

**SECOND EXPLANATION OF SIGNIFICANT DIFFERENCES
for the
DRAKE CHEMICAL SUPERFUND SITE
CITY OF LOCK HAVEN AND CASTANEA TOWNSHIP, CLINTON COUNTY,
PENNSYLVANIA**

I. INTRODUCTION

Site Name: Drake Chemical Superfund Site

Site Location: City of Lock Haven and Castanea Township, Clinton County,
Pennsylvania

Lead Agency: U.S. Environmental Protection Agency, Region III

Support Agency: Pennsylvania Department of Environmental Protection

II. STATEMENT OF PURPOSE

The U.S. Environmental Protection Agency (EPA) is issuing this Second Explanation of Significant Differences (ESD) for the Drake Chemical Superfund Site (Site) in accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. § 9617(c), and Section 300.435(c)(2)(i) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.435(c)(2)(i). Section 117(c) of CERCLA and Section 300.435(c)(2)(i) of the NCP require the publication of an ESD when modifications to the selected remedy are necessary, and such modifications significantly change, but do not fundamentally alter, the remedy selected in a Record of Decision (ROD) with respect to scope, performance, or cost.

This Second ESD has been prepared to provide the public with an explanation of the modifications being made to the remedy for the Site as selected in a September 30, 1984 ROD (1984 ROD), a May 13, 1986 ROD (1986 ROD), a September 29, 1988 ROD (1988 ROD) and a June 14, 1995 ESD (First ESD) (collectively, the Selected Remedy). The Selected Remedy is described in more detail in Section III, below. This Second ESD modifies the Selected Remedy to include land and groundwater use restrictions to ensure long-term protection of human health and the environment.

This Second ESD provides the public with an explanation of why land and groundwater use restrictions are necessary at the Site; describes the institutional controls (ICs), which implement those land and groundwater use restrictions and which are currently in place; summarizes the information that supports this modification; and confirms that the Selected Remedy, as modified by this Second ESD, complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. This Second ESD will become part of the Administrative Record file for the Site in accordance with Section 300.825(a)(2) of the NCP, 40 C.F.R. § 300.825(a)(2). The Administrative Record locations are provided in Section III, F below.

III. SUMMARY OF THE SITE HISTORY AND SITE CONDITIONS

The Site is located in The City of Lock Haven and Castanea Township, Clinton County, Pennsylvania (Figure 1). Drake Chemical Company operated on an 8-acre property from the 1960s until 1981 manufacturing chemical ingredients for pesticides and other compounds. The American Color and Chemical Company (AC&C) borders the Site to the west and Bald Eagle Creek borders the Site to the south.

The Site is divided into three zones to reflect the physical boundaries of the Site and current uses of the Site property. The northernmost section, Zone 1, is the 8-acre property where the Drake Chemical Company facility was located. Zone 2 is south of Zone 1 and is divided from Zone 1 by railroad tracks. Zone 3 is located south of Zone 2 and is divided from Zone 2 by the Route 220 Highway. Zone 3 extends to Bald Eagle Creek (Figure 2). Zones 2 and 3 are areas under which Site-related groundwater contamination has come to be located. Zones 2 and 3 had been a residential area until hurricane Agnes damaged all the homes in 1972. Groundwater flows in a south direction from the Site toward Bald Eagle Creek. The three Zones were identified in the 1988 ROD and are described more fully in Section A, Remedy Selection, below.

Currently, two large steel-framed buildings are located within Zone 1 which were used as an ash handling building and an ash stabilization building, respectively, during the incineration remedial action at the Site. Also, within Zone 1 is a large graded mound of incinerator ash that is covered with soil and vegetated. The groundwater extraction and treatment system and building are located within Zone 2. The contaminated groundwater is extracted and treated in a treatment plant in Zone 2 and the treated water is discharged to an infiltration gallery which is located within Zone 3. The infiltration gallery allows the treated water to infiltrate back into the groundwater and then the treated groundwater discharges to the Bald Eagle Creek.

A. Selected Remedy

EPA designated four operable units (OUs) to address the cleanup at the Site: OU1 addressed the contaminated leachate stream; OU2 addressed contaminated buildings; OU3 addressed contaminated soils; and OU4 addressed contaminated groundwater.

The 1984 ROD for OU1 addresses the contaminated leachate stream that originated from the southern unlined lagoon. The OU1 remedial action was completed in 1986 and consisted of excavation of contaminated soil and sediment, construction of a French drain to collect runoff from the lagoon and an underground storm sewer line to carry runoff to Bald Eagle Creek, and construction of a cap over contaminated surface soils.

Lock Haven, PA

Drake Chemical Superfund Site

Philadelphia Metro Area

Lock Haven

Drake Chemical Superfund Site

West Branch Susquehanna River

Bald Eagle Creek

Paul Mac

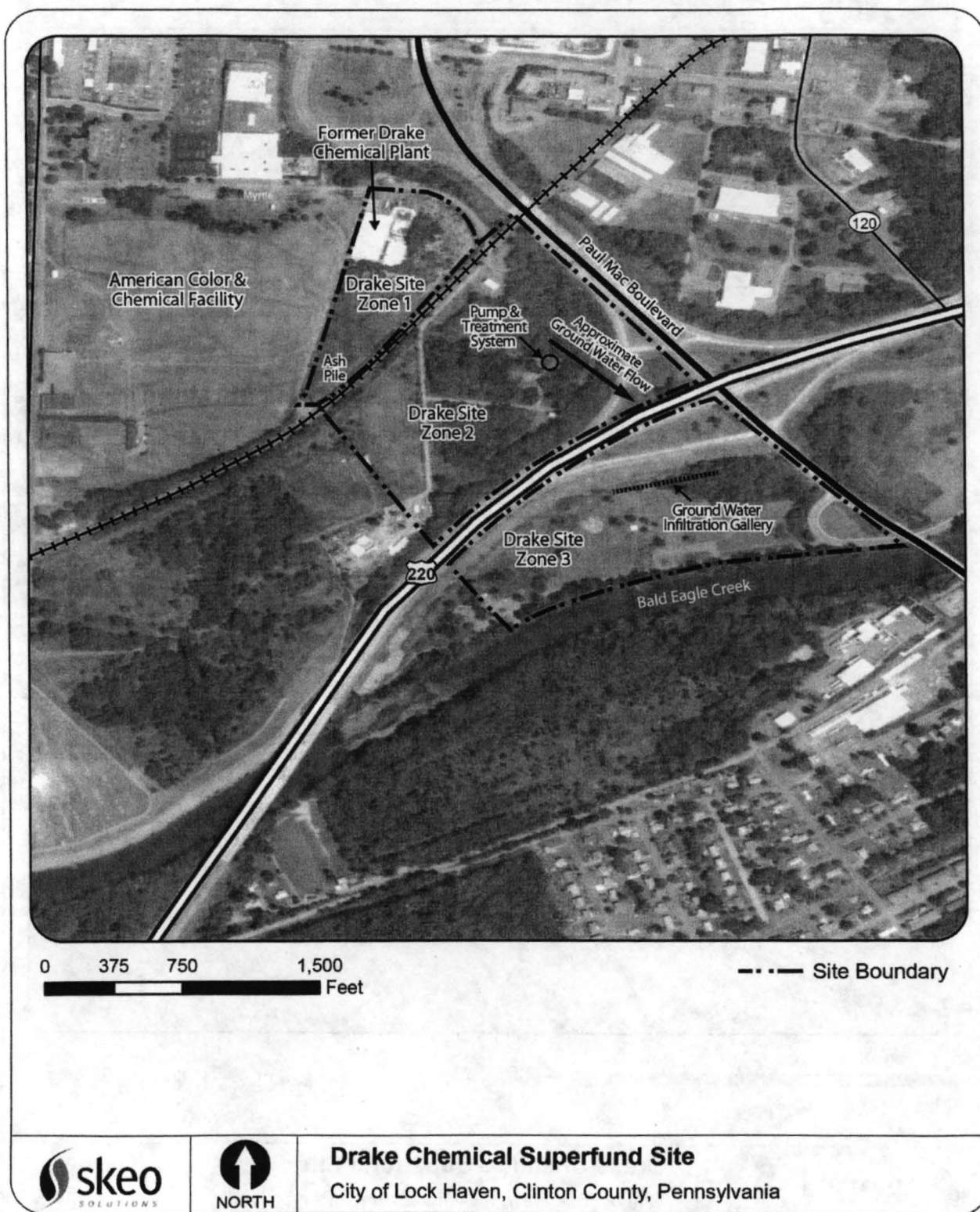
0 0.25 0.5 1 Miles

skéo SOLUTIONS

DRAKE CHEMICAL SUPERFUND SITE

City of Lock Haven, Clinton County, Pennsylvania

Figure 2 – Zone Areas



The 1986 ROD selected the demolition of the remaining buildings, tanks and other structures on the 8-acre property where the Drake Chemical Company facility was located (Zone 1) to prevent direct contact with the contaminants as well as the physical risk from the potential collapse of the structures. The OU2 remedial action was completed in 1988.

