



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103-2852

**MEMORANDUM**

**DATE :** August 11, 2022

**FROM:** Paul Leonard, Director  
Superfund & Emergency Management Division

**PAUL LEONARD**

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Date: 2022.08.15 09:29:52 -04'00'

**TO:** Brigid Lowery, Director  
Assessment and Remediation Division, Office of Superfund Remediation and  
Technology Innovation

**SUBJECT:** Withdrawal of Previous Proposal to Add the East 10<sup>th</sup> Street Site to the National  
Priorities List (NPL)

**I. Introduction**

The purpose of this memorandum is to request withdrawal of the East 10<sup>th</sup> Street Site (Site) located in Marcus Hook, Delaware County, Pennsylvania from proposed addition to the NPL. The site was proposed for addition to the NPL on January 18, 1994 (59 FR 2568) based on illegal disposal of asbestos and PCBs. The State of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), concurs with this request as documented in a May 11, 2022, letter to the U.S. Environmental Protection Agency (EPA) (Attachment 1).

EPA has reviewed documentation supporting this action and is confident that PADEP will continue to ensure the potentially responsible party (PRP) is implementing appropriate cleanup actions in accordance with the provisions of the PA Land Recycling and Environmental Remediation Standards Act (Act 2). The PRP submitted *Cleanup Plan, East 10<sup>th</sup> Street Site, Marcus Hook, PA (20 May 2021; Revised 21 January 2022)* to PADEP in May 2021 to address Polychlorinated biphenyl (PCB) contaminated soil at the site. PADEP approved the cleanup plan in a letter dated April 20, 2022 (Attachment 2).

**II. Site Background**

The East 10th Street site (EPA Site ID #PAD987323458) (Site) is located in Marcus Hook Borough, Delaware County, Pennsylvania. The Site is approximately 36 acres and is bounded by East 10th Street to the north/northwest, Marcus Hook Creek to the east, and a Conrail rail line to the southeast and southwest. The Delaware River is approximately one-half mile southeast of the Site. The Site has been subdivided into 25 smaller parcels (lots) which have been owned and operated by various entities for commercial and industrial purposes. The Site was developed in the early 1900's for the production of viscose rayon and later changing over to cellophane production. Beginning in 1978, several lots at the Site were used for salvage operations and illegal disposal of asbestos and PCBs took place.

### III. Enforcement History and Cleanup History

In February 1991, EPA executed three Administrative Orders by Consent (AOC) with PRPs to conduct removal activities at the Site. Work performed under the AOCs included removal of asbestos from occupied areas within buildings on the Site, removal of drums and equipment containing PCB wastes from buildings and an investigation of a portion of the property. In 1998, PADEP initiated a Hazardous Sites Cleanup Act response and subsequently conducted a phased investigation at the Site to determine if additional response actions were needed to address remaining environmental concerns, including soil and groundwater contamination, buried asbestos, and hazardous substances remaining on-site. PADEP's investigation activities were documented in the *Final Phase I Site Investigation Report* (Foster Wheeler, 2002), and included a prompt interim response removal of hazardous materials. Based on the findings of this report, PADEP initiated additional interim response removals and site investigation activities, as documented in a Statement of Decision (SOD, December 19, 2002).

On June 23, 2003, PADEP and the PRP entered into a Consent Order for the purpose of implementing interim response activities, as described in the SOD, including a site investigation and off-site disposal of contaminated materials. The interim response activities were completed in 2005 and were documented in the *Interim Response Final Report* (ERM, 2006).

The PRP completed site investigation activities in accordance with the following PADEP approved work plans: *Phase II Site Investigation Work Plan*, dated March 9, 2004 (ERM, 2004a); and *Work Plan for CS2 Source Area Investigation*, dated September 27, 2005 (ERM, 2005). The investigative activities relating to these work plans were conducted in stages and continued through 2007. These activities included a soil investigation, a soil gas survey, and a groundwater investigation that included the installation of 14 new wells and sampling of 24 site wells. The findings of these activities were presented in a *Phase II Site Investigation Report* that was submitted to PADEP in September 2007 and revised in January 2008 based on PADEP comments.

The PRP continued groundwater monitoring activities and completed additional focused soil investigations at the Site in 2010. Subsequently, the PRP performed a comprehensive, site-wide Remedial Investigation (RI) in accordance with the *Remedial Investigation Work Plan* (RIWP), submitted to PADEP on April 28, 2015 (ERM, 2015). The purpose of the RI was to more broadly characterize current site conditions. RI activities were completed in 2015-2018 and the PRP prepared the *Remedial Investigation/Risk Assessment Report, East 10th Street Site, Marcus Hook, Pennsylvania* (RI/RA Report, December 2020).

