REGION 3
PHILADELPHIA, PA 19103

July 15, 2025

Transmitted by Electronic Mail

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

Dear Mr. Miller:

This letter is in response to the Risk-Based Disposal Approval Application (RBDAA) for the former National Vulcanized Fiber (NVF) Company site, 400 West Mulberry Street, Kennett Square Borough, Chester County, PA prepared by Environmental Alliance, Inc. (EA) on behalf of Rockhopper LP. This RBDAA was submitted to Region III of the United States Environmental Protection Agency (EPA) on May 8, 2025, pursuant to the requirements of 40 CFR § 761.61(c), risk-based disposal approval.

In its notification, Rockhopper proposed the following polychlorinated biphenyl (PCB) cleanup and disposal plan:

- Remove and dispose of off-site soils/concrete containing total PCBs above 50 parts per million (ppm) where feasible;
- Remediate residential lots to below 1 ppm total PCBs;
- Consolidate soils with total PCBs greater than 1 ppm and less than 50 ppm on the southwestern portion of the property under a cap, and restrict the area to low occupancy use;
- Cap and manage soils with total PCB concentrations exceeding 50 ppm surrounding the right of way areas under an Environmental Covenant when excavation is not feasible due to infrastructure concerns;
- Cap areas of saturated soils with greater than 50 ppm total PCBs and implement vapor intrusion mitigation actions or investigate inhabitable structures within a 100-foot radius;
- Record an Environmental Covenant to restrict the land activity and use to be consistent with the remedy and restrict future use of groundwater at the property; and
- Conduct a groundwater investigation to evaluate the presence of any residual PCB impacts to groundwater at the property.

EPA has reviewed the former NVF RBDAA and concluded that the proposed remediation will not pose an unreasonable risk of injury to health or the environment. EPA hereby is providing a conditional approval of NVF's RBDAA. Final approval is contingent upon EPA receipt and approval of a Final Cleanup Plan.

The Final Cleanup Plan will include:

- A Groundwater Report with the results of the PCB groundwater sampling workplan, approved by EPA on June 26, 2025. This Groundwater Report must include sampling analytical results, copies of the accompanying analytical chains of custody, field and laboratory quality control/quality assurance checks, copies of manifests, copies of certificates of disposal and total amounts of PCB waste disposed. The Groundwater Report is due to EPA by October 30, 2025.
- A Groundwater Cleanup Proposal if the Groundwater Report shows PCB levels exceed the 0.5 µg/L unrestricted use limit as outlined 40 CFR 761.79(b). This proposal is due 60 days after EPA approves the Groundwater Report.
- All amendments noted and referenced in the RBDAA application, representing changes made since the 2023 Cleanup Plan Addendum and Final Report for PCBs in Soil Media (2023 Cleanup Plan). EPA may choose to make the Final Cleanup Plan available to the public.

The Final Cleanup Plan due date is as follows:

- If PCB results are below the 0.5 ug/L MCL, the Final Cleanup Plan is due 60 days after EPA approval of the Groundwater Report.
- If PCB results are equal to or exceed the 0.5 ug/L MCL, the Final Cleanup Plan is due 60 days after EPA approval of the Groundwater Cleanup Proposal.

EPA's conditional approval of the former NVF RBDAA does not in any way constitute a finding by EPA that the site will be safe or appropriate for any future use, does not insulate the owner of the site from action under any applicable law, and does not relieve Rockhopper LP of its continuing responsibility to comply fully with 40 C.F.R. Part 761. Among other things, the regulations state that "[c]omplete compliance with 40 C.F.R. § 761.61 does not create a presumption against enforcement action for penalties for any unauthorized PCB disposal," 40 C.F.R. § 761.50(b)(3)(ii)(B). Further, "[a]ny person storing or disposing of PCBs is also responsible for determining and complying with all other applicable Federal, state, and local laws and regulations," 40 C. F.R. § 761.50(a)(6).

EA has indicated its intention to prepare and record environmental covenants consistent with the Pennsylvania Uniform Environmental Covenants Act ("UECA"), 27 Pa.C.S. §§ 6501 – 6517, and the regulations thereunder set forth in 25 Pa. Code Chapter 253, that will prohibit future use of groundwater from beneath the Facility and restrict the land activity and use to be consistent with the remedy. Draft environmental covenants are to be submitted to EPA for approval. Once approved, proof that the covenants have been recorded should be submitted to the EPA within 60 days of EPA's approval. The Post-Remediation Care Plan, which will be included in the Facility's PADEP Act 2 Final Report, when submitted, should also be submitted to EPA for approval.

EPA expects EA to submit a Completion Report, documenting completion of all remedial actions, construction of engineering controls, and implementation of institutional controls, to EPA electronically within 90 days of completion of remedial activities described in the approved Final Cleanup Plan. This Completion Report, and all other submittals referenced in this letter, shall be submitted to the EPA Region III PCB Coordinator, Amanda Michel, at michel.amanda@epa.gov

Any questions concerning this letter should be directed to Kristin Koroncai, Section Chief, 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,

DAVID CAMPBELL Digitally signed by DAVID CAMPBELL
Date: 2025.07.15 14:32:02 -04'00'

David Campbell, Director
Land, Chemicals, and Redevelopment Division