

**EXPLANATION OF SIGNIFICANT DIFFERENCES
RECORD OF DECISION – OPERABLE UNIT 2
KIMBERTON SUPERFUND SITE**

I. INTRODUCTION

Site Name: Kimberton Superfund Site (Site)

Site Location: Village of Kimberton, Chester County, Pennsylvania

Lead Agency: U.S. Environmental Protection Agency, Region III (EPA)

Support Agency: Pennsylvania Department of Environmental Protection (PADEP)

Statement of Purpose

This Explanation of Significant Differences (ESD) for the Kimberton Superfund Site (Site) is being issued in accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. Section 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 remedial action selected in the Record of Decision (ROD) are necessary, and such modifications significantly change, but do not fundamentally alter, the Selected Remedy with respect to scope, performance, or cost.

EPA issued a ROD on September 30, 1988 in which EPA selected “No Further Action” as the remedy for Operable Unit (OU) 1 (OU1 Selected Remedy). The OU1 Selected Remedy required the continued treatment and monitoring of individual wells by granular activated carbon adsorption as required by Pennsylvania Department of Environmental Resources (PADER), now named the Pennsylvania Department of Environmental Protection (PADEP) and hereinafter referred to as PADEP, under a 1986 Consent Order and Agreement (1986 COA), discussed below. EPA selected a remedy for OU2 (OU2 Selected Remedy), addressing groundwater and surface water contamination, in a June 30, 1989 ROD.

This ESD modifies the institutional controls (ICs) required by the OU2 Selected Remedy to include ICs related to vapor intrusion (VI) and to maintain protection of the existing caps over the former lagoon and septic pit areas. This ESD also changes the groundwater performance goals from “natural background conditions” to federal maximum contaminant levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act and codified at 40 C.F.R. Part 141. MCLs are the maximum permissible levels of a contaminant in public water supplies under the federal Safe Drinking Water Act. In addition to selecting MCLs as the new groundwater remediation goal for the Site, EPA is also requiring that a cumulative

risk evaluation be performed once MCLs for the contaminants of concern (COC) have been reached.

The information EPA has relied upon or considered to date in issuing this ESD has been added to the Administrative Record for the Site in accordance with Section 40 C.F.R. § 300.825(a)(2) of the NCP. The Administrative Record is available for public review at the locations listed in **Section VI, Public Participation.**

II. SUMMARY OF SITE HISTORY, CONTAMINATION, AND SELECTED REMEDY

A. Background

The Site is located along the south side of Coldstream Road between Hares Hill Road and Pike Springs Road (Pennsylvania State Route 113), approximately 3.3 miles west of downtown Phoenixville, in the Village of Kimberton, Chester County, Pennsylvania (Figure 1-1), on the United States Geological Survey (USGS) Phoenixville 7.5-minute quadrangle at approximately 75 Degree 34' 30" longitude 40 Degree 07' 03" latitude. The Site encompasses approximately 45 acres. Approximately 25 acres of the Site are used to manufacture asphalt products, and the remaining acres consist primarily of undeveloped land. The properties to the north, west, east and northeast of the Site consist of several businesses, including, a welding company, a metals plating facility, an automobile tire garage, a home heating oil company, undeveloped land, and private residences. A residential community and a senior living retirement community are located to the south of Pike Springs Road.

The Site is located within the watershed of French Creek. To the north of the Site is an unnamed tributary that flows along Hares Hill Road through the town of Kimberton. To the south of the Site, there is another unnamed tributary that flows along Pike Springs Road. Both unnamed tributaries flow to French Creek and then to the Schuylkill River. Local groundwater flows in a north-northeasterly direction from the Site towards the town of Kimberton and is known to discharge into local streams at topographic low points. Groundwater flows from the Site both vertically and horizontally in a north-northeasterly direction. The Site has two hydrogeologic bedrock units, the Precambrian age graphitic gneiss and the Triassic age Stockton formation. The Stockton formation is sedimentary rock consisting predominantly of sandstone and shales.

The Site property was first developed in the early 1940's by Reichel Laboratories (Reichel). At the time, Reichel was performing research on blood plasma for the United States (U.S.) military. Ciba-Geigy Corporation (Ciba) purchased the Site property in 1947. From 1947 to 1959, Ciba manufactured epoxy resins and textile auxiliaries on the Site property. During the manufacturing operations, waste solvents were disposed of in several unlined lagoons. Waste solvents from those areas contaminated soils which then permeated into the groundwater, resulting in contaminated groundwater that also discharged to local creeks. The Site property was purchased from Ciba by Firmenich, Inc. (Firmenich) in 1959. Firmenich never initiated manufacturing operations on the Site property, and, in 1968, sold it to Monsey Products Company (Monsey) which manufactured asphalt products. Monsey was purchased by Henry Company (Henry) in 1998. Henry currently owns the Site property and operates a facility

manufacturing asphalt products. In 2008, Ciba was acquired by BASF. BASF and Henry are the potentially responsible parties (PRPs) for the Site.