This facility is considered to be in an area of potential EJ concern according to Region III's protocol. The two Primary EJ Indices that are at or exceeding the 80<sup>th</sup> percentile in the nation and state include: EJ Index for Superfund Proximity and EJ Index for Wastewater Discharge. Moreover, it is noteworthy to mention that for the area around the facility ten Environmental Indices (2017 Diesel Particulate Matter (ug/m<sup>3</sup>), 2017 Air Toxics Cancer Risk (risk per MM), 2017 Air Toxics Respiratory HI, Traffic Proximity (daily traffic count/distance to road), Lead Paint (% pre-1960s housing), Superfund Proximity (site count/km distance), RMP Facility Proximity (facility count/km distance), Hazardous Waste Proximity (facility count/km distance), Underground Storage Tanks and Wastewater Discharge (toxicity-weighted concentration/m distance)) are at or exceeding the 80<sup>th</sup> percentile for the nation and state. Additionally, one Demographic Index (Unemployment Rate) is at or exceeding the 80<sup>th</sup> percentile

for nation and the state. Also, two Demographic Indices (Low Income and Less Than High School Education), one Environmental Index (Particulate Matter 2.5 (ug/m3)) and one Primary EJ Index (EJ Index for RMP Facility Proximity) approximate or exceeding the 80th percentile for the nation and the state. The PRP has engaged the community and local officials through-out the proposed Cleanup Plan process and will continue to do so.

#### **IV. Current Status of Cleanup**

The PRP submitted *Cleanup Plan, East 10<sup>th</sup> Street Site, Marcus Hook, PA* (20 May 2021; Revised 21 January 2022) to PADEP in May 2021. The PRP held a public meeting on July 15, 2021 to present the proposed Cleanup Plan to the public and Borough officials. By in large the community supports the Cleanup Plan. PADEP approved the Cleanup Plan in a letter dated April 20, 2022. The PRP is implementing cleanup actions in accordance with the provisions of Act 2.

#### **V. Conclusion**

The withdrawal of a previous proposal to list a site may be based on criteria outlined in the 2002 EPA *Office of Solid Waste and Emergency Response policy memorandum "Guidelines for Withdrawing a Proposal to List a Site on the NPL"* or may be based on a documented deferral or referral to another cleanup authority as noted in the current Superfund Program Implementation Manual. Given the Site cleanup efforts will continue to be conducted by PRPs, under the regulatory authority of PADEP, and by State funded actions, PADEP requested that the site be de-proposed from addition to the NPL in a letter to EPA dated May 11, 2022. EPA Region 3 concurs with PADEP's request, and based on EPA's review of the site file, believes that it is appropriate to withdraw the proposal to add the Site to the NPL.

#### **Attachments**

PADEP NPL de-proposal concurrence letter  
PADEP Cleanup Plan approval letter



May 11, 2022

Mr. Paul Leonard, Director  
Superfund & Emergency Management Division  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: East 10<sup>th</sup> Street Site  
PAD987323458  
Marcus Hook Borough, Delaware County, Pennsylvania

Dear Mr. Leonard:

The U.S. Environmental Protection Agency (EPA) has requested written support from the Pennsylvania Department of Environmental Protection (DEP) for EPA to initiate de-proposal of the East 10<sup>th</sup> Street Site (Site) from the National Priorities List (NPL).

The DEP has reviewed and concurs with EPA for the de-proposal of the Site as it is currently undergoing investigation and remediation through DEP's Land Recycling and Cleanup Program.

Should you have any questions regarding this matter, please contact Bonnie McClennen at 484.250.5719 or by email at [bmcclennen@pa.gov](mailto:bmcclennen@pa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick L. Patterson".

Patrick L. Patterson  
Regional Director  
Southeast Regional Office

cc: Andrew Haneiko, EPA Region III RPM  
Marcus Hook Borough  
Delaware County Health Department  
Mr. R. Patel  
Ms. McClennen  
Ms. Wagner  
Mr. Crooks  
Mr. Armstrong  
Ms. Pantelidou  
Re



April 20, 2022

Christina Moretti  
FMC Corporation  
2929 Walnut St.  
Philadelphia, PA 19104

Re: Approval of Report  
East Tenth Street Site  
eFACTS PF No. 630967  
201 E. 10<sup>th</sup> St.  
Borough of Marcus Hook  
Delaware County

Dear Christina Moretti:

The Department of Environmental Protection (DEP) has reviewed the January 24, 2022 document titled "RI/RA Report and Cleanup Plan" for the property referenced above. The Report was prepared by Environmental Resources Management (ERM), Inc. and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2), and it constitutes a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan as defined in Chapter 3.

DEP hereby approves the Report in accordance with the provisions of Act 2.

Please feel free to contact Sarah Pantelidou, P.G. by email at [spantelido@pa.gov](mailto:spantelido@pa.gov) or by telephone at 484.250.5778 with any questions or if further clarification is needed regarding this matter.

If you intend to abandon the monitoring wells at your facility, please be advised that all abandoned wells shall be reported to Bureau of Topographic and Geologic Survey (BTGS) in the Pennsylvania Department of Conservation and Natural Resources, on forms required by BTGS. If available, the original driller's log should be included along with the details of the well abandonment procedure. A photograph should be taken of the site, and a reference map should be made to locate the abandoned well. We recommend that you identify the exact location by GPS. This is especially important for wells associated with contaminated sites. If a permit was issued for the well installation (e.g., by a local agency), please provide a copy of your BTGS submission to the issuing agency and to this office.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,

*Ragesh R Patel*

Ragesh R. Patel  
Regional Manager  
Environmental Cleanup and Brownfields