The 1988 ROD for OU3 and OU4 selected incineration of contaminated soil, sludge and other debris and extraction and treatment of contaminated groundwater. The purpose of the remedial action was to prevent direct contact with the contaminated material at the Site as well as to remove the primary source of groundwater contamination. The primary risk for human health and the environment was a chemical compound called beta-naphthylamine which is known to be a human carcinogen. Other chlorinated organics were also present in the soil and groundwater. The OU3 remedial action was completed in 1999 and included construction of an incinerator, soil excavation, and treatment of surface water/soil and groundwater encountered during excavation.

The OU4 remedial action was initiated in 1999 and included the installation of four extraction wells, two carbon treatment units and a groundwater infiltration gallery. Extraction and treatment of the groundwater is currently ongoing.

The 1988 ROD also divided the Site into three zones based on the physical boundaries and use of the Site property in each zone, as discussed above.

The former Drake Chemical facility is located in Zone 1, which is comprised of three parcels, tax parcels G-01-0028, O-01-0001, and O-01-0004. One parcel is owned by a local family and is currently vacant. The second parcel is privately owned and used for commercial storage. The City of Lock Haven owns the third parcel that contains the covered ash pile.

The groundwater extraction and treatment system is located in Zone 2 and the infiltration gallery is located in Zone 3. Most of Zone 2 and Zone 3 are owned by local municipalities. Castanea Township own the majority of both Zones 2 and 3. A small portion of Zone 2 belongs to the City of Lock Haven. Castanea Township uses a portion of Zone 2 for disposal of residential yard waste for mulching. Two little league baseball fields are located in Zone 3 and are maintained by Castanea Township.

EPA signed the First ESD to modify the groundwater treatment technology and to define the operation and maintenance requirements of the groundwater extraction and treatment system. The First ESD also included the performance standards for groundwater remediation presented immediately below.

Ground Water Performance Standards

Contaminant Constituent	Performance Standard micrograms per liter (µg/L)
1,2-dichloroethane (1,2-DCA)	5
Benzene	5
beta-naphthylamine	10

The OU4 groundwater remedy is being implemented by two potentially responsible parties (PRPs), AC&C and Beazer East Inc., pursuant to a Consent Decree with EPA and the Pennsylvania Department of Environmental Protection (PADEP) dated February 14, 1996. The PRPs are implementing the groundwater portion of the Selected Remedy.

Land and groundwater use restrictions were not identified as part of the Selected Remedy for the Site in any of the three RODs or the First ESD. However, land and groundwater use restrictions are currently in place at the Site through existing ICs in the form of Administrative Orders pursuant to Section 512 of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. Section 6020.512, (512 Orders) and local ordinances restricting land and groundwater use in the vicinity of at the Site. Based on a Five-Year Review recommendation by EPA, PADEP issued a 512 Order for each of the three properties within Zone 1 on August 21, 2007. All three 512 Orders prohibit any use of contaminated groundwater on their respective parcels and any activities that would interfere or damage the integrity of the large graded mound of ash in Zone 1. Additionally, the City of Lock Haven and Castanea Township implemented ordinances in 2010 (2010 Ordinances) that prohibit the use of groundwater for potable purposes in the City and Township, respectively. The 2010 Ordinances collectively require all City and Township residents abandon existing potable wells and connect to public water supply.

B. DESCRIPTION OF SIGNIFICANT DIFFERENCES AND THE BASIS FOR SUCH DIFFERENCES

EPA has determined that the land and groundwater use restrictions described below are necessary for the Selected Remedy to be protective of human health and the environment. Modifying the Selected Remedy for the Site to include land and groundwater use restrictions represents a significant change to the Selected Remedy, but does not fundamentally alter, the Selected Remedy with respect to scope, performance and cost. ICs are currently in place to restrict land and groundwater use at the Site and ensure protection of human health and the environment. Any use of contaminated groundwater at the Site without treatment could pose a significant health risk if ingested. The treated soil under the vegetated mound has concentrations of metals which could migrate to groundwater at the Site if the mound of ash is disturbed. This Second ESD incorporates the existing land and groundwater use restrictions required under each of the three 512 Orders and the 2010 Ordinances into the Selected Remedy for the Site.

ICs are required to restrict land and groundwater use within Zone 1 and to restrict groundwater use in Zones 2 and 3. The land and groundwater use restrictions in Zone 1 shall consist of the following:

- Any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil shall be prohibited unless specifically approved in writing by PADEP. For as long as the soil mound remains undisturbed, the current vegetative cover shall be maintained to provide adequate erosion and sedimentation control.
- Groundwater underlying Zone 1 shall not be withdrawn for any purpose, unless otherwise

approved by PADEP and EPA.

The land and groundwater use restrictions that EPA is selecting in this ESD for Zone 1 have already been implemented via the 512 Orders, as described above, which have been recorded on the deeds to the respective parcels. The groundwater use restriction has also been implemented through the 2010 Ordinances.

The groundwater use restrictions in Zones 2 and 3 shall consist of the following:

- The use by any person of groundwater from within Zones 2 and 3 as a supply of water for potable uses is hereby prohibited.
- The installation or use by any person of any means for conveyance of groundwater as a supply of water for potable uses within Zones 2 and 3 is hereby prohibited, including but not limited to, wells, pipes, cisterns, tanks, pumps, or any other equipment or method of conveying groundwater.

The groundwater use restrictions that EPA is selecting in this ESD for Zones 2 and 3 have already been implemented via the 2010 Ordinances passed by Castanea Township (Ordinance No. 02-2010) and the City of Lock Haven (Ordinance No. 853).

C. SUPPORT AGENCY COMMENTS

In accordance with 40 C.F.R. § 300.435(c)(2), EPA has consulted with PADEP concerning the changes to the Selected Remedy as described in this Second ESD. EPA received a letter dated July 22, 2016 from PADEP concurring with the Selected Remedy as amended by this ESD. This letter of concurrence will be part of the Second ESD for this Site and placed in the Administrative Record.

D. COMMUNITY INVOLVEMENT

As required by the NCP, EPA will publish a notice of availability and a brief description of this Second ESD following its signing. In accordance with CERCLA §117(d) and NCP §300.825(a), this ESD and supporting information will become part of the Site's Administrative Record which is available for review at the location(s) identified below.

EPA Public Reading Room 1650 Arch Street Philadelphia, PA 19103 (215) 814-3157	Ross Public Library 232 West Main Street Lock Haven, Pennsylvania 17745. (570) 748-3321
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Questions concerning EPA's action and requests to review the Administrative Record at EPA's office should be directed to:

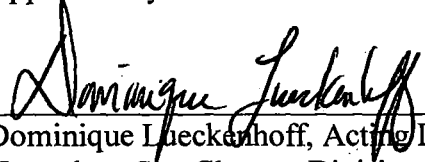
Roy Schrock
Remedial Project Manager (3HS22)
U. S. EPA Region III

1650 Arch Street
Philadelphia, PA 19103
(215) 814-3210

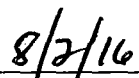
E. STATUTORY DETERMINATIONS

EPA has determined that the Selected Remedy, as modified by this Second ESD, complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. EPA has determined that the Selected Remedy, as modified by this Second ESD, will remain protective of human health and the environment; will comply with Federal and State requirements that are applicable or relevant and appropriate to this remedial action; and will be cost-effective.

