

EXPLANATION OF SIGNIFICANT DIFFERENCES

SHERWIN-WILLIAM/HILLIARDS CREEK SUPERFUND SITE UNITED STATES AVENUE BURN SUPERFUND SITE ROUTE 561 DUMP SITE Operable Unit 1 (Residential Properties – “Soil”)

Site Name and Location

The Sherwin-Williams/Hilliards Creek Superfund Site, United States Avenue Burn Superfund Site, and Route 561 Dump Site
Borough of Gibbsboro and Township of Voorhees
Camden County, New Jersey

Introduction

The Sherwin-Williams Sites are comprised of the Route 561 Dump Site, Gibbsboro, New Jersey (the “Dump Site”); United States Avenue Burn Superfund Site, Gibbsboro, New Jersey (the “Burn Site”); and the Sherwin-Williams/Hilliards Creek Site (“SW/HC Site” or “Site”), Gibbsboro and Voorhees, New Jersey (Figure 1). The Sites include the Former Manufacturing Plant area, Hilliards Creek and Kirkwood Lake. The Sherwin-Williams Sites contain source areas from which contaminated soil and sediment have migrated onto a number of residential properties within Gibbsboro and Voorhees, New Jersey.

The purpose of this Explanation of Significant Differences (“ESD”) is to document a change in the 2015 Operable Unit 1 (“OU1”) remedy at the Site, consisting of removing one residential property cleanup from the OU1 scope and instead addressing that property as part of Operable Unit 4 (“OU4”). The scope of the OU1 remedy selected in the Record of Decision (“OU1 ROD”), executed on September 29, 2015, is limited to the removal of contaminated soil on residential properties. In contrast, the remedy selected in the OU4 ROD, executed on September 28, 2021, is broader in scope and includes removal of contaminated sediment and contaminated floodplain soil in and around various waterbodies within the Site including Hilliards Creek and its associated wetlands. While the OU1 ROD addresses soil on residential properties, the OU4 ROD does not specify the types of properties to be remediated. Furthermore, the OU4 ROD provides for the cleanup of contaminated soil to soil remediation goals (“RGs”) consistent with those set forth in the OU1 ROD; therefore, addressing the property under OU4 would achieve the same level of cleanup.

To date, 49 residential properties have been remediated under the OU1 ROD remedial action (“RA”) activities. One residential property, “C-3”, is the final, remaining property under the OU1 ROD which requires remediation. The C-3 property is located within the Borough of Gibbsboro, New Jersey and is situated along the lower stretch of Hilliards Creek (Figure 2). Additional information regarding the C-3 residential property is provided in Sections 5.4.3.3 and 7.2.3 of the final 2015 OU1 Remedial Investigation Report. The C-3 property is owned by the responsible party and is currently unoccupied.

Contaminated soil on the C-3 property is located within areas that are commonly referred to by EPA as “upland soil” areas. These areas are typified by the presence of maintained lawns and may include landscaping, sheds, docks, etc. Upland soil areas on residential properties, such as this property, are within the scope of the OU1 remedy. A portion of the C-3 property also includes areas of New Jersey Department of Environmental Protection (“NJDEP”) mapped-wetlands. Finally, the C-3 property boundary is bisected by an approximately 400 foot stretch of Hilliards Creek which contains contaminated sediment that will be addressed as part of OU4. The soil within the wetlands and the creek sediment both contain environmentally-sensitive receptors and critical ecological habitat.

EPA issues this ESD in accordance with Section 117(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9617(c), and Sections 300.435(c)(2)(i) and 300.825(a)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 C.F.R. 300.435(c)(2)(i) and 300.825(a)(2). EPA is required to publish an ESD when, after issuance of a ROD, the remedy is modified in a way that differs significantly, but not fundamentally, in either scope, performance, or cost from the remedy selected in the ROD for the Site. This ESD serves to document and explain the significant differences to the OU1 remedy, consisting of removal of the remediation of the upland soil portion of the C-3 property from OU1 and its placement into the OU4 remedy.

