



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

Former Kaiser Aluminum and Chemical Facility
ERIE, PENNSYLVANIA
EPA ID NO. PAD 005 031 737

I. PURPOSE

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments under the authority of the Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 *et seq.* regarding the former Kaiser Aluminum Chemical Facility (the Facility) located on East 12th Street in Erie, Pennsylvania.

II. PROPOSED FINAL REMEDY

On October 5, 2011, EPA issued a Statement of Basis in which it explained the information gathered during environmental investigations at the Facility, and in which it described the Proposed Final Remedy for the Facility. In the SB, EPA's proposed remedy for the Facility consisted of a soils component and a groundwater component. For soils, EPA's proposed remedy consisted of the operation, maintenance and inspection of a 2-foot thick soil cover over a 0.24-acre lagoon (Former Pond) at the

Facility and the compliance with and maintenance of institutional controls that restrict certain land uses on the entire Facility. For groundwater, EPA proposed the compliance with and maintenance of institutional controls to minimize and/or prevent human contact with contaminated groundwater. The proposed institutional controls for both the soils and groundwater component of the proposed remedy consist of the following: (1) a June 22, 2005 Quitclaim Deed that was recorded in the Erie County Recorder of Deeds Office for Erie, Pennsylvania, which imposes certain reservations, covenants, restrictions and conditions regarding the use of the Facility, and; (2) application of the Codified Ordinances of the City of Erie, Pennsylvania (December 3, 2010), Article 947, Non-Use Aquifer Ordinance of the City of Erie, Pennsylvania, which will prohibit, regulate, and restrict the use of groundwater for drinking or agricultural purposes within the City as an institutional control mechanism that will reduce potential human exposure to contaminated groundwater attributable to the Facility.

III. RESPONSE TO COMMENTS

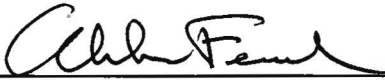
Consistent with the public participation provisions under RCRA, EPA requested comments from the public on the proposed Final Remedy. The commencement of a thirty (30)-day public comment period was announced in the Erie Times on October 5, 2011 and on the EPA Region III website. During that time, the Administrative Record, including the Statement of Basis describing the proposed remedy, was made available for review by the public at the EPA Region III office in Philadelphia. EPA received no comments on its proposed Final Remedy. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A to this document.

IV. FINAL REMEDY

The selected Final Remedy for the Facility, which is explained in detail in the SB, is the operation, maintenance and inspection of a 2-foot thick soil cover over a 0.24-acre lagoon (Former Pond) at the Facility and the compliance with and maintenance of institutional controls that will restrict certain land uses and minimize and/or prevent human contact with contaminated groundwater at the Facility. EPA has determined that the Final Remedy protects human health and the environment.

V. DECLARATION

Based on the Administrative Record compiled for the Corrective Action at the Former Kaiser Aluminum and Chemical 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

12/8/11

Date

Attachment A: Statement of Basis, dated October 5, 2011