Approved By:



Dominique Lueckenhoff, Acting Director
Hazardous Site Cleanup Division
EPA Region III



Date

**Appendix 1 – Commonwealth of Pennsylvania Department of Environmental Protection, Orders
under Section 512 of the Hazardous Sites Cleanup Act**

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

City of Lock Haven

Tax Parcel # G-01-0028

and

Clinton County Recorder of Deeds

230 East Water Street

Lock Haven, PA 17745

: *Section 512 ORDER*

**:
:
: For Institutional Controls:
: Drake Chemicals Inc. :
Superfund Site
: City of Lock Haven and**

**: *Castanea Township,*
: Clinton County**

ORDER

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), hereby issues this Administrative Order pursuant to Sections 512(a) and 1102 of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. §§ 6020.512(a) and 6020.1102 based upon the following:

FINDINGS

A. The Department is the agency of the Commonwealth with the duty and authority to administer and implement the provisions of the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101 et seq. ("HSCA"); Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17; and the rules and regulations promulgated thereunder.

B. The City of Lock Haven owns a 1.75 acre parcel of land with the tax ID# G-01-0028 in Castanea Township, Clinton County, Pennsylvania. Abutting this property on the north side is a 6.28 acre parcel situated in the 1st Ward, City of Lock Haven, with the tax ID# O-01-0001 that is owned by Bonnie P. Noviello and Barry L. Zarzyczny ("Noviello and Zarzyczny"). The City of Lock Haven, and Noviello and Zarzyczny purchased their respective properties via judicial sale on November 15, 2000. Both of these properties were formerly owned by Drake Chemicals Inc., which filed for bankruptcy in August 1981. Located immediately north of the Noviello and Zarzyczny property and formerly separated by a railroad spur is a 1.27 acre parcel (tax ID# O-01-0004) that is owned by Samuel A. Gorham et al ("Gorham").

C. The City of Lock Haven property, the Noviello and Zarzyczny property, and the Gorham property are collectively known as the Drake Chemical Superfund Site ("Site"), where the manufacturing and disposal of chemical intermediates for color dyes, pesticides and other organic compounds occurred. The U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9605,

placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

D. Kilsdonk Chemical Corporation started chemical manufacturing operations at the Site in approximately 1948 with the production of color dye compounds which produced a known carcinogen known as beta-naphthylamine. In the early 1960's, the Commonwealth of Pennsylvania banned the use and production of beta-naphthylamine. From 1962 to 1965, Pfister Chemical Corporation, Inc. had a controlling interest in Kilsdonk Chemical Corporation until the facility was sold to Drake Chemicals Inc. in October 1966. Drake Chemicals Inc. continued the production of a variety of different chemical materials including dye compounds. Chemical manufacturing operations ceased at the Site in the summer of 1981, when Drake Chemicals Inc. filed for bankruptcy. S

E. During the 1970's and early 1980's, Drake Chemicals Inc. was cited many times by State and Federal agencies for violating environmental, health and safety regulations. In February 1982, the EPA initiated an emergency removal action after the company failed to voluntarily cleanup the Site. As part of this cleanup action, approximately 1,700 drums of hazardous substances/waste were removed from the Site and the contents of the numerous surface storage tanks was removed or neutralized. An 8-foot fence was also erected around the Site to provide security and limit direct contact with exposed waste materials.

F. The Drake Chemical Superfund Site appeared on the first National Priorities List in 1983, and became one of the first sites to begin Remedial Investigation work. The Site was severely neglected with crumbling buildings and drums, tank waste, wastewater treatment sludge and debris strewn all over the Site. Surface leachate from an on-Site lagoon flowed off-Site onto adjacent properties and community recreation ball fields.

G. The Site formerly contained six (6) major buildings that included offices, production facilities, and a wastewater treatment building. Approximately 60 process tanks and reactor vessels were located inside and surrounding the production buildings. Located outside of the buildings were approximately ten (10) large tanks that were used for bulk storage of acids, bases, and fuel oils. Also located on-Site were two lined wastewater treatment lagoons, and two unlined lagoons. Presently located on the Site are two (2) large steel-framed, open sided buildings with concrete slabs that were constructed as part of the remediation activities: the former ash handling building (29,730 sq. ft.) and the former ash stabilization building (8,816 sq. ft.). Also located on-Site is a large vegetated graded mound containing 295,373 tons of incinerated soil generated during Site remediation activities. The soil mound covers approximately 3.3 acres of the southern portion of the Site and is delineated by the coordinates 41° 7' 44.44" N., 77° 26' 39.10" W.; 41° 7' 43.39" N., 77° 26' 34.73" W.; and 41° 7' 37.92" N., 77° 26' 41.07" W. A chain-link fence surrounds the Site.

H. The current land use in the vicinity of the Site is a mixture of open space and development. The Site is bordered on the west by property owned by American Color and Chemical, LLC. An apartment complex and shopping center are located just to the northwest of the Site. Castanea Township Park is located approximately ¼ mile south of the Site. The Site is bounded on the east and south sides by a railroad spur. There are approximately 10,300 people living within a mile of the Site. Bald Eagle Creek is located less than ½ mile south of the Site, and the West Branch of the Susquehanna River is located approximately ¾ mile north of the Site.

I. Investigations conducted by the EPA and Department during the 1980's revealed extensive contamination throughout the entire Site. Surface water, soil and groundwater were contaminated with over a hundred compounds including beta-naphthylamine, 1-2, dichloroethane, benzene, trichloroethene, fenac, chlorobenzene, and numerous other hazardous substances. Compounding the groundwater investigation was the proximity of the American Color and Chemical LLC facility, which manufactured many of the same chemical intermediates as Drake Chemicals Inc.

J. The Remedial Investigation/Feasibility Study ("RI/FS") for the Site commenced in 1984 and continued through 1988.

K. Following completion of the RI/FS, the EPA divided the response actions intended for the Site into four (4) Operating Units ("OUs"). The four OUs were assigned as follows:

- OU-1: Leachate stream – completed in Spring of 1986 and consisted of excavation of the contaminated soil and sediment from the off-site area south of the Site, construction of a French drain to collect runoff from the lagoon and an underground storm sewer line to carry runoff to Bald Eagle Creek, and construction of a cap over contaminated surface soils.
- OU-2: Building demolition – completed in Fall of 1988 and consisted of demolition and removal of all buildings, tanks and other structures.
- OU-3: Incineration – completed in April of 1999 and included construction of an on-Site incinerator, soil excavation of the entire 9.3 acre Site to a depth of approximately 12 feet and incineration, and treatment of surface and groundwater encountered during excavation.
- OU-4: Groundwater – initiated in Fall 1996 and is being implemented by American Color and Chemical LLC and Beazer East, Incorporated, pursuant to a February 14, 1996 Consent Decree with the EPA and the Department. Included installation of four (4) large diameter extraction wells, two carbon treatment units and a groundwater infiltration trench. Pump and treatment of the groundwater is currently ongoing.

An aerial photograph and map depicting the Site are attached to this Order as Exhibits A and B.

L. In a June 10, 1999 Consent Decree, Pfister Chemical Corporation, Inc. agreed to reimburse the EPA and the Department up to \$ 3,000,000 over ten (10) years for cleanup response costs.

M. The September 2003 Five-Year Review Report prepared by the EPA delineated the deed restrictions and institutional control requirements needed for the Site to ensure the protection of human health and the environment. The Report specified that the following restrictions shall run with the land and shall be binding upon any and all persons who subsequently acquire any interest or portion thereof, to the extent permitted under Pennsylvania law:

- Any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil shall be prohibited unless specifically approved in writing by the Department. For as long as the soil mound remains undisturbed, the current vegetative cover shall be maintained to provide adequate erosion and sedimentation control.
- Ground water underlying the Site shall not be withdrawn for any purpose, unless otherwise approved by the Department and the EPA.