B. History of Contamination

During Ciba's manufacturing operations, waste solvents were disposed of in several unlined lagoons (Figure 1-2). Nine lagoons were initially identified; however, an area originally identified as Lagoon #5 was determined to contain construction debris and sampling indicated that the area was not utilized for waste solvent disposal. Thus, there is no Lagoon #5 identified in Figure 1-2. The former septic pit, also shown on Figure 1-2, was used for wastewater from Site operations. It was abandoned in 1977 when the roof supports collapsed and the overlying parking lot caved in. The septic pit was backfilled with material including drums reportedly containing off specification asphaltic materials.

During routine testing by the United States Geological Survey (USGS) in 1981, trichloroethylene (TCE) and 1,2-dichloroethylene (1,2-DCE) were identified in several domestic wells in the vicinity of the Site. EPA subsequently initiated a Field Investigation Team (FIT) Study in the early 1980's. As part of the FIT Study, soils, groundwater, and surface water investigations on and around the Site were completed in July 1982. The potential sources of contamination identified during the FIT Study were the former lagoons and the former septic pit. In November 1982, the PRPs excavated the former septic pit and removed 57 55-gallon drums containing off-specification asphaltic materials and disposed of them at a licensed hazardous waste disposal facility. The Site was added to the EPA's National Priority List (NPL) in December 1982. Based on sampling results, PADEP requested that former Lagoons 6, 7, and 9 be excavated. The PRPs, under PADEP oversight, completed the lagoon excavation in September 1984. Approximately 2,000 cubic yards of soils were excavated from the lagoons and transported to a licensed hazardous waste disposal facility for disposal. The excavated areas were backfilled and covered with topsoil.

In August 1985, the PRPs initiated a program of private and residential well sampling in an area around the Site. Volatile organic compounds (VOCs) were identified in a number of the wells sampled. The primary VOCs identified were TCE, 1,2-DCE, and vinyl chloride (VC). In response, the PRPs installed granular activated carbon (GAC) water treatment systems on 23 private, potable wells beginning in October 1985. In addition to the GAC treatment, the PRPs installed potable water storage tanks at two locations where VC was identified. On December 18, 1986, PADEP issued a Consent Order and Agreement (COA) requiring the PRPs to maintain and perform periodic monitoring of the 23 GAC treatment systems and two storage tanks. Both the GAC treatment systems and the water storage tanks were maintained by the PRPs. Under the 1986 COA a public water supply line was installed for residences and businesses around the Site in April 1992. Once the 23 effected properties were connected to the public water line operation and maintenance of the GAC systems ceased.

The PRPs completed a Vapor Intrusion (VI) investigation in 2011. The VI investigation identified all occupied buildings within the boundaries of the contaminated groundwater plume and a 100-foot buffer area (Figure 1-3). Potential off-site VI concerns are related to volatilization of TCE from the groundwater. Figure 1-3 shows the boundaries of the TCE plume in 2010 and

the VI Area of Interest (AOI) with respect to the groundwater plume. The PRPs sent letters to all owners of property on which occupied buildings were located in the VI AOI requesting access for vapor sampling. A door-to-door visit was made by the PRPs and EPA to all those that did not respond to the letter. Where permission was granted, sub-slab and indoor air sampling was completed, and a report, *Vapor Intrusion Sampling Report*, was submitted to the EPA on March 5, 2012.

The VI sampling results showed that buildings near the perimeter of the AOI had contaminant concentrations below the risk criteria (EPA Regional Screening Levels [RSLs]). Thus, the AOI satisfactorily defined the extent of potential VI concerns. Vapor mitigation systems were installed at two buildings within the AOI, an on-Site warehouse on the Henry Company property that had been partially constructed within the footprint of former Lagoon #1 and at one residential property located just off-site. The sampling results from the residential property only slightly exceeded the RSL for TCE in the subslab sample, while the indoor air impacts were below the risk criteria.

The 2016 *Technical Report Proposal*, page 7, concluded the following:

The potential vapor intrusion risks at a building to be constructed in the future within the VI AOI cannot be determined today due to uncertainties and varying factors. Placing individual restrictions on each property to prevent potential future VI is not practicable and may not be warranted in the future as the extent of groundwater contamination, and the AOI, is being reduced over time. Nonetheless, ICs could be imposed that would effectively prevent the creation of a potential future risk of VI exposure in any new structure built within the VI AOI.

C. Selected Remedy

The Selected Remedy in the 1988 ROD was “No Further Action.” The Selected Remedy relied on the 1986 COA entered into by the PRPs and PADEP, pursuant to which the PRPs had installed and maintained 23 GAC treatment systems and two storage tanks. EPA had determined that the continued provision of an alternative water supply provided complete protection, in the short-term, to groundwater users by treatment of the water at the individual wells.

Based on the Groundwater Monitoring Program Report of Findings submitted by the PRPs to PADEP in October 1986, PADEP required the PRPs to conduct a Remedial Investigation and Feasibility Study (RI/FS) to evaluate Site-related contamination under an Administrative Order of Consent (AOC) issued on October 28, 1987. The RI/FS included resampling of the five former lagoons that had not been excavated. The RI/FS Report was submitted to PADEP and EPA in March 1989 and was approved by PADEP in May 1989. Consistent with the findings of the RI/FS, EPA defined OU2 as groundwater contamination and sources of the groundwater contaminants. EPA issued a ROD for OU2 on June 30, 1989. The OU2 Selected Remedy required continued operation and maintenance of individual well treatment by granular activated carbon adsorption, ICs to prevent installation of new groundwater wells within the area affected by contamination, collection of Spring A-10, and the pumping and treatment of ground and surface waters until natural background conditions are achieved.

