REGION 3
PHILADELPHIA, PA 19103

June 11, 2024

TRANSMITTED VIA ELECTRONIC MAIL

Mr. Paul C. Miller, P.E.
Principal Engineer
Environmental Alliance, Inc.
5341 Limestone Road
Wilmington, Delaware 19808

Dear Mr. Miller:

This letter is in response to the "Remedial Investigation/Cleanup Plan Addendum and Final Report for PCBs in Soil Media" (Final Report) for the Former NVF Company Facility, dated January 11, 2023, regarding the property located at 400 W. Mulberry Street in Kennett Square, Chester County, PA (Property). The Final Report was submitted by Environmental Alliance, Inc. on behalf of the Property owner, Rockhopper, L.P. The original Cleanup Plan was submitted to the Pennsylvania Department of Environmental Protection (PADEP) on August 5, 2010, pursuant to PADEP's Land Recycling (Act 2) regulations. Cleanup activities per the 2010 Cleanup Plan were initiated in 2015. The EPA became involved in the project in 2018 and is primarily reviewing the cleanup of polychlorinated biphenyl (PCB) contamination at the Property. The cleanup was intended to meet the PCB remediation requirements of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 – 2695d et al., and the regulations thereunder codified at 40 C.F.R. Part 761 (the Regulations). Non-PCB contaminants are being managed under PADEP's Act 2 Program.

The Final Report and 2010 Cleanup Plan describe the Property owner's plans and remedial actions taken to address the PCB contamination at the Property. The remedial action objectives sought under the Cleanup Plan included the removal and disposal off-site of soils/concrete containing total PCBS above 50 parts per million (ppm). All planned individual residential lots were to be remediated to total PCBs below 1 ppm. Soils containing PCBs greater than 1 ppm and less than 50 ppm total PCBs were consolidated primarily onto the southwestern portion of the Property with the intent of capping the area to prevent direct exposure to future Property occupants. Additionally, the future use of groundwater at the Property will be restricted with institutional controls (i.e., an environmental covenant).

During our May 22nd conference call, the EPA provided a summary of our review of the Final Report, including some of the areas of concern that need to be further addressed. The comments

below reflect the EPA's review of the Final Report, and the EPA requests a response to these comments to support the EPA's assessment of the PCB remediation conducted at the Property.

Areas Remediated to Less Than 1.0 ppm Total PCBs

Portions of the Property that were remediated to less than 1.0 ppm total PCBs comply with the cleanup levels for high occupancy areas as described in § 761.61(a) of the Regulations. The EPA approves of this approach and has the following comments for a few of the excavations intended to meet that remedial objective:

1. Excavation 11, Figure 15 –
    a. Were boring samples from the concrete pad between the 7.2 ft. and the 5 ft. excavation areas collected? If so, please provide the sample results.
    b. Is that concrete pad still in place?

2. Excavation 16, Figure 20 –
    a. The figure shows confirmation sample EX16-3E17 at a concentration of 3.8 mg/kg total PCBs. Please confirm that this exceedance of 1 ppm total PCBs was addressed by subsequent phases of Excavation 16 and update the figure accordingly. Please provide sample results, if available.

3. Excavation 21, Figure 23 –
    a. Please update the description of Excavation 21 removal activities in the text of the Final Report to include a discussion of the different excavation area depths and how they are related to the PCB contamination in that area. The figure is misleading because no confirmation sample results for PCBs at the final depth of 5.5 ft. are presented. The explanation in the Notes portion of the figure should be discussed in the text portion of the Final Report.

4. Excavation 23, Figure 25 –
    a. Please update the description of Excavation 23 removal activities in the text of the Final Report to include a discussion of the different excavation area depths and how they are related to the PCB contamination in that area. The larger 12 ft. EX23 area depicted on the figure does not have any confirmation sample results for the final depth of 12 ft. and the sidewall results are all shallower than 12 ft. bgs, thus it is unclear how this depth was confirmed.
    b. The small 15 ft. EX23 area does not have confirmation sample results for the final depth of 15 ft. and the sidewall results are all shallower than 15 ft. bgs, thus it is unclear how this depth was confirmed. Please provide sample results, if available.

