



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**FINAL DECISION AND RESPONSE TO COMMENTS  
Trimodal Terminal L.P.  
Follansbee, West Virginia  
WVD004319539**

**INTRODUCTION**

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) in connection with an 80-acre Trimodal Terminal L.P. parcel. EPA's final remedy requires installation of permanent covers over a defined soil impact zone, implementation of a soil management plan to protect the permanent covers, installation of vapor mitigation systems in future buildings constructed over a defined vapor impact zone, and implementation of institutional controls to restrict land and groundwater uses to non-residential. The 80-acre parcel, currently owned by Trimodal Terminal, L.P., is located within the former RG Steel-Wheeling Facility located north of the city of Follansbee in Brooke County on West Virginia Route 2, Wheeling, West Virginia (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 *et seq.* The Corrective Action program is designed to ensure that certain facilities subject to RCRA have investigated and addressed releases of hazardous waste and hazardous constituents that have occurred at their property.

On June 29, 1989, EPA issued a Final Administrative Order (Order), EPA ID No. WVD004319539, under RCRA Section 3008(h), 42 U.S.C. Section 6928(h), to Wheeling Pittsburgh Steel Corporation, (WPSC). The facility name was changed to RG Steel-Wheeling on March 31, 2011. In 2013, Twelve Properties, L.P. purchased a portion of the property from RG Steel in a bankruptcy estate sale.

In December 2015, EPA issued a Statement of Basis (SB) in which it described the

information gathered during environmental investigations at the parcel and proposed a remedy for the Trimodal Terminal L.P. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as attachment A.

## **PUBLIC COMMENT PERIOD**

Consistent with the public participation provisions under RCRA, EPA solicited public comment on its proposed Final Decision. On December 4, 2015, notice of the SB was published on the EPA website and in the Weirton Daily Times. Since no comments were received during the 30-day public comment period which ended on January 4, 2016, EPA has determined that it is not necessary to modify the proposed remedy. Thus, the proposed remedy as set forth in the SB is the Final Decision for Trimodal Terminal L.P.

## **FINAL DECISION**

The remedy will be implemented through an enforceable mechanism such as an order and/or an Environmental Covenant pursuant to the West Virginia Uniform Environmental Covenants Act (WV Code Chapter 20 Article 22B). If EPA determines that additional maintenance and monitoring activities, institutional controls, or other corrective actions are necessary to protect human health or the environment, EPA has the authority to require and enforce such additional corrective actions. As described more fully in the SB, the final remedy consists of the following engineering and institutional controls:

- Installation and maintenance of permanent covers over a defined soil impact zone;
- Installation and maintenance of vapor mitigation systems in future buildings constructed over a defined vapor impact zone;
- Implementation of a Soil Management Plan to protect the permanent covers and prevent exposure and the spreading of contaminated soil during construction;
- Implementation of property-wide groundwater and land use restrictions to non-residential via an enforceable Land Use Covenant.

## **DECLARATION**

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

Date: \_\_\_\_\_

1.28.16



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John A. Armstead, Director  
Land and Chemicals Division  
U.S. Environmental Protection Agency, Region III