D. Remedy Implementation

EPA and the PRPs entered into a Consent Decree (CD), Civil Action No. 91-0009, on September 14, 1990. The CD required the PRPs to complete the design, construction, and operation of the remedial action selected for OU2 in the 1989 ROD. EPA approved the final Remedial Design Report for OU2 in February 1993. The PRPs initiated construction of the OU2 pump and treatment system in the spring of 1993. Construction was completed and the treatment plant began operation in September 1993. EPA deemed the pump and treatment system fully operational on December 7, 1993. Collection and treatment of Spring A-10 ceased in 2013 after 2 years of COC concentrations below MCLs. The groundwater pump and treatment system continues to operate.

E. Summary of Institutional Controls

EPA selected ICs as part of the OU2 Selected Remedy. ICs are non-engineered instruments, such as administrative and legal controls, that are designed to minimize the potential for human exposure to contamination and/or protect the integrity of a response action.

The 1989 ROD required administrative controls to prevent installation of new groundwater wells in the area of contamination. Those administrative controls were implemented when the Chester County Department of Health adopted regulations restricting the installation of wells (Rules and Regulations, Chapter 500. Water, Wells, Nuisances, Sewage, and Liquid Waste. §501 Water Well Construction, Monitoring Wells, and Individual Semi-Public and Public Water Supplies, and Geothermal Boreholes. §501.15.1 (Chester County 2014).

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

This ESD will modify the OU2 Selected Remedy as described in detail below:

1. Implementation of Additional Institutional Controls:
 - a. Require VI mitigation within the AOI;
 - b. Prevent disturbance of soil caps at former lagoons and septic pit; and
 - c. Prevent disturbance of components of the groundwater extraction and treatment system.
2. Change in Groundwater Performance Standards:
 - a. Replace natural background performance standards with current MCLs; and
 - b. Performance of a cumulative risk assessment once MCLs are achieved.

These modifications, collectively, represent a significant change to the Selected Remedy with respect to scope, performance and cost. The proposed ICs and modified groundwater Performance Standards goals will remain protective of human health and the environment, will comply with Federal and State requirements that are applicable or relevant and appropriate, and will be cost effective.

A. Documentation of Additional Institutional Controls

In 2014, EPA's Fifth Five-Year Review (FYR) concluded that the OU2 Selected Remedy was performing as intended and was protective of human health and the environment. However, two potential issues were identified that related to the long-term management of the Site: 1) the potential for future risk related to VI and 2) the potential for future risk related to impacted soils/wastes remaining in the former lagoons and septic pit.

As indicated in Section II. B., History of Contamination, a VI investigation was performed at current structures on the Site property and at residential locations within the AOI for VI. Since that VI investigation was performed, the extent of the groundwater contamination plume has been reduced, thereby also reducing the AOI for VI, as depicted on Figure 1-4. Unacceptable risk at existing structures was addressed via the installation of VI mitigation systems at two locations, the Henry warehouse and an off-Site residence. Therefore, ICs are necessary to ensure operation and maintenance of these mitigation systems. Additionally, due to the potential for unacceptable VI risks in buildings constructed within the current AOI in the future, ICs are necessary to require the installation, operation, and maintenance of VI mitigation systems in any such building.

Based on historical data found in the *Remedial Investigation Report - October 1988*, EPA has determined that there is a potential for the residual VOC contamination in the soils within the former lagoons and septic pit areas to impact groundwater at the Site if the current soil caps were to be disturbed. The historical data was compared to Site-specific criteria developed with the Soil Screening and Remediation Goal (SSRG) tool. The SSRG tool is a model that allows the user to input a number of site specific parameters to generate a maximum contaminant concentration in soil that would not result in an exceedance of the MCL for that contaminant in groundwater.

EPA also compared the historical data to the PADEP Land Recycling and Environmental Remediation Act (Act 2) Soil-to-Groundwater State-Wide Health Standards (SHSs) Medium Specific Concentration (MSC) for TCE in a non-residential aquifer. The data was compared to both the 100x Groundwater MSC and the Generic Value MSC. These Soil-to Groundwater SHS MSCs also represent the maximum contaminant concentration in soil that would not result in an exceedance of the MSC for that contaminant in groundwater. The PADEP MSC for TCE is the same as the MCL for that contaminant. The data in Table 1-1, below, indicates that residual soil contamination in the lagoons and septic area could result in impacts to groundwater exceeding the MCL for TCE.

Based on the observed reduction in extent and concentrations within the groundwater contaminant plume, the current soil caps on the lagoons and septic area are effective in preventing or reducing infiltration that would mobilize residual TCE concentrations from those areas into groundwater. Therefore, ICs are necessary to prevent the disturbance of the current soil caps and thereby prevent additional contamination of groundwater at the Site.