N. The EPA, and to a limited extent, American Color and Chemical LLC and Beazer East, Inc., completed the remedial activities specified in the three (3) Records Of Decisions and one (1) Explanation of Significant Difference in 2000. As of the date of this Order, no further remedial action is required at the Site in order to provide current protection of human health and the environment except for the continued operation of the groundwater treatment system and initiation of the institutional controls on the use of the Site set forth in Paragraph M, above.

O. Section 512(a) of HSCA states in pertinent part that:

The Department shall have the authority to issue an order precluding or requiring cessation of activity at a facility which the Department finds would disturb or be inconsistent with the response action implemented. The Department shall require the Recorder of Deeds to record an order under this subsection in a manner which will assure disclosure in the ordinary course of a title search of the subject properties. An order under this subsection, when recorded, shall be binding upon subsequent purchasers.

P. As used herein, "inconsistent" uses of the Site shall be limited to the use of on-site groundwater and any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil unless specifically approved by the Department in writing.

Q. Pursuant to Section 1102 of HSCA, 35 P.S. § 6020.1102, the Department is authorized to issue orders to persons as it deems necessary to aid in the enforcement of the provisions of this Act. In addition, "[t]he power of the department to issue an order under this section is in addition to any other remedy which may be afforded to the department under this act or any other statute."

NOW THEREFORE, this 8th day of November 2006, pursuant to the authority of Sections 512(a) and 1102 of HSCA, 35 P.S. §§ 6020.512(a) and 6020.1102, the Department hereby issues the following:

ORDER

1. Pursuant to Section 512(a) of HSCA, 35 P.S. § 6020.512(a), the City of Lock Haven, owner of a 1.75 acre parcel of the Site, (as described in Paragraph B. of the findings herein), its agents or assigns, shall not from the date of this Order, put the Site or any portion thereof to any use which the Department finds would disturb or be "inconsistent" (as defined in Paragraph P. herein) with the response action now implemented at the Site.

2. This Order is also issued pursuant to the Department's general enforcement authority under Section 1102(a) of HSCA, 35 P.S. § 6020.1102(a), where issuance of an Order is "necessary to aid in the enforcement to the provisions of this act".

3. This Order shall be binding upon all subsequent purchasers of the 1.75 acre parcel (tax ID# G-01-0028) of the Site when recorded.

4. The Recorder of Deeds of the County of Clinton is hereby required to record this Order, within fifteen (15) days of the effective date of this Order, in a manner which will assure its disclosure in the ordinary course of a title search of the subject property.

5. The City of Lock Haven shall provide the Department's Northcentral Regional Environmental Cleanup Program Manager with written notification (via certified mail) of any conveyance, transfer or assignment of title to its respective parcel of the Site within thirty (30) days of such transfer.

6. This Order shall take effect upon receipt by the City of Lock Haven, and the Clinton County Recorder of Deeds, Clinton County, Pennsylvania.

Any person aggrieved by this action may appeal, pursuant to Sections 512(a) and 1102 of the Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.512(a) and 6020.1102, Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and Chapter 5A of the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that

permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717) 787-3483 FOR MORE INFORMATION.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION:**

Michael C. Welch, Manager
Environmental Cleanup Program

Date

Appendix 2 – Commonwealth of Pennsylvania Department of Environmental Protection, Orders
under Section 512 of the Hazardous Sites Cleanup Act

Bonnie P. Noviello and Barry L. Zarzyczny

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Bonnie P. Noviello	:	Section 512 ORDER
and	:	
Barry L. Zarzyczny	:	For Institutional Controls:
Tax Parcel # O-01-0001	:	Drake Chemicals Inc.
	:	Superfund Site
and	:	City of Lock Haven and
	:	Castanea Township,
Clinton County Recorder of Deeds	:	Clinton County
230 East Water Street	:	
Lock Haven, PA 17745	:	

ORDER

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), hereby issues this Administrative Order pursuant to Sections 512(a) and 1102 of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. §§ 6020.512(a) and 6020.1102 based upon the following:

FINDINGS

B. The Department is the agency of the Commonwealth with the duty and authority to administer and implement the provisions of the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101 et seq. ("HSCA"); Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17; and the rules and regulations promulgated thereunder.

B. Bonnie P. Noviello and Barry L. Zarzyczny ("Noviello and Zarzyczny") are adult individuals who jointly own a 6.28 acre parcel of land with the tax ID# O-01-0001 located in the 1st Ward, City of Lock Haven, Clinton County, Pennsylvania. Located adjacent to the Noviello and Zarzyczny property is a 1.75 acre parcel of land situated in Castanea Township, with the tax ID# G-01-0028 that is owned by the City of Lock Haven. Both Noviello and Zarzyczny, and the City of Lock Haven purchased their respective properties via judicial sale on November 15, 2000. Both properties were formerly owned by Drake Chemicals Inc., which filed for bankruptcy in August 1981. Located immediately north of the Noviello and Zarzyczny property and formerly separated by a railroad spur is a 1.27 acre parcel (tax ID# O-01-0004) that is owned by Samuel A. Gorham et al ("Gorham").

C. The Noviello and Zarzyczny property, the City of Lock Haven property, and the Gorham property are collectively known as the Drake Chemical Superfund Site ("Site"), where the manufacturing and disposal of chemical intermediates for color dyes, pesticides and other organic compounds occurred. The U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9605, placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

D. Kilsdonk Chemical Corporation started chemical manufacturing operations at the Site in approximately 1948 with the production of color dye compounds, which produced a known carcinogen known as beta-naphthylamine. In the early 1960's, the Commonwealth of Pennsylvania banned the use and production of beta-naphthylamine. From 1962 to 1965, Pfister Chemical Corporation, Inc. had a controlling interest in Kilsdonk Chemical Corporation until the facility was sold to Drake Chemicals, Inc. in October 1966. Drake Chemicals, Inc. continued the production of a variety of different chemical materials including dye compounds. Chemical manufacturing operations ceased at the Site in the Summer of 1981, when Drake Chemicals Inc. filed for bankruptcy.

E. During the 1970's and early 1980's, Drake Chemicals Inc. was cited many times by State and Federal agencies for violating environmental, health and safety regulations. In February 1982, the EPA initiated an emergency removal action after the company failed to voluntarily cleanup the Site. As part of this cleanup action, approximately 1,700 drums of hazardous substances/waste were removed from the Site and the contents of the numerous surface storage tanks was removed or neutralized. An 8-foot fence was also erected around the Site to provide security and limit direct contact with exposed waste materials.

F. The Drake Chemical Superfund Site appeared on the first National Priorities List in 1983, and became one of the first sites to begin Remedial Investigation work. The Site was severely neglected with crumbling buildings and drums, tank waste, wastewater treatment sludge and debris strewn all over the Site. Surface leachate from an on-Site lagoon flowed off-Site onto adjacent properties and community recreation ball fields.

G. The Site formerly contained six (6) major buildings that included offices, production facilities, and a wastewater treatment building. Approximately 60 process tanks and reactor vessels were located inside and surrounding the production buildings. Located outside of the buildings were approximately ten (10) large tanks that were used for bulk storage of acids, bases, and fuel oils. Also located on-Site were two lined wastewater treatment lagoons, and two unlined lagoons. Presently located on the Site are two (2) large steel-framed, open sided buildings with concrete slabs that were constructed as part of the remediation activities: the former ash handling building (29,730 sq. ft.) and the former ash stabilization building (8,816 sq. ft.). Also located on-Site is a large vegetated graded mound containing 295,373 tons of incinerated soil generated during Site remediation activities. The soil mound covers approximately 3.3 acres of the southern portion of the Site and is delineated by the coordinates

41° 7' 44.44" N., 77° 26' 39.10" W.; 41° 7' 43.39" N., 77° 26' 34.73" W.; and 41° 7' 37.92" N., 77° 26' 41.07" W. A chain-link fence surrounds the Site.