The ESD and the documents that provide the basis for the ESD will be incorporated into the Administrative Record for the Site in accordance with Section 300.825(a)(2) of the NCP, and online at: www.epa.gov/superfund/Sherwin-Williams. The Administrative Record is available for public review at the locations listed below:

EPA Records Center, Region 2
290 Broadway 18th Floor
New York, New York 10007
(212) 637-4308

Gibbsboro Borough Hall/Library
49 Kirkwood Road
Gibbsboro, New Jersey 08026
<http://www.gibbsborotownhall.com/index.php/library>

Site History, Contamination, and Selected Remedy

In September 2015, EPA issued the OU1 ROD, which describes the selected remedy for residential properties with contaminated soil. Based upon the results of environmental investigations, the requirements of CERCLA, the detailed analysis of the remedial alternatives in the Feasibility Study, and public comments, the selected remedy satisfies the requirements of CERCLA Section 121, 42 U.S.C. § 9621, and the NCP's nine evaluation criteria for remedial alternatives, 40 CFR §300.430(e)(9). The selected OU1 remedy includes the following major components:

- Excavation and off-site disposal of an estimated 21,000 cubic yards of contaminated soil from approximately 34 residential properties, backfilling with clean fill, and property restoration as appropriate; and
- Transportation of the contaminated soil off the properties for disposal, with treatment of the contaminated soil as necessary.

The soil RGs, selected to achieve protectiveness of human health and the environment, were the NJDEP Residential Direct Contact Soil Remediation Standards¹ in effect at the time the ROD was issued, and are set forth in the OU1 ROD. The primary soil contaminants identified in the OU1 ROD are arsenic and lead. The residential soil RG selected in the ROD for arsenic is 19 mg/kg and the residential soil RG for lead is 400 mg/kg.

The OU1 remedy is expected to be the final action for the residential properties at the Site.

¹ On May 17, 2021, NJDEP amended rules at New Jersey Administrative Code (“N.J.A.C.”) 7:26D. Included in the rules (among other items) is the replacement of direct contact soil remediation standards with separate soil remediation standards for the ingestion-dermal exposure pathways. However, with this change, the RGs for arsenic and lead remain unchanged.

Description of Significant Differences

Contaminated upland soil, wetland soil and Hilliard Creek sediment are all present on the C-3 property at levels that will require remediation and the cleanup of these environmental media falls within the scope of the remedy selected in the OU4 ROD.

Contaminated upland soil on the C-3 property is located in close proximity to the wetland area on the property. To minimize short term impacts associated with the upland soil remediation, access to the upland soil will be gained through the wetland area. By remediating the C-3 upland soil as part of the OU4 cleanup, the wetland area will only need to be disturbed and restored once, further minimizing short term impacts to the wetland area and surrounding community. Based on these considerations, EPA has determined that the most efficient course of action, that also enhances short-term effectiveness of the OU1 and OU4 remedies, is to perform the remediation of the C-3 property upland soil as part of the OU4 wetland, soil and sediment remedial action.

The OU1 ROD estimated 21,000 cubic yards of contaminated upland soil was to be removed from residential properties at a cost of \$14.2 million. Remediation of the C-3 residential property requires removal of 3,200 cubic yards of upland soil, at a cost of \$1.75 million. Performing this work as part of the OU4 remedial action will reduce the estimated OU1 ROD soil volume and cost to 17,800 cubic yards and \$12.45 million, respectively. While removing the C-3 property from the OU1 scope represents a significant reduction in the overall volume of soil (approximately 15 %) and costs (approximately 12 %), it does not fundamentally alter the scope or performance of the OU1 remedy. As described in the OU4 ROD, the estimated volume of soil to be removed as part of the OU4 remedy is 42,000 cubic yards, at a cost of \$90 million. Moving the upland soil remediation at the C-3 residential property from OU1 to OU4 would increase the OU4 estimates to 45,200 cubic yards of soil, remediated at a cost of \$91.75 million. No other changes in volumes and costs are anticipated since the estimated costs and soil volumes of wetland soil and sediment associated with the portion of Hilliards Creek located within the C-3 property remediation are already included in the OU4 ROD estimates.