Table 1-1 – TCE Soil Screening Values

Chemical of Interest	Measured soil Concentration ¹ (mg/kg)	SSRG Tool ² (mg/kg)	Pa Act 2 (mg/kg)	
Trichloroethylene	210	0.137	100X GW MSC 0.5	Generic Value 0.17

¹. From *Remedial Investigation Report - October 1988*². K_{oc} ≈ 34.5 m/yr

EPA has determined that additional ICs are necessary at the Site to: 1) require operation and maintenance of VI mitigation systems currently installed, 2) require installation, operation and maintenance of VI mitigation systems at future buildings constructed on the Site within the VI AOI, if such systems are required, 3) maintain and protect the existing soil caps at the former lagoon areas and former septic pit to prevent a potential soil to groundwater pathway, and 4) prohibit all activities that could adversely impact the Selected Remedy. The ICs will be implemented through an enforceable mechanism, including but not limited to, a judicial consent decree, administrative order, or an Environmental Covenant pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (“UECA”). The ICs shall remain effective for as long as TCE in groundwater exceeds its MCL and shall include the following:

1. Existing VI mitigation systems shall be operated and maintained until such time as indoor air concentrations of Site related COCs no longer exceed EPA-risk based criteria;
2. No new structure(s) shall be constructed within the VI AOI without the installation of vapor mitigation measures that ensure protection from potential VI of Site related COCs into the structure(s). However, if it is demonstrated to EPA that vapor mitigation measures are not necessary to protect human health or the environment, EPA will provide written approval for construction without vapor mitigation measures. Prior to occupancy, the indoor air in the building shall be tested. If the indoor air concentrations of Site related COCs are equal to or exceed EPA-risk based criteria, the mitigation measures shall be activated and operated until such time as indoor air concentrations no longer exceed EPA-risk based criteria;
3. There shall be no disturbance of the soil caps over the former lagoon and former septic pit areas by filling, drilling, excavation, removal of topsoil, rocks or minerals, or change in topography or any other physical alteration unless it is demonstrated to EPA that such disturbances will not pose a threat to human health or the environment or adversely affect or interfere with the OU2 Selected Remedy, and EPA provides prior written approval for such disturbances;

4. Installation of a physical barrier, and installation of permanent markers identifying those areas, such as fencing, around the former lagoon and former septic pit areas to prevent access by trespassers;
5. No vehicle movement that could impact the soil caps shall take place within the fenced in former lagoon and former septic areas without prior written approval by EPA.
6. The Site shall not be used in a way that will adversely impact the Selected Remedy or interfere with the integrity and protectiveness of either the soils caps, groundwater monitoring wells, groundwater extraction, conveyance, and treatment system or any component of the Selected Remedy without prior written approval by EPA.

B. Change in Groundwater Performance Standards

The groundwater performance goals selected by EPA in the 1989 ROD were "natural background conditions." The ROD further provided that those performance goals will be periodically reassessed during remediation system and aquifer performance to determine if such goals are feasible. In 1989, when EPA issued the ROD, "background" was PADEP's groundwater remediation standard set forth in 25 Pa. Code § 288.252. Subsequent to EPA's issuance of the 1989 ROD, PADEP enacted the Pennsylvania Land Recycling and Environmental Remediation Standards Act, 35 P.S. §§ 6026.101 et seq. (Act 2). Act 2 changed the PADEP groundwater cleanup standards from background to the Act 2 SHSs MSCs.

The MCLs and Act 2 SHS MSCs for a non-residential, used aquifer are identical for the individual COCs at the Site. Therefore, since no Act 2 SHS MSC standard for Site COCs is more stringent, this ESD amends the 1989 ROD to establish the MCL for each Site COC as the groundwater performance standard (Table 1-2).

Due to the presence of multiple COCs at the Site, once the MCL for each Site COC has been achieved, the groundwater may nonetheless present an unacceptable cumulative risk. Therefore, this ESD also adds the requirement for a cumulative risk evaluation of the groundwater after MCLs have been met. The cumulative risk evaluation will take into account risks posed by all Site related COCs in accordance with the NCP at 40 C.F.R. § 300.430 (e)(2)(i). The OU2 Selected Remedy, as modified by this ESD, shall continue to be implemented until the cumulative risk evaluation indicates that the cancer risk posed by the groundwater COCs is at or below the 1E-04 risk level and the non-cancer hazard posed by the groundwater COCs is less than or equal to a hazard index of 1. The hazard index is comprised of the sum of the chemical-specific, target-organ-specific, hazard quotients for the contaminants.

Table 1-2 – Site Related “natural background” and MCL Concentrations

Contaminant	Natural Background (µg/L)	MCL (µg/L)
trichloroethylene (TCE)	0	5
cis-1,2-dichloroethene (cis-1,2-DCE)	0	70
vinyl chloride (VC)	0	2

IV. SUPPORT AGENCY COMMENTS

In accordance with 40 C.F.R. § 300.435(c)(2), EPA has consulted with PADEP concerning the changes to the OU2 Selected Remedy in this ESD. PADEP concurred with the modification to the OU2 Selected Remedy set forth in this ESD by letter dated December 18, 2017. The letter of concurrence is included as Attachment 1.