H. The current land use in the vicinity of the Site is a mixture of open space and development. The Site is bordered on the west by property owned by American Color and Chemical, LLC. An apartment complex and shopping center are located just to the northwest of the Site. Castanea Township Park is located approximately ¼ mile south of the Site. The Site is bounded on the east and south sides by a railroad spur. There are approximately 10,300 people living within a mile of the Site. Bald Eagle Creek is located less than ½ mile south of the Site, and the West Branch of the Susquehanna River is located approximately ¾ mile north of the Site.

I. Investigations conducted by the EPA and Department during the 1980's revealed extensive contamination throughout the entire Site. Surface water, soil and groundwater were contaminated with over a hundred compounds including beta-naphthylamine, 1-2, dichloroethane, benzene, trichloroethene, fenac, chlorobenzene, and numerous other hazardous substances. Compounding the groundwater investigation was the proximity of the American Color and Chemical LLC facility, which manufactured many of the same chemical intermediates as Drake Chemicals Inc.

J. The Remedial Investigation/Feasibility Study ("RI/FS") for the Site commenced in 1984 and continued through 1988.

K. Following completion of the RI/FS, the EPA divided the response actions intended for the Site into four (4) Operating Units ("OUs"). The four OUs were assigned as follows:

- OU-1: Leachate stream – completed in Spring of 1986 and consisted of excavation of the contaminated soil and sediment from the off-site area south of the Site, construction of a French drain to collect runoff from the lagoon and an underground storm sewer line to carry runoff to Bald Eagle Creek, and construction of a cap over contaminated surface soils.
- OU-2: Building demolition – completed in Fall of 1988 and consisted of demolition and removal of all buildings, tanks and other structures.
- OU-3: Incineration – completed in April of 1999 and included construction of an on-Site incinerator, soil excavation of the entire 9.3 acre Site to a depth of approximately 12 feet and incineration, and treatment of surface and groundwater encountered during excavation.
- OU-4: Groundwater – initiated in Fall 1996 and is being implemented by American Color and Chemical LLC and Beazer East, Incorporated, pursuant to a February 14, 1996 Consent Decree with the EPA and the Department. Included installation of four (4) large diameter extraction wells, two carbon treatment units and a groundwater infiltration trench. Pump and treatment of the groundwater is currently ongoing.

An aerial photograph and map depicting the Site are attached to this Order as Exhibits A and B.

L. In a June 10, 1999 Consent Decree, Pfister Chemical Corporation, Inc. agreed to reimburse the EPA and the Department up to \$ 3,000,000 over ten (10) years for cleanup response costs.

M. The September 2003 Five-Year Review Report prepared by the EPA delineated the deed restrictions and institutional control requirements needed for the Site to ensure the protection of human health and the environment. The Report specified that the following restrictions shall run with the land and shall be binding upon any and all persons who subsequently acquire any interest or portion thereof, to the extent permitted under Pennsylvania law:

- Any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil shall be prohibited unless specifically approved in writing by the Department. For as long as the soil mound remains undisturbed, the current vegetative cover shall be maintained to provide adequate erosion and sedimentation control.
- Ground water underlying the Site shall not be withdrawn for any purpose, unless otherwise approved by the Department and the EPA.

N. The EPA, and to a limited extent, American Color and Chemical LLC and Beazer East, Inc., completed the remedial activities specified in the three (3) Records Of Decisions and one (1) Explanation of Significant Difference in 2000. As of the date of this Order, no further remedial action is required at the Site in order to provide current protection of human health and the environment except for the continued operation of the groundwater treatment system and initiation of the institutional controls on the use of the Site set forth in Paragraph M, above.

O. Section 512(a) of HSCA states in pertinent part that:

The Department shall have the authority to issue an order precluding or requiring cessation of activity at a facility which the Department finds would disturb or be inconsistent with the response action implemented. The Department shall require the Recorder of Deeds to record an order under this subsection in a manner which will assure disclosure in the ordinary course of a title search of the subject properties. An order under this subsection, when recorded, shall be binding upon subsequent purchasers.

P. As used herein, "inconsistent" uses of the Site shall be limited to the use of on-site groundwater and any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil unless specifically approved by the Department in writing.

Q. Pursuant to Section 1102 of HSCA, 35 P.S. § 6020.1102, the Department is authorized to issue orders to persons as it deems necessary to aid in the enforcement of the provisions of this Act. In addition, "[t]he power of the department to issue an order under this

section is in addition to any other remedy which may be afforded to the department under this act or any other statute.”

NOW THEREFORE, this 8th day of November, 2006, pursuant to the authority of Sections 512(a) and 1102 of HSCA, 35 P.S. §§ 6020.512(a) and 6020.1102, the Department hereby issues the following:

ORDER

1. Pursuant to Section 512(a) of HSCA, 35 P.S. § 6020.512(a), Noviello and Zarzyczny, owners of a 6.28 acre parcel of the Site, (as described in Paragraph B. of the findings herein), its agents or assigns, shall not from the date of this Order, put the Site or any portion thereof to any use which the Department finds would disturb or be “inconsistent” (as defined in Paragraph P. herein) with the response action now implemented at the Site.
2. This Order is also issued pursuant to the Department’s general enforcement authority under Section 1102(a) of HSCA, 35 P.S. § 6020.1102(a), where issuance of an Order is “necessary to aid in the enforcement to the provisions of this act”.
3. This Order shall be binding upon all subsequent purchasers of the 6.28 acre parcel (tax ID# O-01-0001) of the Site when recorded.
4. The Recorder of Deeds of the County of Clinton is hereby required to record this Order, within fifteen (15) days of the effective date of this Order, in a manner which will assure its disclosure in the ordinary course of a title search of the subject property.
5. Noviello and Zarzyczny shall provide the Department’s Northcentral Regional Environmental Cleanup Program Manager with written notification (via certified mail) of any conveyance, transfer or assignment of title to their respective parcel of the Site within twenty (20) days of such transfer.
6. This Order shall take effect upon receipt by Noviello and Zarzyczny, and the Clinton County Recorder of Deeds, Clinton County, Pennsylvania.

Any person aggrieved by this action may appeal, pursuant to Sections 512(a) and 1102 of the Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.512(a) and 6020.1102, Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and Chapter 5A of the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time

period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717) 787-3483 FOR MORE INFORMATION.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION:**

Michael C. Welch, Manager
Environmental Cleanup Program

Date

**Appendix 3 – Commonwealth of Pennsylvania Department of Environmental Protection, Orders
under Section 512 of the Hazardous Sites Cleanup Act**

Samuel A. Gorham



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

August 21, 2007

Northcentral Regional Office

570-321-6515

Fax 570-327-3420

CERTIFIED MAIL NO. 7006 2760 0005 6524 8376

Mr. Samuel A. Gorham
P.O. Box 388
APO AP 96555

Re: Administrative Order
Drake Chemicals, Inc. Superfund Site
Tax Parcel #O-01-004
City of Lock Haven, Clinton County

Dear Mr. Gorham:

Enclosed please find an Order dated August 21, 2007. We feel this Order is self-explanatory; however, if you have any questions, please feel free to contact me at 570-321-6518.

Sincerely,

Michael C. Welch
Environmental Program Manager
Environmental Cleanup

Enclosure: Administrative Order

cc: Larry Newcomer
Cheryl Sinclair
Nels Taber
Compliance Tracking
Field
File

MCW/DLO/tjc



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. </p>		<p>A. Signature</p> <p><i>x Samuel A Gorham</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Samuel A Gorham</i> <i>PO Box 388</i> <i>APO AP 96000</i></p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Samuel A Gorham</i> <i>9/6/07</i></p>	
<p>2. Article Description:</p> <p><i>RECEIVED</i> <i>SEP 24 2007</i> <i>ENV CLEAN UP</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
		<p>3. Service Type</p> <p> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>006 2760 0005 6524 8376</p>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •



DEPT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL CLEANUP SECTION
208 W 3RD ST SUITE 101
WILLIAMSPORT PA 17701-6448

SEP 2 2007
ENVIRONMENTAL CLEANUP

SEP 2 4 2007

RECEIVED



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

August 21, 2007

Northcentral Regional Office

570-321-6515

Fax 570-327-3420

Mr. Samuel A. Gorham
P.O. Box 388
APO AP 96555

Re: Administrative Order
Drake Chemicals, Inc. Superfund Site
Tax Parcel #O-01-004
City of Lock Haven, Clinton County

Dear Mr. Gorham:

Enclosed please find an Order dated August 21, 2007. We feel this Order is self-explanatory; however, if you have any questions, please feel free to contact me at 570-321-6518.

