



**FINAL DECISION
and
RESPONSE TO COMMENTS
SOLUTION WAY MANAGEMENT FACILITY
(FORMER GENICOM FACILITY)
WAYNESBORO, VIRGINIA**

December 22, 2008

TABLE OF CONTENTS

I. INTRODUCTION 4
II. PUBLIC PARTICIPATION PROCESS 4
III. FACILITY BACKGROUND 4
IV. FINAL REMEDY 5
 A. Soils..... 5
 B. Groundwater..... 6
V. RESPONSE TO COMMENTS..... 7
VI. DECLARATION..... 7

ATTACHMENT

Attachment A: EPA Statement of Basis dated October 18, 2007

Attachment B: Comments from General Electric dated November 16, 2007

I. INTRODUCTION

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (Final Decision) under the authority of 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. §§ 6901 to 6992k, for the facility located at Genicom Drive, Augusta County, Waynesboro, Virginia (the Facility).

On October 18, 2007, EPA issued a Statement of Basis (SB) which described the Proposed Remedy for the Facility and provided the public with an opportunity to comment on the Proposed Remedy. In the SB, EPA proposed that no further corrective actions were necessary for facility soils except for the implementation and maintenance of institutional controls. For Facility groundwater, EPA proposed the expansion of an interim pump-and-treat system with continued treatment and monitoring and the implementation institutional controls. The Proposed Remedy was consistent with EPA's ten criteria for remedy selection, which are set forth in Section VIII (Evaluation of Proposed Remedy Using Remedy Selection Criteria) of the SB. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A.

The purpose of this Final Decision is to describe the Final Remedy selected by EPA and to respond to all comments received by EPA during the public comment period on the Proposed Remedy.

II. PUBLIC PARTICIPATION PROCESS

Consistent with public participation provisions under RCRA, EPA requested comments from the public on the Proposed Remedy. A 30-day public comment period, which began on October 18, 2007 and ended on November 19, 2007, was announced in the News Virginian. The only comments on the Proposed Remedy were submitted by General Electric Company (GE) and are addressed in Section V, below.

III. FACILITY BACKGROUND

GE built an electro-mechanical equipment manufacturing plant at the 114-acre Facility in 1954 and operated the plant until approximately 1983. Much of the Facility contamination was generated during GE's manufacturing operations. The primary waste streams from historic operations were acid and inorganic wastewater generated from etching and electroplating operations, and organic solvents used to clean metal parts. The organic solvent waste stream, primarily trichloroethylene (TCE), was untreated and leaked into groundwater generating a one-mile long, 400 to 1000 feet in width, TCE-contaminated groundwater plume (TCE plume) of which a substantial portion has migrated beyond the Facility boundary.

In 1983 Genicom Corporation, now known as OLDGEN, INC., purchased the Facility and used it to manufacture computer printers and relays. In 1990, EPA issued an Administrative Order (Order), RCRA III-036-CA, to Genicom under Section 3008(h) of RCRA, 42 U.S.C. Section 6928(h). The Order required Genicom to perform, among other work, a RCRA Facility Investigation (RFI) to determine the nature and extent of any releases of hazardous waste at or from the Facility and to identify and evaluate alternatives for corrective action. Pursuant to a sale agreement between Genicom and GE, GE has been performing the work required under the Order on behalf of Genicom.

In 1997, as a result of the Phase II RFI, GE installed and began operating an interim pump-and-treat system to stabilize the TCE plume. GE continues to operate the interim pump-and-treat system on a voluntary basis with oversight by EPA and the Virginia Department of Environmental Quality (VADEQ).

In March 2000, Genicom filed for bankruptcy under Chapter 11 of the U.S. Bankruptcy Code. In June 2001, Solutions Way Management, LLC (SWM) purchased the Facility. Prior to purchasing the Facility, in June 2001, EPA, the Department of Justice (DOJ) and SWM entered into an Agreement and Covenant Not To Sue (Covenant) that resolved SWM's potential liability under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9606 and 9607(a), and Sections 7003 and 3008(h) of RCRA, 42 U.S.C. §§ 6928(h) and 6973 with respect to existing contamination provided SWM performed the work, as defined in and in the time and manner required by, the Covenant, at the Facility. SWM leases portions of the Facility to tenants for light manufacturing, warehousing, distribution and commercial office uses.