V. STATUTORY DETERMINATIONS

EPA has determined that the modification to the OU2 Selected Remedy set forth in this ESD complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. Furthermore, EPA has determined that the OU2 Selected Remedy, as modified by this 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.

VI. PUBLIC PARTICIPATION

The ESD and supporting information will be available for review in the Administrative Record for the Site, which can be accessed at the following locations:

East Pikeland Township Building
1158 Rapps Dam Road
Phoenixville, PA 19460

U.S. Environmental Protection Agency, Region III
Administrative Record Reading Room
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-3157
Hours: Monday – Friday: 8:00 AM to 4:00 PM
Please call to schedule an appointment.

The Administrative Record is also available online at:

<https://semspub.epa.gov/src/document/03/185595>

Questions concerning this ESD and requests to review the Administrative Record at the EPA Region III office should be directed to:

Andrew Haneiko
Remedial Project Manager (3HS21)
U. S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
(215) 814-3162

VII. SIGNATURE

This ESD modifies the Selected Remedy for OU2 at the Site as set forth in the 1989 ROD to include ICs related to VI and maintaining existing caps at former lagoons and former septic pit areas, and modifies groundwater performance goals.

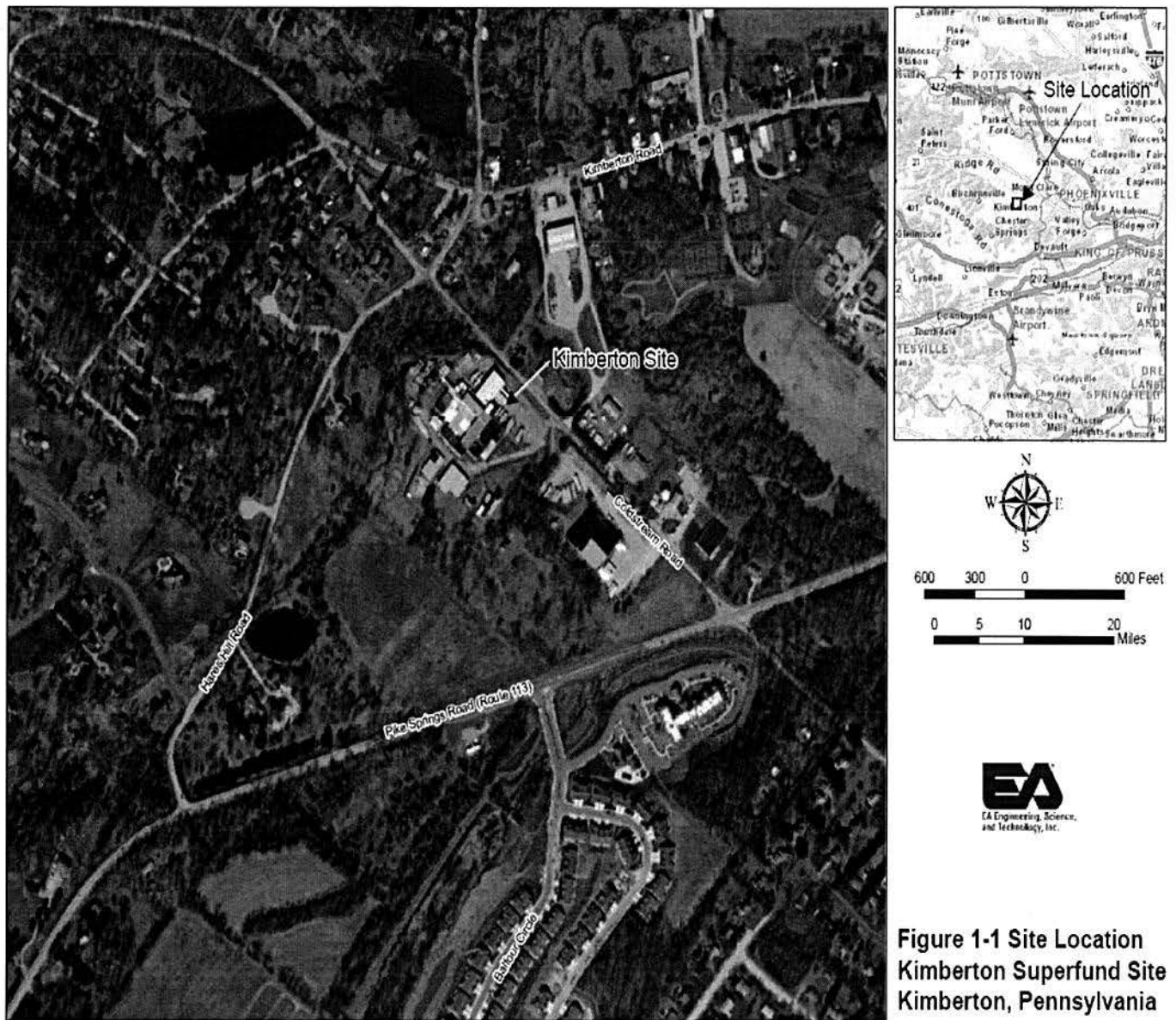
Approved by:



Karen Melvin, Director
Hazardous Site Cleanup Division
EPA Region III

MAR 29 2018
Date

Figure 1-1 – Site Location Map



\\GISData\\Northeast\\Pennsylvania\\Kimberton\\MXD\\SiteLocation

**Figure 1-1 Site Location
Kimberton Superfund Site
Kimberton, Pennsylvania**

Figure 1-2 – Lagoon and Septic Pit Location

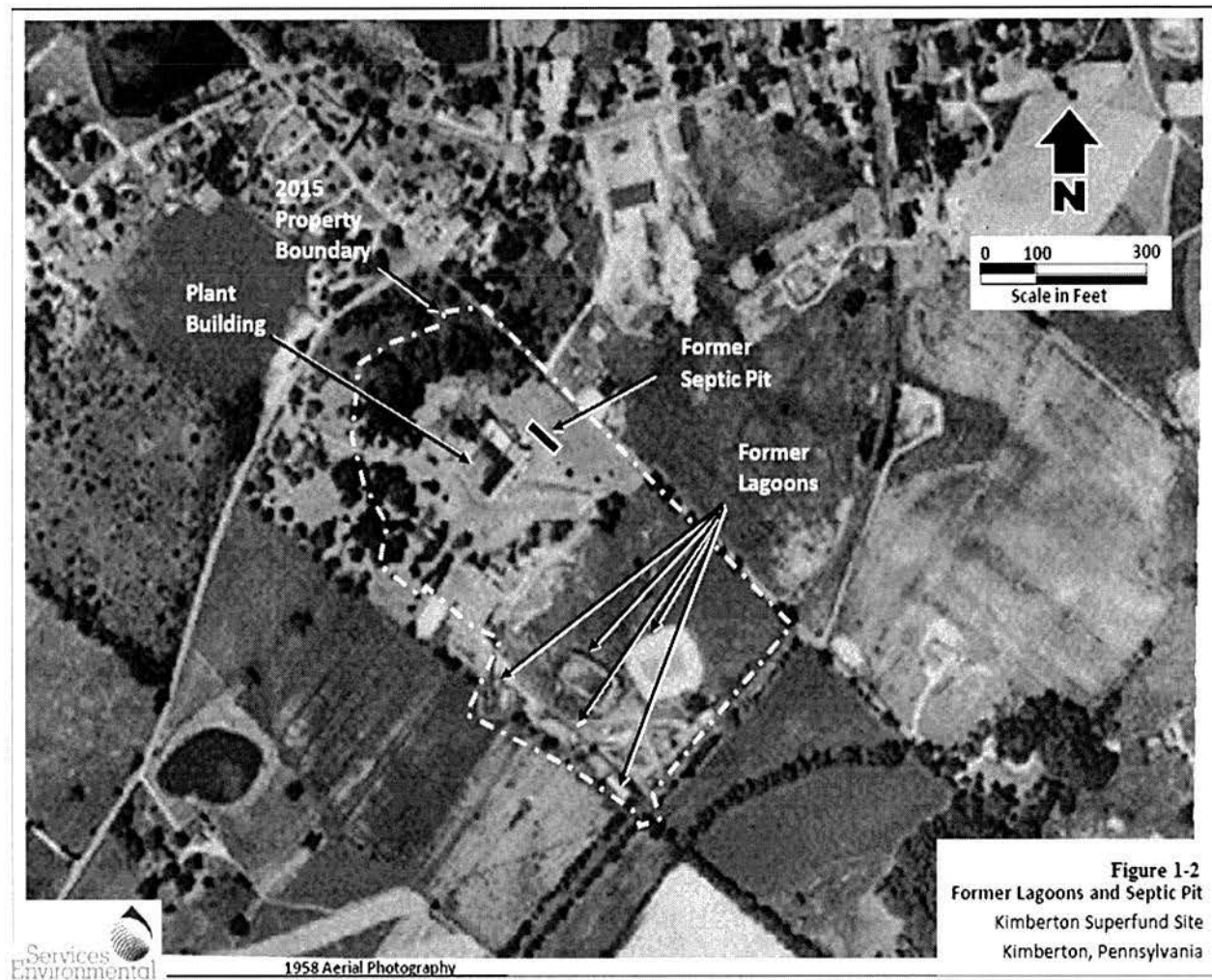


Figure 1-3 – 2010 TCE Plume and VI AOI Map

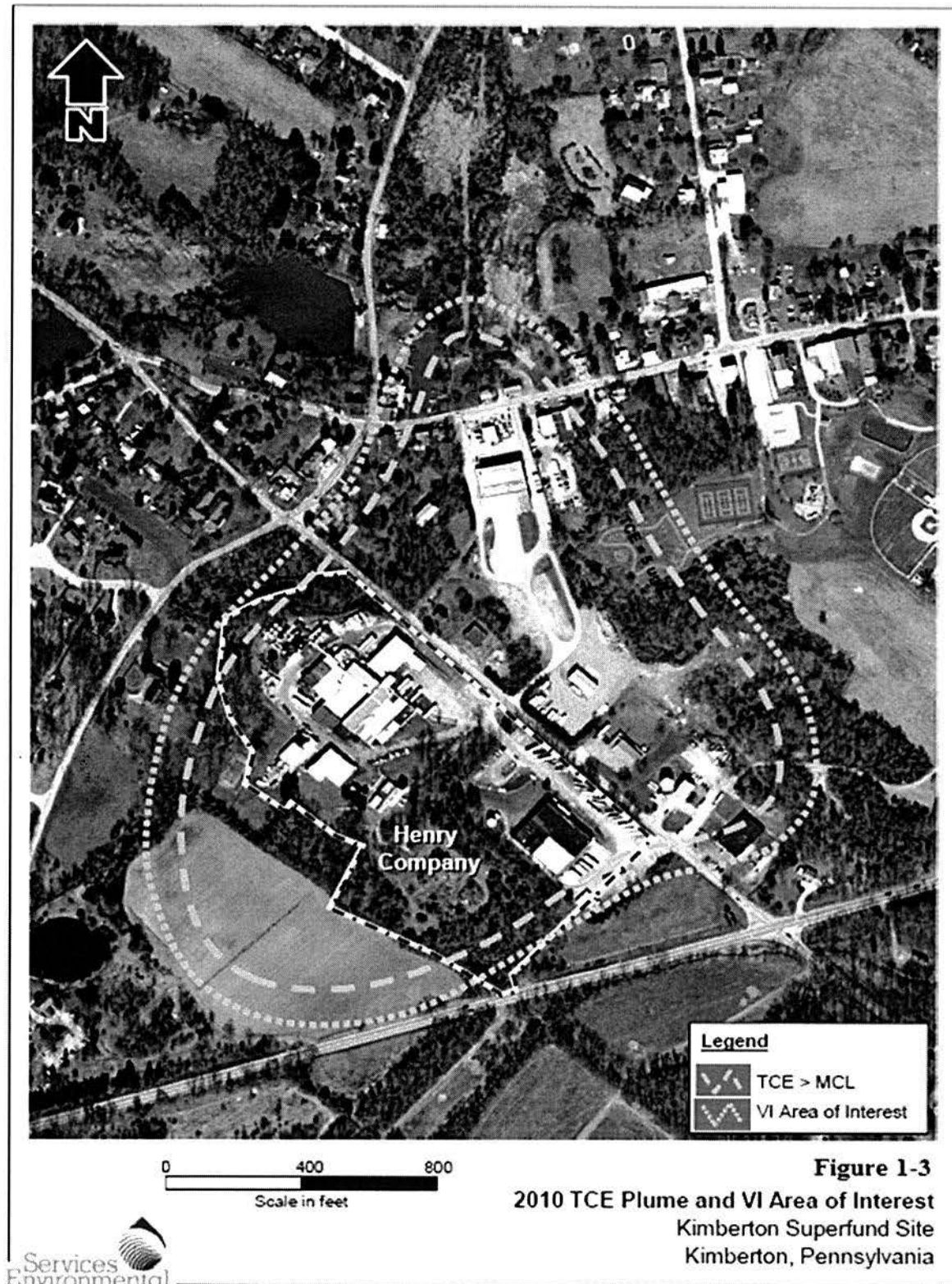
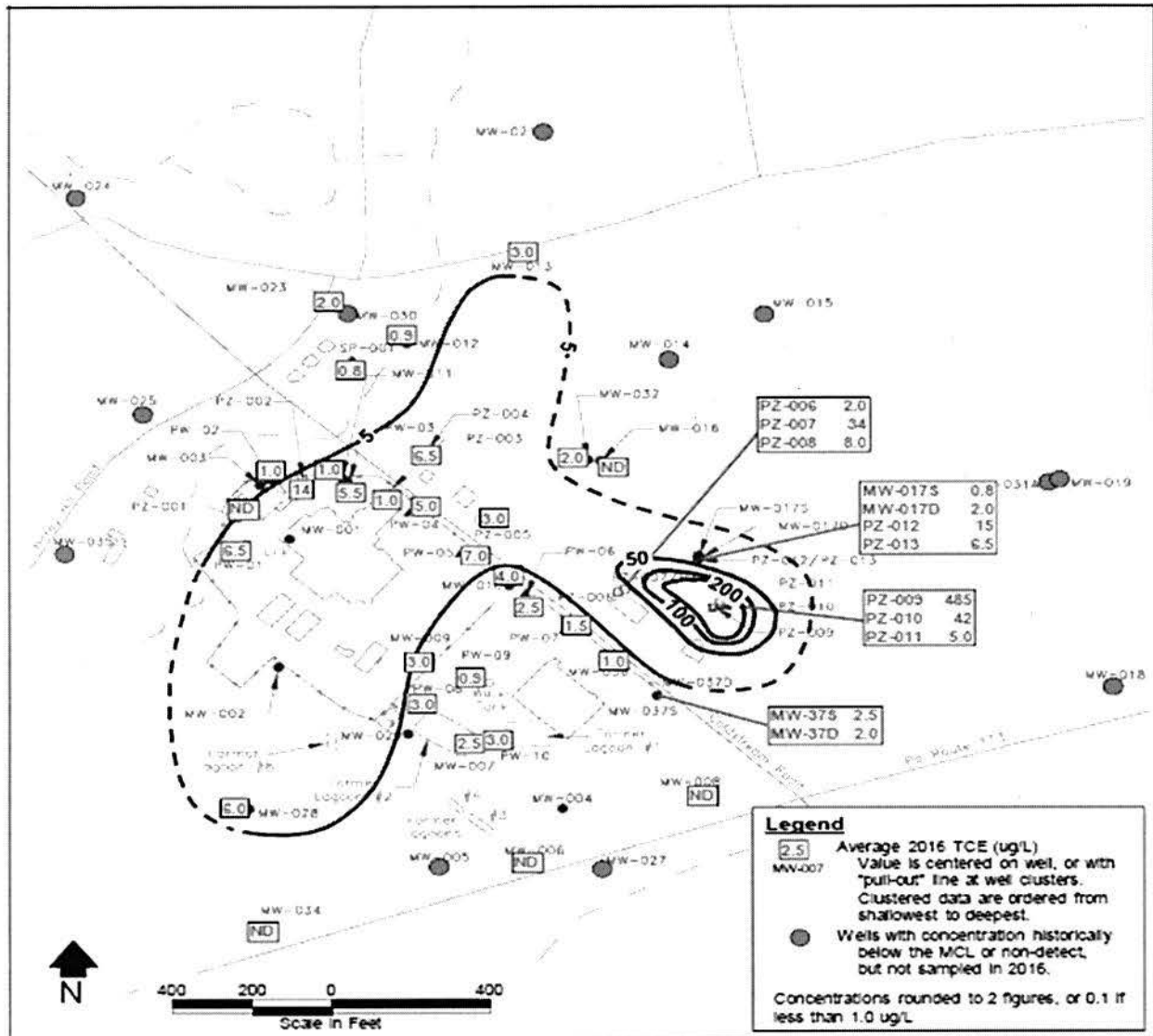