As set forth in the OU4 ROD, the residential and ecological soil RG for arsenic is based on the New Jersey background level of 19 mg/kg and is applied to surface and subsurface soil. The residential RG for lead in soil is 400 mg/kg, with an average concentration no greater than 200 mg/kg, and is applied to soil below one foot. The ecological RG for lead in soil is 213 mg/kg and applies to the top one foot of soil. These RGs are consistent with OU1 ROD and therefore addressing this property under OU4 will achieve the same level of cleanup.

Support Agency Comments

EPA is the lead agency for The Sherwin-Williams Sites, and NJDEP is the support agency. The State of New Jersey concurs with this ESD. The State's letter providing its concurrence is located in the administrative record maintained for the Site.

Affirmation of Statutory Determinations

EPA is issuing this ESD after consultation with NJDEP. NJDEP supports the presented approach, which removes the remediation of the C-3 property upland soil from the OU1 remedial action and places it in OU4, and further supports the decision to issue this ESD. When implemented, the selected remedy for OU1, as modified by this ESD, will continue to be protective of human health and the environment, and will comply with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action.

The OU1 selected remedy remains technically feasible, cost-effective, and satisfies the statutory requirements of CERCLA.

The OU1 selected remedy will not result in hazardous substances, pollutants, or contaminants remaining on affected properties above levels that allow for unlimited use and unrestricted exposure. Addressing the C-3 residential property as part of OU4 will not change this outcome for the C-3 property, as the OU1 RGs will be attained for the C-3 property as part of the OU4 cleanup; therefore, there remains no need for a five-year review for the remedial actions taken on the property.

Public Participation Activities

In accordance with Section 300.435(c)(2)(i) of the NCP, a formal public comment period is not required when issuing an ESD. A notice briefly summarizing this ESD will be published in a major local newspaper of general publication in accordance with Section 300.435(c)(2)(i) of the NCP, 40 C.F.R. § 300.435(c)(2)(i). Pursuant to Section 300.825(a)(2) of the NCP, the ESD and the documents that provide the basis for the ESD will be incorporated into the administrative record maintained for the Site and will be placed in the information repository at Gibbsboro Borough Hall/Library, 49 Kirkwood Road, Gibbsboro, New Jersey 08026.

Pat
Evangelista

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Evangelista
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August 11, 2022