IV. FINAL REMEDY

The Final Remedy consists of the following components:

A. Soils

i. Corrective Action Complete with Institutional Controls

EPA is selecting institutional controls as the Final Remedy for Facility soils. Because the Facility is currently used for light manufacturing, warehousing, distribution and commercial office space, EPA has determined that Facility soils do not currently pose a threat to human health or the environment and require no further remediation at this time. However, because contaminants remain in the soil at levels which exceed residential use and construction worker scenarios, EPA's Final Remedy requires the implementation and maintenance of institutional controls. In EPA's February 2003 Final Guidance on Completion of Corrective Action Activities at RCRA Facilities, 68 Fed. Reg. 8757 (February 2003), a determination that the cleanup objectives for a facility have been met and all that remains is compliance with and maintenance of institutional controls, is referred to as a Corrective Action Complete with Controls determination.

A Corrective Action Complete with Controls determination is appropriate at the Facility because protection of human health and the environment has been achieved, and institutional controls are necessary for the continued protection of human health and the environment.

Institutional Controls are non-engineered instruments such as administrative and/or legal controls that minimize potential for human exposure to contamination and protect the integrity of the remedy. The institutional controls discussed in the SB are made final in this Final Decision and include (1) a deed notice notifying subsequent purchasers that the Facility had been used for hazardous waste activity and (2) the Covenant pursuant to which SWM agreed that it and its successors in interest would not interfere with the integrity and protectiveness of the hazardous waste management units and that it would obtain EPA review and approval prior to initiating any construction activities at the Facility.

B. Groundwater

i. Expansion and Continued Operation of Interim Pump-and-Treat System

EPA's Final Remedy for groundwater consists of continued operation of the interim pump-and-treat system along with the addition of a secondary recovery well and a monitoring well. EPA has selected the standards established by the Maximum Contaminant Levels (MCLs) promulgated at 40 C.F.R. Part 141, pursuant to Section 1412 of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300g-1 or Risk Based Concentrations (RBCs) established by EPA Region III in 2006 as the remediation standards for the contaminated groundwater at the Facility.

Subsequent to the SB, GE voluntarily began expanding the interim pump-and-treat system with the installation of two addition wells, a secondary recovery well and a monitoring well, and associated piping. On April 4, 2008, GE voluntarily began operating the expanded pump-and-treat system at the Facility. EPA anticipates issuing an Administrative Order to GE requiring GE to continue to operate expanded pump-and-treat system as required by the Final Remedy.

ii. Institutional Controls

EPA's Final Remedy for groundwater requires multiple institutional controls, which are fully described in the SB, to ensure Facility groundwater will not be used as a drinking water source or in a way which will adversely affect the ongoing RCRA corrective action or remedial activities. The institutional controls include a prohibition on the development of on-site wells for drinking water or other domestic uses at the Facility; a deed notice notifying subsequent purchasers of SWM's obligations under the Covenant to provide access and restrict use of the Facility property, and the Covenant which among other things, prohibits use of Facility property in a way which interferes with or adversely affects the ongoing RCRA corrective action or remedial activities. The institutional

controls will be effective as long as necessary to prevent potential exposure while the plume is being restored to drinking water standards.

V. RESPONSE TO COMMENTS


The only comments on the Proposed Remedy were submitted by GE. In its comments, GE states that pursuant to the Covenant, SWM is required to implement and maintain certain institutional controls for the Facility, and, therefore, EPA should not require GE to implement those institutional controls as part of its obligations under the Final Remedy.

EPA agrees with GE that SWM is already required under the Covenant to implement and maintain certain institutional controls and is not requiring GE to implement those same controls. Those institutional controls are listed in Section VII.C.2.(b).1 (Institutional Controls Already In Place) of the SB.

However, EPA will be requiring GE to implement certain institutional controls set forth in Section VII.C.2.(b)2. of the SB. EPA notes that if SWM fails to meet its obligations under the Covenant or EPA, in its sole discretion, deems that additional institutional controls are necessary to protect human health or the environment, EPA has the authority to require and enforce additional institutional controls.

VI. DECLARATION

Based on the on the Administrative Record compiled for this Facility, I have determined that the Final Remedy as set forth in this Final Decision and Response to Comments is appropriate and will be protective of human health and the environment.


Abraham Ferdas, Director
Land and Chemicals Division

12/22/08
Date