RESPONSES TO EPA'S FEBRUARY 21, 2025 COMMENT LETTER RESPONDING TO ENVIRONMENTAL ALLIANCE'S OCTOBER 15, 2024 RESPONSE LETTER FOR THE FORMER NVF COMPANY FACILITY (PROPERTY).
MARCH 31, 2025

EPA's Comments are presented in black and red italics below, with Rockhopper's responses presented in blue.

The EPA accepts the vast majority of your responses pertaining to the six comments provided for the ***Areas Remediated to Less Than 1.0 ppm Total PCBs*** *section of the comments. Redevelopment of this portion of the property may proceed as described in your latest development plan. For Excavation 11, EPA will require sampling of the concrete pad shown between the 7.2 ft. and 5 ft. excavation areas on Figure 15 of the Final Report prior to its disposal.*

In lieu of disposing of the concrete pad off-site, the developer may wish to crush the concrete pad and reuse it on site. Please confirm that, subject to complying with sampling requirements, the crushed concrete pad may be used on-site as follows: if below 1 ppm total PCBs, the crushed pad may be used at the former NVF Property in an unrestricted manner; if equal to or less than 10 ppm total PCBs, the crushed pad may be relocated under a cap in a high occupancy area of the former NVF Property; and if greater than 10 ppm total PCBs, but less than 100 ppm total PCBs, the crushed pad may be relocated under a cap in a low occupancy area of the former NVF Property.

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

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. *EPA commented that soils on the opposite side of the railroad track on the adjacent property be sampled and analyzed for PCBs to ensure no off-site migration of PCB soil contamination to the south. Environmental Alliance (EA) responded that Rockhopper should not be responsible for investigation beyond the boundaries of the former NVF Property. A soil investigation on the opposite side of the railroad track is not necessary at this time. EPA may conduct such sampling in the future. If evidence of a continuing release of PCB contamination onto off-site soils is indicated in the future, EPA will determine the appropriate course of action to address that contamination.*

    Rockhopper requests clarification that by "continuing release," EPA means a release that has (i) first occurred during Rockhopper's or a subsequent developer's ownership of the former NVF Property, and (ii) migrated from the former NVF Property. Assuming this is what EPA means by a continuing release, Rockhopper also requests confirmation that, if EPA conducts off-site

sampling and identifies historical PCB soil contamination unrelated to a continuing release from the former NVF Property, EPA will not seek further action from the current or future property owner of the former NVF Property.

b. *EPA asked for a map that confirmed the boundaries of the railroad right-of-way (ROW). EA provided a survey map of the property which shows "approximate" railroad ROW boundaries. A map that provides sufficient detail necessary to establish the NVF Property boundaries and document the area to be capped is essential for establishing an accurate environmental covenant for the relevant property. The survey map does not provide sufficient detail to adequately delineate Rockhopper's property ownership and control. If a more accurate map is unavailable, Rockhopper should work with the railroad company to identify those boundaries as accurately as possible. A metes and bounds description of this area will also be needed for the environmental covenant.*

It is understood that a survey will be required in order to establish the Environmental Covenant.

c. *EPA commented that the remaining high concentration locations on the southern border of Excavations 1 and 3 could potentially be on the NVF Property outside the railroad ROW and asked why the remedial action objectives could not be met at these locations. EA stated these excavations were terminated because of concerns of encroaching on the railroad right of way, potentially undermining the tracks and/or nearby utility poles. EA also pointed to an EPA email dated May 31, 2018, in which the Agency acknowledged the impracticability to complete further excavation in these areas. No further remediation in these areas is appropriate at this time due to the limitations on current excavation practices and the relative inaccessibility of these areas. The exceptionally high concentrations of PCBs that will remain in soils at this location may contribute to an ongoing release of contaminants to groundwater. Therefore, the Agency is requesting two additional monitoring wells be installed and sampled downgradient of this contamination to ensure groundwater is not being impacted by the remaining PCB contamination. These wells should be included with the other wells in your groundwater sampling plan.*

Please note that two groundwater monitoring wells already exist on site downgradient of these excavation areas: MW-5 and MW-6A/6B. Please confirm that these two existing groundwater monitoring wells may be utilized and sampled in lieu of installing two additional wells. Also, we believe that the goal of any groundwater sampling for PCBs should be to determine whether dissolved PCBs are present in groundwater, as opposed to sediment that may be present in groundwater samples. Accordingly, it is proposed that groundwater samples are centrifuged prior to analysis to minimize the presence of sediment in any samples.

We are also requesting confirmation that, if the two downgradient wells are found to either be unimpacted by PCBs, or the concentrations are stable and/or consistent with background concentrations, that no further remediation (other than the use of activity and use limitations prohibiting the use of groundwater), be required in this area.

d. *EPA commented that the environmental covenant should contain provisions for further soil remediation in the railroad ROW at such time that the tracks are scheduled for maintenance or are no longer in use. EA responded that Rockhopper should not be responsible for offsite remediation of PCB contamination that was released before it purchased the former NVF Property. Please note that the former NVF Property extends to the centerline of the railroad tracks. At such time that soils contaminated with PCBs can be safely removed (i.e., during scheduled track maintenance or discontinuance of use), Rockhopper will be expected to remove any such contamination that exists on its Property. Accordingly, the environmental covenant for this portion of the NVF Property should include a requirement to notify EPA when the railroad company gives permission to address the contamination within the railroad ROW. If the EPA determines that a continuing release from the NVF Property to an off-site property is occurring, the EPA will consider the appropriate course of action to address that contamination.*