Sincerely,

Michael C. Welch
Environmental Program Manager
Environmental Cleanup

Enclosure: Administrative Order

cc: Larry Newcomer
Cheryl Sinclair
Nels Taber
Compliance Tracking
Field
File

MCW/DLO/rjc





Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101
Williamsport, PA 17701-6448
August 21, 2007

Northcentral Regional Office

570-321-6515
Fax 570-327-3420

CERTIFIED MAIL NO. 7006 2760 0005 6524 8383

Ms. Gail Gephart
Clinton County Courthouse
Clinton County Recorder of Deeds
230 East Water Street
Lock Haven, PA 17745

Re: Administrative Order
Drake Chemicals, Inc. Superfund Site
Tax Parcel #O-01-004
City of Lock Haven, Clinton County

Dear Ms. Gephart:

Enclosed please find an Order dated August 21, 2007. We feel this Order is self-explanatory; however, if you have any questions, please feel free to contact me at 570-321-6518.

Sincerely,

Michael C. Welch
Environmental Program Manager
Environmental Cleanup

Enclosure: Administrative Order

cc: Larry Newcomer
Cheryl Sinclair
Nels Taber
Compliance Tracking
Field
File

MCW/DLO/rjc



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Samuel A. Gorham	:	Section 512 ORDER
Tax Parcel # O-01-0004	:	
	:	
and	:	For Institutional Controls:
	:	Drake Chemicals Inc.
	:	Superfund Site
Clinton County Recorder of Deeds	:	City of Lock Haven and
230 East Water Street	:	Castanea Township,
Lock Haven, PA 17745	:	Clinton County

ORDER

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), hereby issues this Administrative Order pursuant to Sections 512(a) and 1102 of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. §§ 6020.512(a) and 6020.1102 based upon the following:

FINDINGS

A. The Department is the agency of the Commonwealth with the duty and authority to administer and implement the provisions of the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101 *et seq.* ("HSCA"); section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17; and the rules and regulations promulgated thereunder.

B. Samuel A. Gorham ("Gorham") owns a 1.27 acre parcel of land with the tax ID# O-01-0004 in the 1st Ward, City of Lock Haven, Clinton County, Pennsylvania. Abutting this property on the south side but formerly separated by a railroad spur is a 6.28 acre parcel situated in the 1st Ward, City of Lock Haven, with the tax ID# O-01-0001 that is owned by Bonnie P. Noviello and Barry L. Zarzyczny ("Noviello and Zarzyczny"). The City of Lock Haven owns a 1.75 acre parcel of land with the tax ID# G-01-0028 located south of the Noviello and Zarzyczny property. The City of Lock Haven, and Noviello and Zarzyczny purchased their respective properties via judicial sale on November 15, 2000. Both of these properties were formerly owned by Drake Chemicals Inc., which filed for bankruptcy in August 1981.

C. The City of Lock Haven property, the Noviello and Zarzyczny property, and the Gorham property are collectively known as the Drake Chemical Superfund Site

("Site"), where the manufacturing and/or disposal of chemical intermediates for color dyes, pesticides and other organic compounds occurred and which the U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

D. Kilsdonk Chemical Corporation started chemical manufacturing operations at the Site in approximately 1948 with the production of color dye compounds which produced a known carcinogen known as beta-naphthylamine. In the early 1960's, the Commonwealth of Pennsylvania banned the use and production of beta-naphthylamine. From 1962 to 1965, Pfister Chemical Corporation, Inc. had a controlling interest in Kilsdonk Chemical Corporation until the facility was sold to Drake Chemicals Inc. in October 1966. Drake Chemicals Inc. continued the production of a variety of different chemical materials including dye compounds. Chemical manufacturing operations ceased at the Site in the Summer of 1981, when Drake Chemicals Inc. filed for bankruptcy.

E. During the 1970's and early 1980's, Drake Chemicals Inc. was cited many times by State and Federal agencies for violating environmental, health and safety regulations. In February 1982, the EPA initiated an emergency removal action after the company failed to voluntarily cleanup the Site. As part of this cleanup action, approximately 1,700 drums of hazardous substances/waste were removed from the Site and the contents of the numerous surface storage tanks was removed or neutralized. An 8-foot fence was also erected around the Site to provide security and limit direct contact with exposed waste materials.

F. The Drake Chemical Superfund Site appeared on the first National Priorities List in 1983, and became one of the first sites to begin Remedial Investigation work. The Site was severely neglected with crumbling buildings and drums, tank waste, wastewater treatment sludge and debris strewn all over the Site. Surface leachate from an on-Site lagoon flowed off-Site onto adjacent properties and community recreation ball fields.

G. The Site formerly contained six (6) major buildings that included offices, production facilities, and a wastewater treatment building. Approximately 60 process tanks and reactor vessels were located inside and surrounding the production buildings. Located outside of the buildings were approximately ten (10) large tanks that were used for bulk storage of acids, bases, and fuel oils. Also located on-Site were two lined wastewater treatment lagoons, and two unlined lagoons. Presently located on the Site are two (2) large steel-framed, open sided buildings with concrete slabs that were constructed as part of the remediation activities: the former ash handling building (29,730 sq. ft.) and the former ash stabilization building (8,816 sq. ft.). Also located on-Site is a large vegetated graded mound containing 295,373 tons of incinerated soil generated during Site remediation activities. The soil mound covers 3.3 acres of the southern

portion of the Site and is delineated by the coordinates 41° 7' 44.44" N., 77° 26' 39.10" W.; 41° 7' 43.39" N., 77° 26' 34.73" W.; and 41° 7' 37.92" N., 77° 26' 41.07" W. The Site is enclosed by a chain-link fence.

H. The current land use in the vicinity of the Site is a mixture of open space and development. The Site is bordered on the west by property owned by American Color and Chemical, LLC. An apartment complex and shopping center are located just to the northwest of the Site. Castanea Township Park is located approximately ¼ mile south of the Site. The Site is bounded on the east and south sides by a railroad spur. There are approximately 10,300 people living within a mile of the Site. Bald Eagle Creek is located less than ½ mile south of the Site, and the West Branch of the Susquehanna River is located approximately ¾ mile north of the Site.

I. Investigations conducted by the EPA and Department during the 1980's revealed extensive contamination throughout the entire Site. Surface water, soil and groundwater were contaminated with over a hundred compounds including beta-naphthylamine, 1-2, dichloroethane, benzene, trichloroethene, fenac, chlorobenzene, and numerous other hazardous substances. Compounding the groundwater investigations was the proximity of the American Color and Chemical LLC facility, which manufactured many of the same chemical intermediates as Drake Chemicals Inc.

J. The Remedial Investigation/Feasibility Study ("RI/FS") for the Site commenced in 1984 and continued through 1988.

K. Following completion of the RI/FS, the EPA divided the response actions intended for the Site into four (4) Operating Units ("OUs"). The four OUs were assigned as follows:

- OU-1: Leachate stream – completed in Spring of 1986 and consisted of excavation of the contaminated soil and sediment from the off-site area south of the Site, construction of a French drain to collect runoff from the lagoon and an underground storm sewer line to carry runoff to Bald Eagle Creek, and construction of a cap over contaminated surface soils.
- OU-2: Building demolition – completed in Fall of 1988 and consisted of demolition and removal of all buildings, tanks and other structures.
- OU-3: Incineration – completed in April of 1999 and included construction of an on-Site incinerator, soil excavation of the entire 8 acre Site to a depth of approximately 12 feet and incineration, and treatment of surface and groundwater encountered during excavation.
- OU-4: Groundwater – initiated in Fall 1996 and is being implemented by American Color and Chemical LLC and Beazer East, Incorporated, pursuant to a February 14, 1996 Consent Decree with the EPA and the Department. Included installation of four (4) large diameter extraction wells, two carbon treatment units

and a groundwater infiltration trench. Pump and treatment of the groundwater is currently ongoing.