Figure 1-4 – 2016 TCE Plume Map



Attachment 1

John Epps

December 18, 2017

Ms. Karen Melvin, Director
Hazardous Site Cleanup Division
US EPA Region III
Mail Code: 3HS00
1650 Arch Street
Philadelphia, PA 19001

Re: Kimberton Superfund Site
Explanation of Significant Differences
Letter of Concurrence
Village of Kimberton, Chester County, Pennsylvania

Dear Ms. Melvin:

The Pennsylvania Department of Environmental Protection (DEP) has reviewed the Explanation of Significant Differences (ESD) for Operable Unit 2 (OU2) of the Kimberton Superfund Site (Site), which was sent to the DEP on November 20, 2017.

This ESD provides the public with an explanation of proposed modifications to the components of the Record of Decision (ROD) remedy, summarizes the information that supports the modifications and affirms that the Selected Remedy, as revised by this ESD, complies with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The modifications to the ROD do not fundamentally alter the basic features of the Selected Remedy with respect to scope, performance or cost.

The ESD contains the following major components:

1. Documentation of Additional Institutional Controls that will
 - a) Require Vapor Intrusion (VI) mitigation of any affected areas within the Area of Influence;
 - b) Prevent disturbance of existing soil caps at the former lagoon and septic pit;

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- c) Prevent disturbance of components of the groundwater extraction and treatment system.
-
- 2. Change in Groundwater Performance Standards
 - a) Replace previous natural background performance standards with current Maximum Contaminant Levels (MCLs) for site-related contaminants of concern (CoCs);
 - b) Cumulative assessment of risks posed by site-related CoCs after MCLs have been met.

The DEP hereby concurs with this ESD to the OU2 ROD for the Kimberton Superfund Site with the following conditions:

- 1. The DEP will be given the opportunity to concur with the decisions related to future remedial actions to assume compliance with the DEP's cleanup Appropriate Relevant and Administrative Requirements (ARARs) and/or design specific ARARs.
- 2. The ESD in its current form is based on data collected during the operation of the pump-and-treat system, and some data collected 5 or more years ago. In order to ensure that the Institutional Controls outlined in this ESD are protective of changing site conditions, it is recommended by the DEP that the cumulative risk assessment include an assessment of the then-current VI Area of Interest and CoC levels in former lagoon soils, in addition to groundwater CoCs.
- 3. This concurrence with the selected actions is not intended to provide any assurance pursuant to CERCLA Section 103(c) (3), 42 U.S.C. Section 9604(c)(3).
- 4. The DEP reserves the rights and responsibilities to take independent enforcement actions pursuant to state and federal law.

This letter documents the DEP's concurrence with EPA's ESD for OU2 of the Kimberton Superfund Site.

If you have any questions, please contact me by e-mail at patpatters@pa.gov, or by telephone at 484.250.5942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Patterson', with a long horizontal flourish extending to the right.

Patrick Patterson
Regional Director SERO

cc: Mr. R. Patel
Ms. Wagner
Mr. Cherry
Mr. Schena, Esq.
Mr. C. Brown, P.G.
Mr. Maud, P.G.
Re 30 (rc17ecb) 349.4