Pat Evangelista, Director

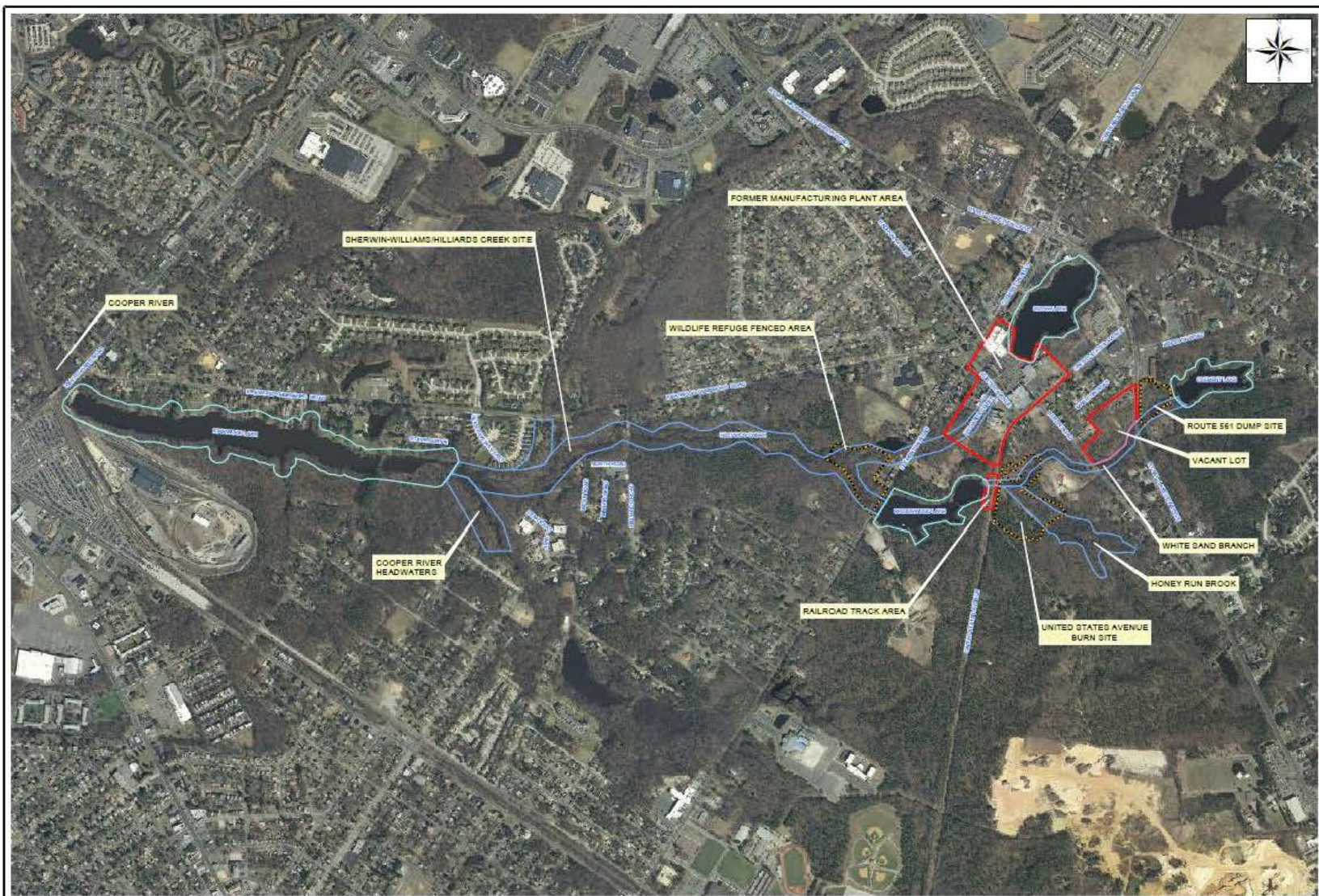
Date

Superfund and Emergency Management Division

Attachments

Figure 1 – Comprehensive Site Figure

Figure 2 – Property C-3



Legend

- Fenced Area
- Borders Represent Areas With Investigations In Lakes
- Borders Represent Areas With Investigations In And Around Streams
- Borders Represent Areas With Investigations Not Based On Bodies Of Water