An aerial photograph and map depicting the Site are attached to this Order as Exhibits A and B.

L. In a June 10, 1999 Consent Decree, Pfister Chemical Corporation, Inc. agreed to reimburse the EPA and the Department up to \$ 3,000,000 over ten (10) years for cleanup response costs.

M. The September 2003 Five-Year Review Report prepared by the EPA delineated the deed restrictions and institutional control requirements needed for the Site to ensure the protection of human health and the environment. The Report specified that the following restrictions shall run with the land and shall be binding upon any and all persons who subsequently acquire any interest or portion thereof, to the extent permitted under Pennsylvania law:

- Any activities which would interfere or damage the integrity of the large vegetated graded pile of treated soil shall be prohibited unless specifically approved in writing by the Department. For as long as the pile remains undisturbed, the current vegetative cover shall be maintained to provide adequate erosion and sedimentation control.
- Ground water underlying the Site shall not be withdrawn for any purpose, unless otherwise approved by the Department and the EPA.

N. The EPA, and to a limited extent, American Color and Chemical LLC and Beazer East, Inc., completed the remedial activities specified in the three (3) Records Of Decisions and one (1) Explanation of Significant Difference in 2000. As of the date of this Order, no further remedial action is required at the Site in order to provide current protection of human health and the environment except for the continued operation of the ground water treatment system and initiation of the institutional controls on the use of the Site set forth in Paragraph M, above.

O. Section 512(a) of HSCA states in pertinent part that:

The Department shall have the authority to issue an order precluding or requiring cessation of activity at a facility which the Department finds would disturb or be inconsistent with the response action implemented. The Department shall require the Recorder of Deeds to record an order under this subsection in a manner which will assure disclosure in the ordinary course of a title search of the subject properties. An order under this subsection, when recorded, shall be binding upon subsequent purchasers.

P. As used herein, "inconsistent" uses of the Site shall be limited to the use of on-site groundwater and any activities which would interfere or damage the integrity

of the large vegetated graded pile of treated soil unless specifically approved by the Department.

Q. Pursuant to Section 1102 of HSCA, 35 P.S. § 6020.1102, the Department is authorized to issue orders to persons as it deems necessary to aid in the enforcement of the provisions of this Act. In addition, "[t]he power of the department to issue an order under this section is in addition to any other remedy which may be afforded to the department under this act or any other statute."

NOW THEREFORE, this 21st day of August, 2007, pursuant to the authority of Sections 512(a) and 1102 of HSCA, 35 P.S. §§ 6020.512(a) and 6020.1102, the Department hereby issues the following:

ORDER

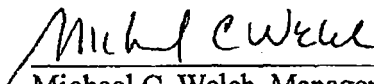
1. Pursuant to Section 512(a) of HSCA, 35 P.S. § 6020.512(a), Samuel A. Gorham, owner of a 1.27 acre parcel of the Site, (as described in Paragraph B. of the findings herein, and depicted in the attached Exhibit A), his agents or assigns, shall not from the date of this Order, put the Site or any portion thereof to any use which the Department finds would disturb or be "inconsistent" (as defined in Paragraph P. herein) with the response action now implemented at the Site.
2. This Order is also issued pursuant to the Department's general enforcement authority under Section 1102(a) of HSCA, 35 P.S. § 6020.1102(a), where issuance of an Order is "necessary to aid in the enforcement to the provisions of this act".
3. This Order shall be binding upon all subsequent purchasers of the Site when recorded.
4. The Recorder of Deeds of the County of Clinton is hereby required to record this Order, within fifteen (15) days of the effective date of this Order, in a manner which will assure its disclosure in the ordinary course of a title search of the subject properties.
5. Samuel A. Gorham shall provide the Department's Northcentral Regional Environmental Cleanup Program Manager with written notification (via certified mail) of any conveyance, transfer or assignment of title to his respective parcel of the Site within twenty (20) days of such transfer.
6. This Order shall take effect upon filing with the Recorder of Deeds, Clinton County, Pennsylvania.

Any person aggrieved by this action may appeal, pursuant to Sections 512(a) and 1102 of the Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.512(a) and 6020.1102, Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and Chapter 5A of the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717) 787-3483 FOR MORE INFORMATION.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION:**