It should be noted that in the January 11, 2023 Act 2 Cleanup Plan Addendum (Section 6.1), Rockhopper has proposed removing ballast along the right of way (on the former NVF property), grading the area as needed pursuant railroad input, installing a geotextile fabric followed by installation of clean soil over the geotextile, and replacing the ballast. Rockhopper is still intending to perform this work concurrent with other remaining remedial and redevelopment activities. However, Rockhopper cannot agree to record an environmental covenant requiring it or a future Property owner (which is proposed to be a residential homeowners association) to conduct further soil remediation in the railroad ROW if and when it ceases to be a ROW at some point in the future, which may be more than 50 or 100 years in the future. Rockhopper proposes that the environmental covenant contain language indicating that the use restrictions in this ROW shall remain unless and until a PCB remediation is conducted that meets either EPA's unrestricted soil remediation standards, or low occupancy or high occupancy standards, including necessary capping.

As noted in response to Comment 1.a. above, Rockhopper requests clarification that by "continuing release," EPA means a release that has (i) first occurred during Rockhopper's or a subsequent developer's ownership of the former NVF Property, and (ii) migrated from the former NVF Property. Assuming this is what EPA means by a continuing release, Rockhopper requests confirmation that if EPA conducts off-site sampling and identifies historical PCB soil contamination unrelated to a continuing release from the Property, EPA will not seek further action from the current or future owner of 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. *EPA asked for more documentation as to why further excavation/treatment of contaminated saturated soils was technically impracticable in this area. EA responded that considerable effort was expended to excavate soil with greater than 1 ppm PCBs, which included having to remove precipitation accumulation as well as groundwater infiltration from the excavation to excavate to the depths ultimately achieved. EPA will rely upon the engineering (capping) and institutional controls outlined in the Final Report, and no further remediation will be required in the Excavation 39 area.*

      EPA's response is noted.

   b. *EPA commented that 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. EA agreed with this comment and stated it was consistent with the Final Report. EPA has no further comment on this issue.*

      EPA's response is noted.

   c. *EPA commented that 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. EA referred to its response in the **Groundwater** section below. As with the railroad ROW, leaving such high concentrations of PCBs in soils at this location may contribute to an ongoing release of contaminants to groundwater. The Agency is requesting an additional monitoring well immediately downgradient of Excavation 39 to ensure groundwater is not being impacted by the remaining PCB contamination. This well should be included with the other wells in your groundwater sampling plan.*

      Please see Rockhopper's response to Comment 1.c. above, which is incorporated herein by reference.

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. *EPA requested 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. EA stated that significant effort was expended including hand digging excavations and exposing the natural gas pipeline in certain areas. EA also stated that the remediation in this area met the low use occupancy definition since all remaining soils were below 100 PPM and the area will be utilized for parking as part of the development plans for the Site. EPA approves of this low use occupancy designation for this portion of the property. Capping of this area and placing an environmental covenant on this portion of the NVF Property with the appropriate use limitations will satisfy the Agency's requirements.*

EPA's response is noted.

b. *EPA stated the environmental covenant for this area must also provide for further remediation of the soils within the ROW at such time that such remediation can safely occur in this area. Since this area will meet the low use occupancy definition, as pointed out by EA in its response to this comment, EPA will not require additional remediation in this area.*

EPA's response is noted.

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

EPA acknowledged that the soils containing greater than 1 ppm and less than 50 ppm PCBs that were consolidated in the southwest portion of the NVF Property met the low occupancy area cleanup requirements. The Agency was concerned that proposed green space areas situated above soils containing up to 50 ppm total PCBs that abutted residential properties in the proposed redevelopment rendering would not meet the low occupancy use definition. EA responded that the development plan will include parking for the previously shown green space area and therefore all areas with soils 3 containing less than 50 ppm total PCBs will be designated for low use occupancy. EPA agrees with this approach.

EPA's response is noted.

Groundwater

The TSCA program requires groundwater be restored to its maximum beneficial reuse, which in this instance would be suitable for drinking water, and that several historical exceedances of the total PCB MCL of 0.5 µg/L have been observed. Furthermore, an unacceptable laboratory method (EPA Method 8082) had been utilized for the analyses done for the Remedial Investigation (RI). EA responded that a groundwater sampling plan will be presented to EPA to sample all existing on-site wells for PCBs using a congener or homolog method. EPA would like to schedule a call within 30 days of this letter to further discuss the expectations of the groundwater sampling plan. The results of the associated groundwater monitoring will assist in the development of a long-term groundwater monitoring program

should one be necessary.

The Rockhopper team is happy to participate in a call with EPA. In advance of the call, EA requests that EPA provide Rockhopper with regulatory citations, as well as any EPA final technical guidance to substantiate EPA's position that drinking water standards must ultimately be met for PCB impacts in groundwater that are subject to EPA's TSCA jurisdiction. As EPA is aware, groundwater use will be restricted under the Act 2 program, and accordingly the presence of any PCBs in groundwater at the Property that resulted from a historical release will not pose an unacceptable risk. Rockhopper is unable to commit (nor to commit a future Property owner) to perform periodic groundwater monitoring for years to come.

Drainage Pathway

EPA requested that the sediments in the drainage swale leading from outfall 001 to the unnamed tributary of the West Branch Red Clay Creek be transect sampled. EA responded that a plan to sample the sediments in the swale from the discharge of the culvert to the unnamed tributary will be presented to EPA. The scope of the sediment sampling investigation can also be discussed in the call mentioned above.

EPA's comment is noted.

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