REGION 3
PHILADELPHIA, PA 19103

May 7, 2025

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

Dear Mr. Miller:

Thank you for your March 31, 2025 response to the EPA's February 21, 2025 comment letter regarding the former NVF Facility in Kennett Square, PA. Rather than continuing to add comments to that growing document, the March response is attached to this correspondence for reference. Based on your March response, our April 22nd Teams meeting and the April 30th site visit, this letter provides the EPA's current understanding of the remaining issues that need to be addressed before final approval of the TSCA cleanup can be granted.

Description of expected approval letter

EPA anticipates providing Rockhopper with a TSCA approval letter for a hybrid cleanup (i.e., one that has components of both the self-implementing cleanup requirements of 40 CFR § 761.61(a) and the risk-based cleanup requirements of 40 CFR § 761.61(c)). Please be aware that any such approval from EPA comes with standard language to the effect that the approval does not preclude the Agency from initiating any enforcement action for any violation of federal law against the current and any future property owners.

Request for TSCA application

As mentioned during the Teams Meeting, EPA is requesting Rockhopper to formally submit notification and certification of the Cleanup Plan meeting the requirements of 40 CFR § 761.61(a)(3) and 40 CFR § 761.61(c). EPA provided additional guidance on the preparation of that application in an email dated April 23rd and during the site visit you mentioned that Environmental Alliance is already in the process of creating that document.

Concrete Pad Adjacent to Excavation Area 11

EPA confirms that the use of the crushed concrete pad may be as described in your March 31st response to EPA's comment.

Comment 1(a): Continuing Release definition

EPA considers a "continuing release" to be the active migration of contaminants from a source area. This would include PCB contaminated soils or groundwater associated with historical releases by the NVF Company that migrate into the soil or environment. This can be through various mechanisms such as leaching from soils into groundwater, wind dispersal, further migration through groundwater, etc. Once a property is transferred, the new owner becomes responsible for controlling and mitigating any such continuing release of PCBs. If EPA Region 3, finds that such a continuing release poses unreasonable risk, it may direct the then owner of the site to address that risk. If historical PCB soil contamination unrelated to a continuing release from the former NVF Property is encountered, EPA agrees that it would not seek further action from current/future property owners of the former NVF Property.

Comment 1(b)

This comment regarding a surveyed map for the extent of the railroad right-of-way (ROW) for the purposes of the environmental covenant has been sufficiently addressed.

Comment 1(c): Need for Additional Groundwater Monitoring Downgradient of Excavations 1 and 3

EPA will evaluate whether the wells mentioned in your March 31st response are suitable once it has the opportunity to review a site map containing all remaining monitoring wells that comprise the current well network, including wells on the former NVF property and off site. EPA's Groundwater Monitoring of PCBs Fact Sheet (March 2024) states that "unfiltered samples capture undissolved contaminants needed for the determination of regulatory status." The centrifuging of groundwater samples will therefore not be allowed. Turbidity in groundwater sampling can be minimized by proper low flow sampling techniques. If turbidity or other parameters are an issue in the groundwater samples, further well development or well replacement may be necessary. As further described in the response in the Groundwater section below, the remedial objective for groundwater is to return it to beneficial use (i.e., drinking water). In lieu of further remedial action to attain MCLs in groundwater, long term groundwater monitoring may be required to ensure a continuing release is not occurring. If downgradient wells are found to be unimpacted by PCBs or are consistent with background concentrations, long term groundwater monitoring would not be required in those areas.

Comment 1(d)

EPA approves the remedial actions for the railroad ROW described in the Cleanup Plan. EPA accepts Rockhopper's proposal to have language in the Environmental Covenant to the effect that use restrictions in the railroad ROW and surrounding areas will remain until the current or future owner of the ROW gains approval for a change in land use as you described. The cost of such a remediation effort would be subject to the then-current owner requesting a change in land use. As described in the EPA's response to Comment 1.a. above, if historical PCB soil contamination unrelated to a continuing release from the former NVF Property is encountered, EPA agrees that it would not seek further action from the then-current property owner. However, if a continuing release is identified, EPA retains the right to have the then-current owner address an unreasonable risk from that release.

Comment Nos. 2(a) and 2(b)

These comments regarding Excavation 39 have been sufficiently addressed.

Comment 2(c): Need for Additional Groundwater Monitoring Downgradient of Excavation 39

EPA will evaluate whether the wells noted in response to Comment 1.c. above are suitable once it has the opportunity to review a site map containing all wells remaining in the well monitoring network.

Comment Nos. 3(a) and 3(b)

These comments regarding the Mulberry Street ROW have been sufficiently addressed.

Areas Containing PCBs in Soils Greater than 1 ppm and less than 50 ppm

This comment regarding former green space areas depicted on an earlier provided redevelopment rendering has been addressed by agreeing to replace those areas with parking that meets the low use occupancy requirements of 40 CFR § 761.61(a).

Groundwater

As requested, EPA provided justification for requiring the remediation goal for PCBs in groundwater to be the drinking water standards in email correspondence dated April 18, 2025. A copy of that correspondence is included with this letter. EPA is still expecting to receive a groundwater sampling plan to evaluate the groundwater pathway under current conditions and using appropriate sampling and analyses methodologies. Further discussion about whether there is a need for additional monitoring well installations is pending based on EPA's review of the existing monitoring well network and well proximity to higher PCB concentrations remaining at Excavations 1, 3 and 39. EPA reiterates that the results of additional groundwater monitoring will assist in the development of a long-term monitoring program should one be necessary.

Drainage Pathway

During the April 30, 2025 site visit, EPA observed the historical drainage pathway south of the facility along the railroad ROW to the unnamed tributary of Red Clay Creek. Based on EPA' s observations during that site visit, EPA has determined that the historical drainage pathway is no longer functioning as such, evidenced by little to no sediment deposition in the entry of the culvert in the ROW, and therefore offsite migration of sediments does not appear to be occuring. EPA will, therefore, no longer require any additional investigation of the historical drainage pathway. Inspection and maintenance of the cap installed in the vicinity of the railroad ROW will be required and documented in an Environmental Covenant.

Any questions concerning this letter should be directed to Kristin Koroncai, 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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Paul Miller, Environmental Alliance, Inc.
Claire Boylan, Catalyst City Development
Jonathan Spergel, Manko, Gold, Katcher, and Fox LLP
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Enclosures

Responses to EPA's February 21, 2025 Comment Letter (03.31.2025)
TSCA Groundwater Cleanup Email from EPA to Env. Alliance (04.18.2025)