



WEST VIRGINIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**STATEMENT OF BASIS**

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
HOMELAND SECURITY  
EMERGENCY RESPONSE FACILITY

ELK VIEW, WEST VIRGINIA

EPA ID # WVR000502815

4994 Elk River Road South  
Elkview, WV 25071

JUNE 2023

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## List of Acronyms

COC	Contaminant of Concern
EI	Environmental Indicator
EPA	Environmental Protection Agency
HSER	Homeland Security Emergency Response Unit
HWMR	Hazardous Waste Management Rule
RCRA	Resource Conservation and Recovery Act
SB	Statement of Basis
WVDEP	West Virginia Department of Environmental Protection

## Section 1: Introduction

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### Facility

The West Virginia Department of Environmental Protection (WVDEP) has prepared this Statement of Basis (SB) to solicit public comment on its proposed decision for the WVDEP's Homeland Security Emergency Response (HSER) facility located at 4994 Elk River Road South, Elkview, WV 25071 (Facility). WVDEP's review of available information indicates that there are no known and/or unaddressed releases of hazardous waste or hazardous constituents emanating from the Facility. Based on this assessment, WVDEP's proposed decision is that no further investigation or cleanup is required. WVDEP has determined that its proposed decision is protective of human health and the environment and that no further corrective action or land use controls are necessary at this time. This SB highlights key information relied upon by WVDEP in making its proposed decision.

The WVDEP's HSER Facility is subject to EPA's 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. §§ 6901 et seq. (Corrective Action Program). The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property. The State of West Virginia is authorized for RCRA Corrective Action and as such the Facility is permitted under the authority of the Hazardous Wastes Management Act (Article 18, Chapter 22, of the West Virginia Code) and the Hazardous Waste Management Rule (HWMR) (Title 33, Series 20).

The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which WVDEP's proposed decision is based. See Section 5, Public Participation, for information on how you may review the AR.

Information on the Corrective Action program and a map of cleanup progress at RCRA facilities can be found here: <https://www.epa.gov/hw/learn-about-corrective-action>.

### Location

The WVDEP's HSER unit is a permitted facility located along the west bank of the Elk River on a 1.16 acre parcel, in Elkview, West Virginia, a census-designated place in Kanawha County, about 9.5 miles northeast of the City of Charleston, State of West Virginia Capital. The street address for the site is 4994 Elk River Road, Elkview WV 25071. The GPS coordinates are 38.418604, -81.493150. A Facility geospatial location map is attached for reference as Figure 1.

### Statement of Basis

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## **Section 2: Facility Background**

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The Facility parcel is bound by Elk River Road (WV Route 119) to the west, Elk River to the east, Sunbelt Rentals Climate Control, a light industrial company to the north, and a residential property to its south.

The entire facility property is approximately 1.16 acres of which the operational area is approximately 0.82 acres and is surrounded by a chain link fence. A survey plat for the Facility is attached as Figure 2.

### **Historical Use of the Facility Property**

A historical review of the records dating back to the 1950s do not reveal any industrial activity in the parcel where the Facility is currently situated (WVDEP, 2022). The historical review includes the following: 1) An examination of the 1957 Blue Creek, WV, USGS 7.5 minute topographic quadrangle map shows some individual structures upstream of the Facility location. The same map shows that the New York Central Railroad was situated adjacent to US-119 (Elk River Road), on the northwest side of the Facility; 2) The 1971 version of the Blue Creek 7.5 quadrangle map does not include the railroad previously shown adjacent to US-119, but does depict individual structure in the vicinity of the Facility. However, both the 1957 and 1971 maps do not show mines or tanks or any other signs of industrial activity; and 3) A USGS aerial photograph dated 1977 shows only limited development in the vicinity of the Facility. However, it does show obvious signs of development within 2-3 miles of the Facility.