5. Excavation Areas 34, 35, and 37 and Figures 29A-29C –
    a. This section and the associated figures are unclear. Figures 29A and 29B depict the confirmation results for removal of greater than 50 mg/kg PCBs for EX34 and EX35, since

these two figures contain greater than 1 mg/kg PCBs confirmation results. Then Figure 29C shows the confirmation results for those areas superimposed on EX37, with all three areas excavated to less than or equal to 1 mg/kg PCBs. Provide a narrative explanation and/or revised figures that clarify the confirmation results for these excavation areas.

6. Excavation Areas 36 and 38 and Figures 30A-B –
    a. This section and the associated figures are unclear. Figure 30A depicts the confirmation results for removal of greater than 50 mg/kg PCBs for EX36, since the figure contains greater than 1 mg/kg PCBs confirmation results. Then Figure 30B shows the confirmation results for EX36 superimposed on EX37, with all areas excavated to less than or equal to 1 mg/kg PCBs. Provide a narrative explanation and/or revised figures that clarify the confirmation results for these excavation areas.

<u>Areas Where Cleanup Objectives Were Not Met</u>

The Final Report describes the three portions of the Property where the remedial action objectives were not met, namely the Railroad Right-Of-Way (ROW), Excavation 39, and the Northeast ROW Along Mulberry Street.

1. Railroad Right-Of-Way -- This area contains soils with greater than 50 ppm total PCBs which reportedly could not be excavated because of the potential for undermining the railroad track and the presence of utility poles.
    a. Figure 40, Railroad ROW Pathway Elimination Remedy, shows very high PCB soil concentrations both at depth (40,000 mg/kg at 5 ft. and 7 ft. bgs) and within the top two ft of soil (2,300 mg/kg at 1 ft. bgs) at the fence line. The EPA will require that soils on the opposite side of the railroad track on the adjacent property be sampled and analyzed for PCBs to ensure that there was no off-site migration of PCB soil contamination to the south.
    b. The Notes section on Figure 40 states that the railroad ROW on the southern Property boundary "is approximate (assumed to be 25-feet from center line of tracks)". Please provide evidence to confirm the ROW area.
    c. Figure 9 shows that the remaining high concentration locations on the southern border of Excavation 3 are approximately 35 ft. from the railroad. Similarly, the remaining high concentrations on the southern boundary of Excavation 1 appear to be greater than 25 ft. from the center of the tracks. Because these sample locations are outside of the Railroad ROW, explain why the remedial action objectives could not be met at these locations.
    d. In addition to the land use and groundwater restrictions that will be placed on the Railroad ROW, additional provisions must be added to the applicable environmental covenant that will provide for further remediation of the soils within the ROW at such time that the tracks are scheduled for maintenance or are no longer in use. The environmental covenant shall comply with the Pennsylvania Uniform Environmental Covenants Act, 27 Pa. C.S. Sections 6501-6517 (UECA) and be recorded with the deed for the Property.

2. Excavation 39 Area – This area contains saturated soils with greater than 50 ppm total PCBs located at depths below the water table. The Final Report proposed capping this area and requiring either vapor mitigation or further vapor intrusion evaluations be conducted for any inhabitable structures planned to be built within a 100-foot radius of the Excavation 39 area.
    a. Other sites across the nation subject to TSCA have been able to remediate PCB contaminated soils at saturated depths. Explain the circumstances that make further excavation/treatment of contaminated saturated soils technically impracticable in this area.
    b. The environmental covenant shall require that either vapor intrusion mitigation or further vapor intrusion evaluations be completed for any inhabitable structure planned to be built within a 100-foot radius of the Excavation 39 area.
    c. In addition to the vapor intrusion requirements noted above, leaving the saturated soil contamination in place with capping will require that the environmental covenant include a requirement for long term groundwater monitoring downgradient of the source until the PCB maximum contaminant level (MCL) is attained. Site-wide groundwater monitoring requirements are further discussed below.

