



west virginia department of environmental protection

Division of Water & Waste Management
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Harold Ward, Cabinet Secretary
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WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

FINAL DECISION

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION HOMELAND SECURITY EMERGENCY RESPONSE FACILITY

PURPOSE

The West Virginia Department of Environmental Protection (WVDEP) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) selecting the Final Remedy for environmental remediation at the WVDEP's Homeland Security Emergency Response (HSER) Facility (WVR000502815) located in Elkview, Kanawha County, West Virginia (hereinafter referred to as the Facility). 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 June 16, 2023, WVDEP 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.

This FDRTC selects the remedy that WVDEP evaluated under the SB. Consistent with the public participation provisions under RCRA, WVDEP solicited public comment on its proposed Final Remedy in the SB as well as the RCRA permit drafted based on the proposed remedy therein. On June 16, 2023, a notice of the SB was published in the Charleston Gazette-Mail, Charleston, WV, and also on the WVDEP website:
<https://dep.wv.gov/pio/Pages/Settlements,Ordersouttopublicnotice.aspx>.

No comments were received by WVDEP during the public comment period that ended on July 17 2023. Since WVDEP did not receive any comments on the proposed remedy described in the SB, WVDEP has determined it is not necessary to modify the proposed remedy set forth in the SB; thus, the remedy proposed in the SB is the Final Remedy selected by WVDEP for the Facility.

Promoting a healthy environment.

FINAL DECISION

WVDEP's Final Remedy for the Facility consists of the following:

- No further action or land use controls are necessary at this time beyond the controls that are in place at the facility.

DECLARATION

Based on the Administrative Record compiled for the corrective action at the WVDEP's HSER Facility, I have determined that the remedy selected in this Final Decision and Response to Comments, which incorporates the June 16, 2023 Statement of Basis, is protective of human health and the environment.

Date: 09/08/2023

Katheryn D. Emery, Director
Division of Water and Waste Management
West Virginia Department of Environmental Protection

Attachment A: Statement of Basis (June 16, 2023)