### **Recent Ownership History**

The Facility property is currently owned by O.V. Smith and Sons of Big Chimney, Inc. The current owners purchased the property on January 21, 2000, from John R. Hughes, Jr., and Betty B. Hughes. The details of the recent ownership described in the Current Conditions Report (WVDEP, 2022) suggests no industrial use of the property.

WVDEP's emergency response operations at the Facility began with the issuance of the original permit in September 2003. Facility operations include transport and storage of hazardous waste but do not include treatment and on-site disposal of any solid or hazardous waste.

Therefore, the recent ownership history, dating back to the early 1970s, support the conclusion of no industrial use at the Facility.

## **Section 3: Summary of Environmental History**

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According to the historical records and topographic maps examined for the compilation of the Current Conditions Report (CCR. WVDEP, 2022), there has been

Statement of Basis

no industrial or manufacturing activity of any environmental concern before the HSER Facility was built, rented by WVDEP and permitted in September 2003, after which the emergency response operations began at the facility.

The facility includes a single storage unit which measures 30 by 70 feet. The storage unit floor is constructed of concrete and is surrounded by a berm, creating a containment sump.

A detailed account of the facility's operational history presented in the CCR rule out any releases and contamination of media.

The original permit was renewed in September 2013 for a ten (10) year period.

Based on prior land use history, information existing at the time of the permit renewal application in 2013, and the more detailed facility operational history presented in the CCR (WVDEP, 2022), WVDEP has concluded that there is sufficient evidence that historic and current uses of the property support a conclusion that no further corrective action or land use controls are necessary at this time.

## **Section 4: Environmental Indicators**

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In support of the national goals set by EPA to measure progress toward meeting the nation's major environmental needs, WVDEP evaluated two key Environmental Indicators (EI) for corrective action in each facility: 1) Current human exposures under control; and 2) Migration of contaminated groundwater under control. Based on the site background and environmental history detailed in the Current Conditions Report (WVDEP, 2022), and an April 2023 tour of the site by WVDEP's permitting and corrective action program personnel, WVDEP has determined that the Facility met both the migration of contaminated groundwater under control indicator and the current human exposures under control indicator on May 25, 2023.

## **Section 5: Public Participation**

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Before WVDEP makes a final decision on its proposal for the Facility, the public may participate in the decision selection process by reviewing this SB and documents contained in the Administrative Record (AR) for the Facility. The AR contains all information considered by the WVDEP in reaching this proposed decision. It is available for public review during normal business hours at:

131A Peninsula Street  
Wheeling, WV 26003  
Contact: Kenan Cetin, Project Manager  
Phone: (3045) 238-1220  
Email: [Kenan.Cetin@wv.gov](mailto:Kenan.Cetin@wv.gov)

Interested parties are encouraged to review the AR and comment on the WVDEP's proposed decision. The public comment period will last thirty (30) calendar days from the date that notice is published in a local newspaper. You may submit comments by mail, or e-mail to Mr. Kenan Cetin. WVDEP will hold a public meeting to discuss this proposed decision upon request. Requests for a public meeting should be made to Mr. Kenan Cetin.

WVDEP will respond to all relevant comments received during the comment period. If determined that new information warrants a modification to the proposed decision, WVDEP will modify the proposed decision or select other alternatives based on such new information and/or public comments. WVDEP will announce its final decision and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC). All persons who comment on this proposed decision will receive a copy of the FDRTC. Others may obtain a copy by contacting Mr. Kenan Cetin at the address listed above.

## **Index to Administrative Record**

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WVDEP, 2022. Current Conditions Report. West Virginia Department of Environmental Protection, Homeland Security Emergency Response Unit Facility June 20, 2022.