3. Northeast ROW along Mulberry Street – This area contains soils with greater than 1 ppm and less than 50 ppm total PCBs which the Final Reports states could not be excavated due to the presence of a natural gas supply line.
    a. The EPA is requesting more information documenting that the soils with greater than 1 ppm total PCBs in proximity to the pipeline have been removed to the greatest extent possible prior to approving the capping remedy proposed in the Final Report for this area.
    b. Similar to the Railroad ROW, in addition to the land use and groundwater restrictions that will be placed on the Northeast ROW, the environmental covenant must also provide for further remediation of the soils within the ROW at such time that such remediation can safely occur in this area. The environmental covenant shall comply with the Pennsylvania UECA and be recorded with the deed for the Property.

<u>Areas Containing PCBs in Soils Greater than 1 ppm and less than 50 ppm</u>

The soils containing greater than 1 ppm and less than 50 ppm PCBs that were consolidated in the southwest portion of the Property meet the low occupancy area cleanup requirements of § 761.61(a)(4)(i)(B)(3) of the Regulations, provided that the area is: (a) capped with a minimum of 6 inches of concrete or asphalt, and (b) an environmental covenant consistent with § 761.61(a)(8) of the Regulations and the Pennsylvania UECA is recorded on the deed to the Property that requires maintenance of the cap and prohibits the breaching of the cap without the EPA's prior written approval. During our May 22nd conference call, the Property Owner indicated that it is amenable to restricting use within the southwest portion of the Property containing soils with greater than 1 ppm and less than 50 ppm total PCB to low occupancy, as defined by TSCA. As discussed, a parking lot area would meet TSCA's definition for low use occupancy.

However, the proposed green space areas situated above soils possibly containing up to 50 ppm total PCBs that abut residential properties in the proposed redevelopment rendering shared

during the May 22nd call would not meet the low occupancy use definition. The EPA, therefore, requires either: (a) further characterization/remediation of these green space areas to ensure that they meet TSCA's high use occupancy definition (i.e., less than 10 ppm total PCBs with an approved cap and protected by the environmental covenant and/or less than 1 ppm total PCBs without a cap); or (b) documentation that the proposed green space areas will be constructed in an alternative manner (i.e. not green space) that meets the low occupancy area cleanup requirements (i.e., capped with a minimum of 6 inches of concrete or asphalt and protected by the environmental covenant).

Groundwater

The EPA understands that future use of groundwater beneath the Property will be prevented through institutional controls. The TSCA program requires groundwater to be restored to its maximum beneficial reuse, which in this instance would be suitable for drinking water. The groundwater data contained in the 2010 Remedial Investigation Report (RI) indicated several exceedances of the total PCB MCL of 0.5 µg/L.

EPA Method 8082, the least accurate method was utilized to analyze for PCBs as part of the RI. Therefore, the EPA is requesting that another round of groundwater sampling from all Property monitoring wells be conducted utilizing EPA Methods 680 (homolog) or 1668 (congener). Low flow sampling is to be utilized, and no filtering of samples will be permitted. A long-term groundwater monitoring program will need to be approved by the EPA and implemented until the EPA provides written approval that monitoring is no longer required.

Please share any post-RI groundwater data collected to date, including both PCB and other contaminants.

Drainage Pathway

Section 2.1 of the Final Report states, "Precipitation infiltrates unpaved soils at the Site, while excess water drains via overland flow and through remaining storm sewers to the outfall 001 where it enters a culverted drainage swale, that flows south toward a west flowing unnamed tributary that drains into the West Branch Red Clay Creek." Since the swale is draining stormwater which could entrain PCB contaminated soils from the Site, the EPA requires that the swale sediment be transect sampled from outfall 001 to its drainage mouth at the unnamed tributary.

Thank you for your attention to this matter. Any questions concerning this letter should be directed to Kristin Koroncai, Acting Manager, RCRA Corrective Action South Section, Four Penn Center, 1600 John F. Kennedy Blvd. (3LD12), Philadelphia, PA 19103, koroncai.kristin@epa.gov or (215) 814-2711.

Sincerely,

KRISTIN KORONCAI

Digitally signed by KRISTIN KORONCAI
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