NOT TO SCALE
 0 100 200
 Feet
 0 100 200
 Meters



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REPORT DATE: February 2014

PROJECT NUMBER: 0

CLIENT NAME: The Sherwin-Williams Company

PROJECT NAME: Sherwin-Williams Remedial Investigation

PROJECT NUMBER: 0

PROJECT DATE: 2007/02/04-08/02/02

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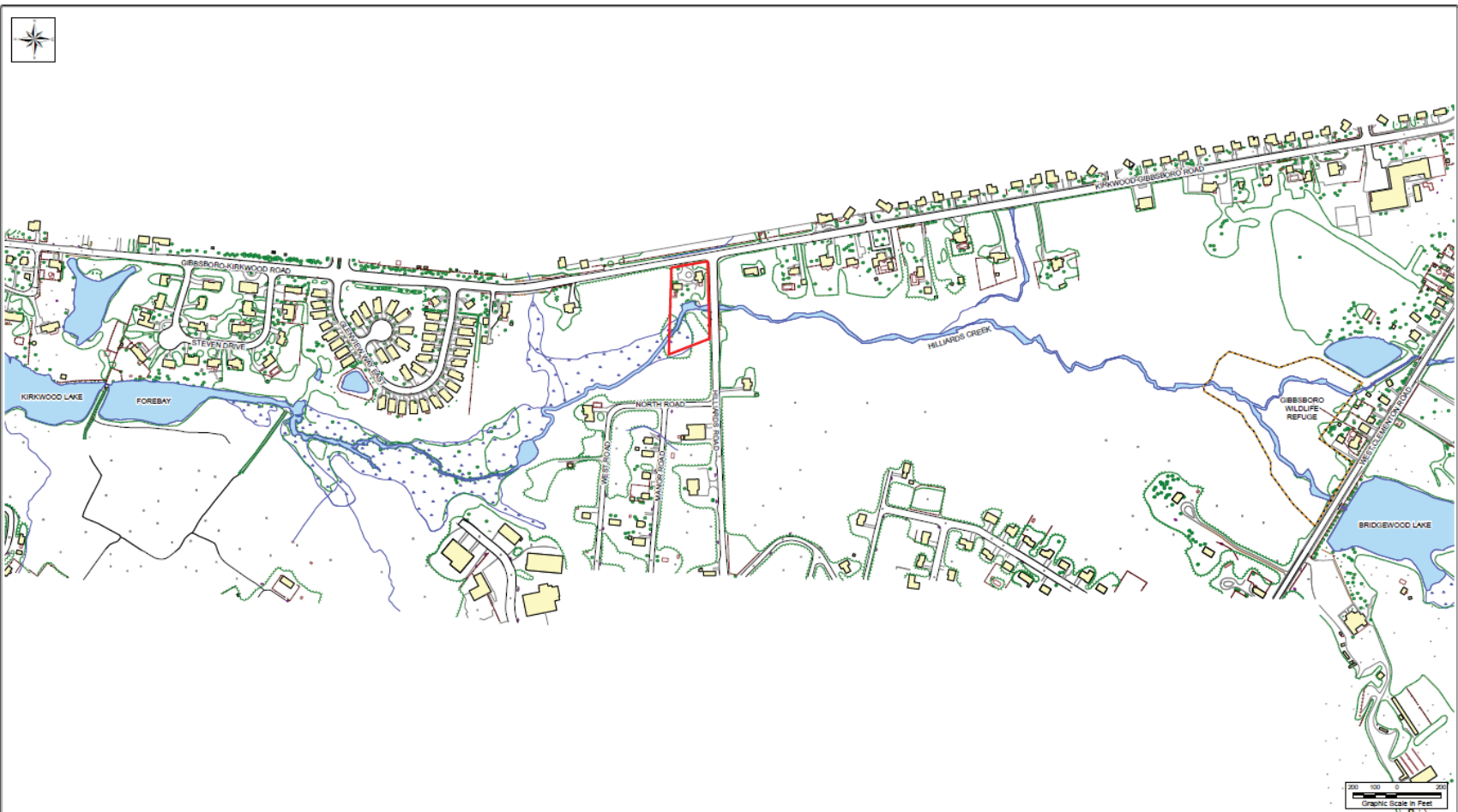
PROJECT DATE: 2007/02/04-08/02/02

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**SHERWIN-WILLIAMS
 REMEDIAL INVESTIGATION
 COMPREHENSIVE SITE KEY MAP
 (2005-2014)**

PAGE: 1 SCALE: 1" = 350' DATE: 2/6/2014



- Legend**
- Residential C-3 Property Boundary (2020)
 - Fence Boundary

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| <p>Weston Solutions, Inc. 285 CHESAPEAKE DRIVE, SUITE 200, WESTON, MA 02456 TEL: (781) 477-0800 FAX: (781) 477-0801 WWW.WESTONSOLUTIONS.COM</p> | | REPORT DATE: February 2022 PROJECT MANAGER: K. Biegert CHECKED BY: A. Fischer DRAWN BY: A. Fischer DATE: 2/3/2022 | CLIENT NAME: The Sherwin-Williams Company PROJECT NAME: Waterbodies Feasibility Study | DRAWING TITLE: HILLIARDS CREEK RESIDENTIAL C-3 PROPERTY SHEET: 2 OF 2 SCALE: 1" = 300' DATE: 2/3/2022 |
| | | 20076.022.082.0008 | 2/3/2022 | |