0 100 200 300 400 500 Feet

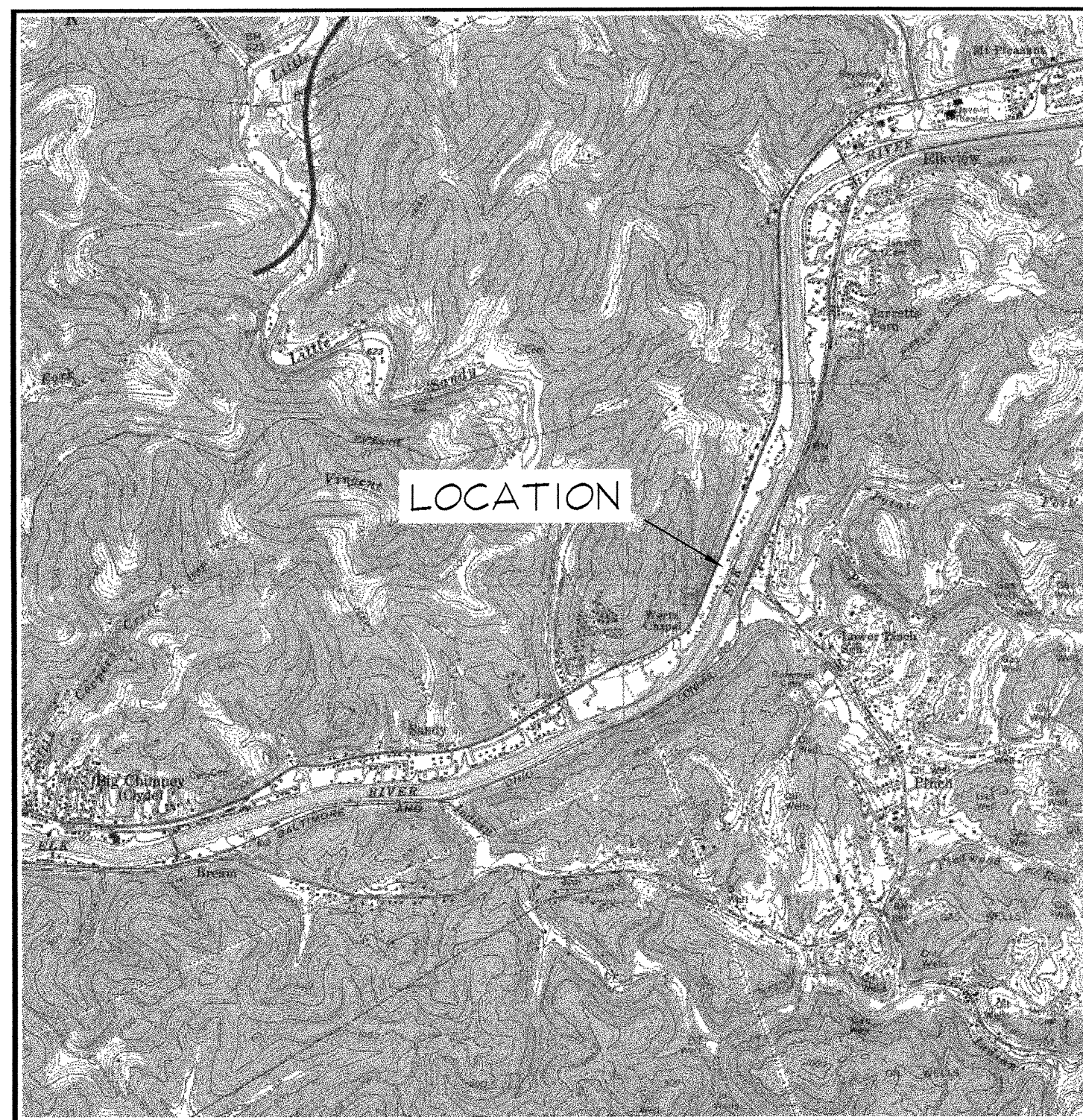


Figure 1: WVDEP - HSER Facility Geospatial Map

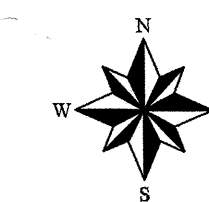
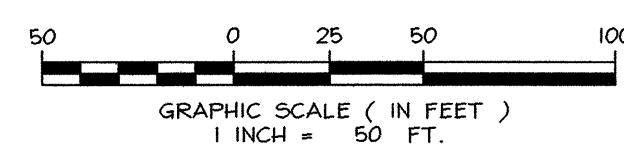