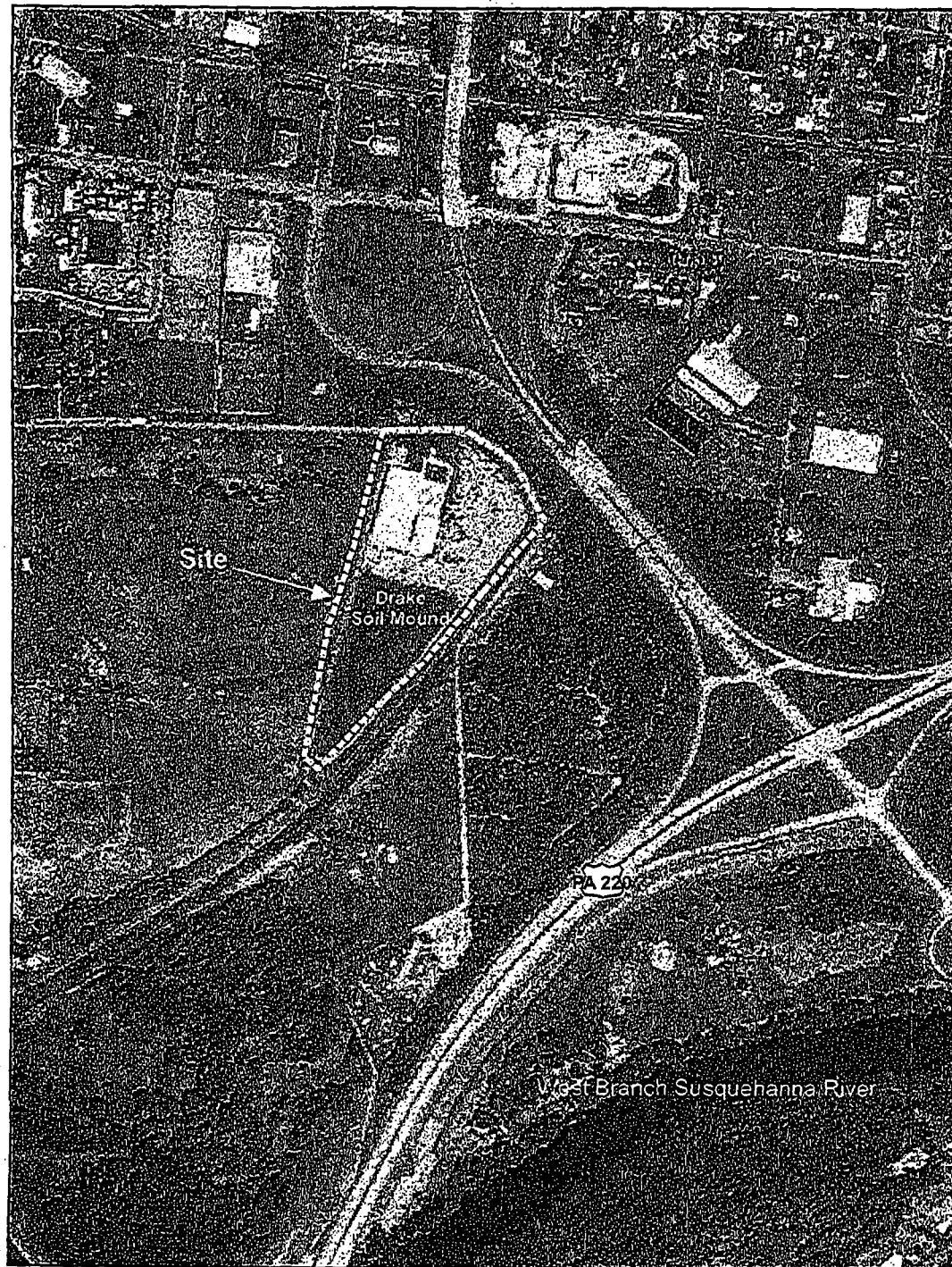


Michael C. Welch, Manager
Environmental Cleanup Program

8/21/07

Date

Exhibit A



0 65 130 260 390 520
Meters

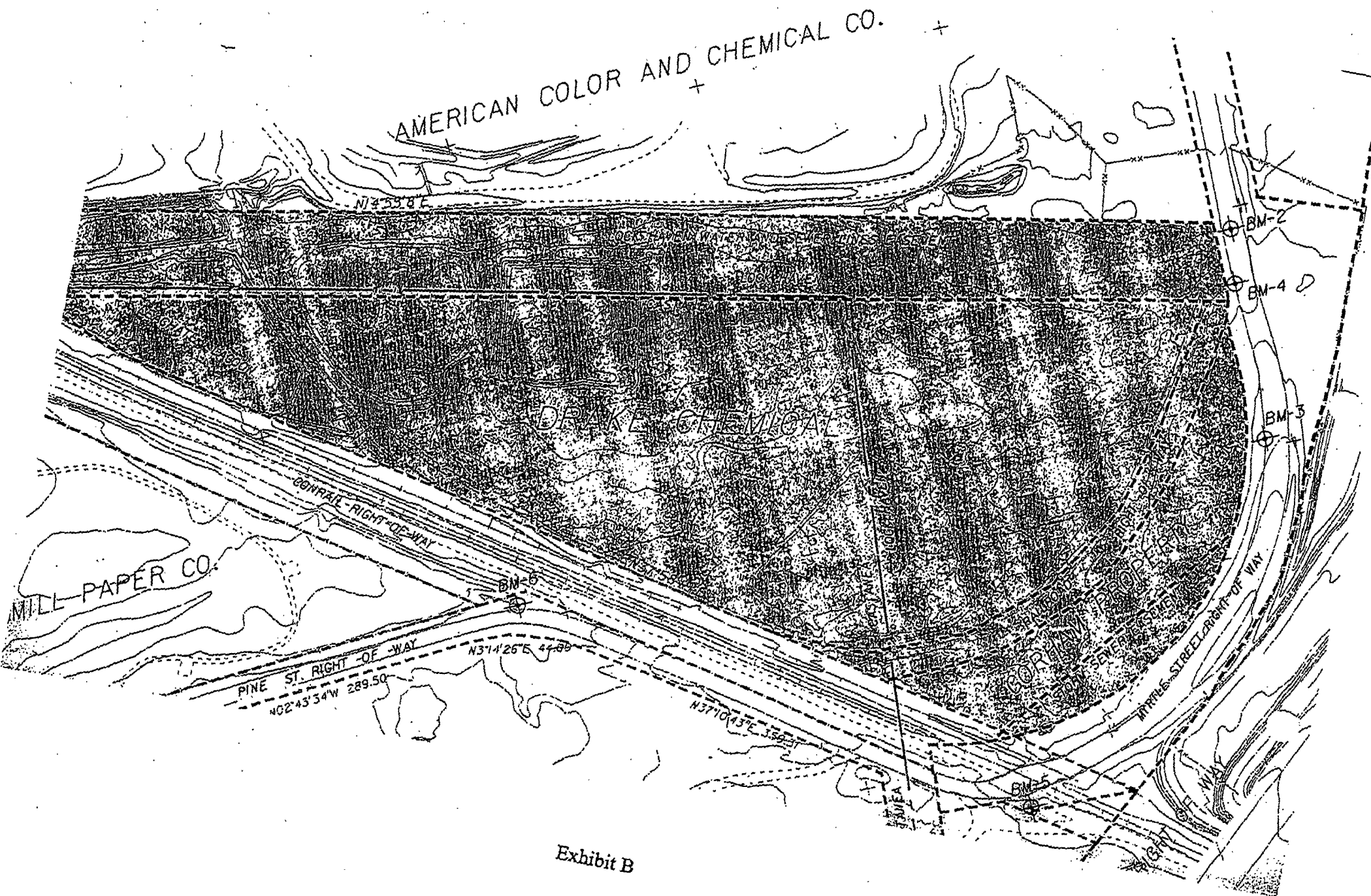


Exhibit B

Exhibit B

RECORD DRAWING AS-BUILT OHM REMEDIATION SERVICES CORP.

\$\$ - THINK VALUE ENGINEERING - \$\$

Revisions			
Symbol	Descriptions	Date	Approved
	REVISED AS-BUILT	11-23-99	
⚠	REVISED STATE ROUTE 120 LABEL	11-23-99	STY
	MICROFILMED	3-24-05	KD



MONTGOMERY WATSON

WALNUT CREEK, CALIFORNIA

U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
OMAHA, NEBRASKA

Designed by: H. Wong	DRAKE CHEMICAL LOCK HAVEN, PA HAZARDOUS WASTE CLEANUP DRAKE CHEMICAL SUPERFUND SITE ON-SITE SOIL INCINERATION REAL ESTATE MAP		
Drawn by: J. Young			
Checked by: J. Chien			
Reviewed by: J. Chien	Scale: As Shown	Plot Scale Ratio: 1:50 Design File: DRKRE.DGN	Date: APRIL 1993
Submitted by: R. Wilson	Spec. No.: DACW45-93-R-0077	Sheet Reference Number: RE-1	Drawing Code: CER69-400E
	Contract No.: DACW45-93-C-0200		

July 22, 2016

Dominique Lueckenhoff
Acting Director
Hazardous Sites Cleanup Division
US EPA Region III
1650 Arch Street (3HS00)
Philadelphia, PA 19103-2029

Re: Second Explanation of Significant Differences
Drake Chemical Superfund Site
PF # 623673, EPA ID # PAD003058047
Lock Haven, Clinton County, PA

Dear Ms. Lueckenhoff:

The Department of Environmental Protection has received and reviewed the Second Explanation of Significant Differences (ESD) for the Drake Chemical Superfund Site (Site) in Lock Haven, Clinton County, PA. This Second ESD addresses the existing selected remedy which does not currently include requirements for institutional controls (ICs) for soil and groundwater. IC's have been implemented at the Site in the form of Administrative Orders pursuant to Section 512 of the Hazardous Sites Cleanup Act and local ordinances restricting land and groundwater use at the Site. EPA has determined that these ICs are necessary for the selected remedy to be protective of human health and the environment. Therefore, this Second ESD will modify the selected remedy to include these ICs.

Modifying the selected remedy for the Site to include ICs represents a significant change to the selected remedy, but does not fundamentally alter the remedy with respect to scope, performance and cost. The selected remedy modification description for the Second ESD includes the following land and groundwater use restrictions:


- Any activities which would interfere or damage the integrity of the large vegetated graded mound of treated soil in Zone 1 shall be prohibited unless specifically approved in writing by PADEP. For as long as the soil mound remains undisturbed, the current vegetative cover shall be maintained to provide adequate erosion and sedimentation control.
- Groundwater underlying Zone 1 shall not be withdrawn for any purpose, unless otherwise approved by PADEP and EPA.
- The use by any person of groundwater from within Zones 2 and 3 as a supply of water for potable uses is hereby prohibited.

- The installation or use by any person by any means for conveyance of groundwater as a supply of water for potable uses within Zones 2 and 3 is hereby prohibited, including but not limited to, wells, pipes, cisterns, tanks, pumps, or any other equipment or method of conveying groundwater.

The Department hereby concurs with EPA's proposed remedy as stated in the Second ESD.

Thank you for the opportunity to comment and concur on this EPA Record of Decision. If you have any questions regarding this matter, please do not hesitate to contact Cheryl Sinclair by phone at 570.327.3418.

Sincerely,



Marcus Kohl
Regional Director
Northcentral Region Office

cc: Cheryl Sinclair, DEP Region
Chris Welther, DEP Region
File