



ENVIRONMENTAL PROTECTION AGENCY
FINAL DECISION AND RESPONSE TO COMMENTS

Solutia Nitro Facility
Nitro, West Virginia
EPA ID No. WV039990965

Prepared by
Environmental Protection Agency

I. INTRODUCTION

The Environmental Protection Agency (EPA) has prepared this Final Decision and Response to Comments (FDRTC) selecting a Final Remedy for the Solutia Nitro Facility (Facility) located in Nitro, West Virginia. The Final Decision is issued pursuant to 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.*

On August 31, 2016, EPA issued a Statement of Basis (SB) in which it described the information gathered during environmental investigations at the Facility and proposed a Final Remedy for the Facility. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A. Concurrently with the SB, EPA issued a draft Corrective Action Permit (Permit) to incorporate this FDRTC.

II. PUBLIC PARTICIPATION

On August 31, 2016, EPA provided a 45-day public comment period on the proposed remedy and draft permit for the Facility as described in the Statement of Basis. The forty-five (45) day public comment period ended on October 17, 2016. The only comments received on the SB and draft Permit were from a Solutia representative, which are included as Attachment B, along with EPA responses. No request for a public meeting was received. Based on the public comments received, EPA has determined that it is not necessary to make any modifications to the proposed remedy, and only minor edits to the Permit.

III. FINAL DECISION

EPA's Final Remedy for the Facility is a combination of Engineering Controls (ECs) and Institutional Controls (ICs) for soils and groundwater at the Facility. EPA's Final Remedy for the Facility consists of the isolation and containment of contaminated groundwater source areas. Contaminated groundwater from within the groundwater containment source areas will be pumped, treated and discharged under the Facility's WV NPDES permit to achieve an inward gradient in each groundwater containment area. The Final Remedy also includes groundwater monitoring, installation of impermeable and permeable vegetated soil covers to address Facility soils, and riverbank stabilization with riprap. **Additionally**, EPA's Final Remedy requires the compliance with and maintenance of land and groundwater use restrictions necessary to prevent human exposure to contaminated groundwater and soils at the Facility.

IV. AUTHORITY

EPA is issuing this Final Decision and Response to Comments under the authority of the Solid Waste Disposal Act, as amended by RCRA and the Hazardous Waste Disposal Act (HSWA) of 1984, 42 U.S.C. U.S.C. §§ 6901 *et seq.*

IV. DECLARATION

Based on the Administrative Record compiled for the corrective action at the Solutia Nitro facility, I have determined that the remedy selected in this Final Decision and Response to Comments, which incorporates the August 30, 2016 Statement of Basis, is protective of human health and the environment.

Date: _____

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

Attachment A: Statement of Basis (August 30, 2016)

Attachment B: Public Comments and EPA Response

**ATTACHMENT A
STATEMENT OF BASIS**

ATTACHMENT B
PUBLIC COMMENTS AND EPA RESPONSE

PUBLIC COMMENTS AND EPA RESPONSE

On September, 28, 2016 EPA receive the following comments from Michael House, Remediation Services Manager, Solutia Inc., which are followed by the EPA response.

Comment 1:

Statement of Basis:

- It was noted that tense changed back and forth in the document. Examples include wording such as .."will be contained..", .."will be developed..", .."soils to receive.." (IX.A.1.). While in X.1.,2. past tense is used such as "..Solutia has installed..", .."has been controlled.." etc. We assumed it might be intentional but wanted to check.

EPA Response:

EPA acknowledges the editorial feedback and agree that this is a reflection of the nature of the SB document.

Comment 2:

Draft Permit:

- Is it possible to note that the interim measures have been implemented? It is in the SB.

EPA Response:

EPA agrees with the comment and for clarity purposes the final permit has been edited to reflect this.

Comment 3:

Draft Permit:

- 13.h. page 7: Biennial Report requirement is inconsistent with the requirement for a bi-annual progress report in Section C. Evaluation of the Remedy. Our approved Interim Measures Effectiveness Monitoring Plan provided for annual reports. We can provide what is needed, just want to be clear. Maybe they are different types of reports?

EPA Response:

The final permit has been revised to request an annual report in both Part I, Section 13, h and in Part II, Section C.

Comments 4 and 5:

Draft Permit:

- B.2. Remedy Implementation, Engineering Controls, page 12. Two comments:

1. In order to be consistent with the SB we would like to see the language“Pumping and treatment of groundwater from within the groundwater containment areas will be continued until such time that Solutia can demonstrate that the concentrations of constituents in the groundwater outside of the groundwater containment areas are below MCL, RCLs for tap water , as applicable, or until the Facility can demonstrate that pumping and treatment of groundwater for gradient control is not needed to achieve groundwater cleanup objectives” in this section.
2. Last paragraph of section: To be inclusive we suggest that the Technical Specifications for the Slurry Walls be included as well.

EPA Response:

EPA agrees with both comments and for clarity purposes the final permit has been edited to reflect the intent presented in the SB.