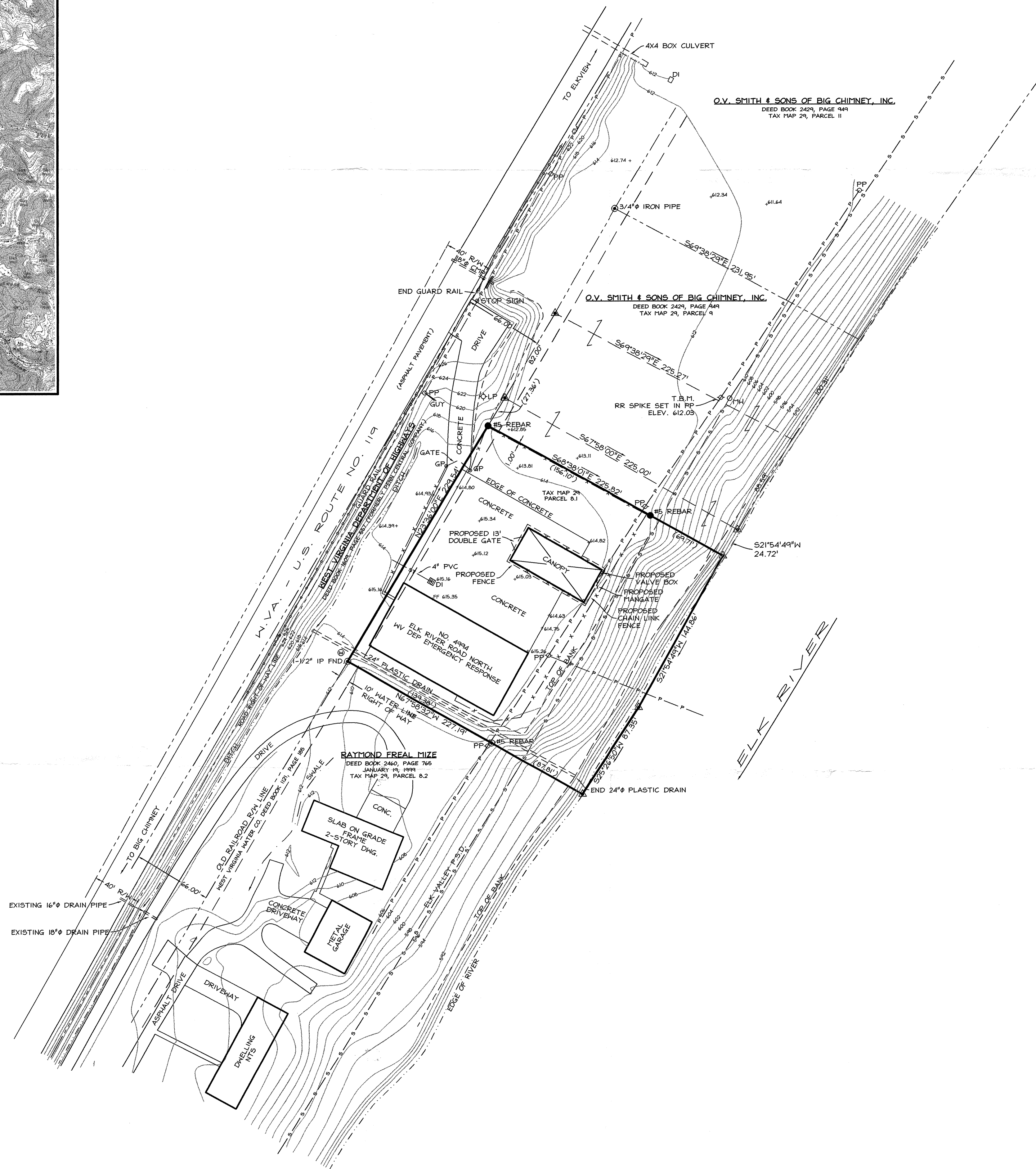
**West Virginia Department of  
Environmental Protection  
4994 Elk River Road South  
Elkview, WV  
EPA ID: WVR000502815**

