. RESPONSE TO COMMENTS

EPA received no comments on the proposal. Consequently, our final determination is unchanged from the proposal.

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. Sections 6901 to 6992k.

V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the former Emlenton Wax 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.

/Donna Weiss/ for

5/3/10

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

Date