 ENTIRE FACILITY





VICINITY MAP - NOT TO SCALE



#### DRAWING LEGEND

	MONUMENT SET (AS NOTED)
	MONUMENT FOUND (AS NOTED)
	COMPUTED CORNER (NOT FIELD SET)
	DOH R/W MARKER
	TREE (AS NOTED)
	STUMP (AS NOTED)
	SHRUB OR BUSH
	BOUNDARY LINE (SURVEYED)
	EXTERNAL DIVISION LINES
	INTERNAL DIVISION LINES
	SURVEYED BEARING OR DISTANCE
	DEED RECORD BEARING OR DISTANCE
	INCREMENTAL DISTANCE
	POWER LINE
	TELEPHONE LINE
	POWER & TELEPHONE
	POWER LINE (UNDERGROUND)
	TELEPHONE LINE (UNDERGROUND)
	POWER & TELEPHONE (UNDERGROUND)
	CABLE TV
	GAS LINE
	WATER LINE
	FENCE LINE
	FENCE LINE (PROPOSED)
	STORM SEWER
	SANITARY SEWER
	STREAM OR HOLLOW
	POWER OR UTILITY POLE
	WATER METER
	WATER VALVE
	GAS METER
	GAS VALVE
	FENCE POST
	GATE POST
	FIRE HYDRANT
	MAN HOLE
	LIGHT POLE
	DROP INLET
	CATCH BASIN
	STONE WALL
	CONCRETE CURB
	DWELLING OR STRUCTURE
	LAND HOOK
	SPOT ELEVATION
	CONTOUR LINE (EXISTING)
	CONTOUR LINE (PROPOSED)
	RAILROAD TRACKS

#### DRAWING NOTES

##### SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THE PERIMETER OF THE PROPERTY SHOWN, IN HEAVY SOLID LINES, HAS BEEN SURVEYED OR RE-SURVEYED AND MONUMENTED, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THAT SURVEY.

##### SURVEY NOTE:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO ABSTRACT OR TITLE WAS FURNISHED TO THE SURVEYOR. THIS SURVEYOR HAS MADE NO INVESTIGATION NOR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, NOR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MIGHT DISCLOSE.

##### FLOOD NOTE:

SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "C" NO FLOOD HAZARD, COMMUNITY PANEL NO. 540070-012 C, DATED MARCH 18, 1985

SURVEYED BY:

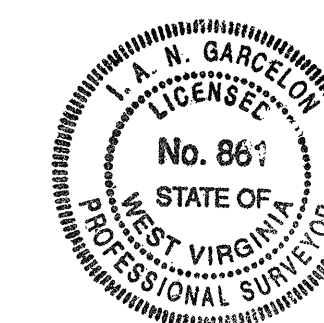
**GARCELON SURVEYING, LLC**  
3975-B INDIAN CREEK ROAD  
ELKVIEW, WEST VIRGINIA 25071  
PHONE (304) 965-1931 FAX (304) 965-1932

#### PLAT OF SURVEY

SHOWING  
THE WEST VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

#### EMERGENCY RESPONSE FACILITY

LOCATED  
NEAR THE COMMUNITY OF ELKVIEW  
AT 4994 ELK RIVER ROAD NORTH  
ELK DISTRICT, KANAWHA COUNTY  
WEST VIRGINIA



*I.A.N. Garcelon*  
I.A.N. GARCELON, P.L.S. #861

DATE 03-28-2003	REVISED BY I. GARCELON	SCALE 1" = 50'	CONTOUR INTERVAL 2 FEET
DRAWING FILE NO. 03-126	DRAFTED BY D. SKIDMORE	DRAWING FILE NO. 03-126	1 OF 1

Figure 2: WVDEP - HSER Facility Plat of Survey