

Foote Mineral Superfund Site FAQ

July 2026

1. Does EPA approve redevelopment plans for the Foote Mineral Co. Superfund site?

No, EPA does not recommend, propose, or approve specific redevelopment plans. EPA's role is to review proposed uses and identify any possible conflicts with the cleanup remedy or risks from exposure to site-related contamination that could affect protection of human health and the environment. EPA reviewed the proposed redevelopment plans and **does not** expect the redevelopment to affect the remedy or the groundwater investigation at the site.

EPA will conduct site visits during construction to observe conditions and coordinate with partners. This is EPA's normal practice at Superfund sites undergoing redevelopment. EPA will also continue the groundwater investigation and monitoring at the site to ensure the remedy remains protective of human health and the environment.

2. What is the current status of cleanup at the Foote Mineral Co. Superfund site, and will redevelopment plans affect the cleanup?

EPA has been working to clean up the site for several decades. The site was added to the Superfund National Priorities List (NPL) in October 1992, and significant progress has been made to address soil contamination. The soil remedy, which consisted primarily of removing and consolidating contaminated soils under an impermeable cap, has been complete since 2010. The cap is designed to prevent contact with contaminated soil and waste and prevent infiltration of contamination into the underlying groundwater.

EPA continues to monitor groundwater at the site and has completed three Five-Year Reviews, which are required under Superfund to assess the protectiveness of cleanup remedies. The most recent review, issued in September 2024, concluded that more information was needed about the extent of groundwater contamination before the protectiveness of the cleanup remedy could be fully determined. However, redevelopment is not expected to impact groundwater contamination.

Additional measures known as institutional controls are also used at the site to help minimize the potential for exposure to contamination and protect the cleanup remedy. The institutional controls at the site are discussed in detail below.

3. What controls are in place to ensure redevelopment does not impact the capped area, interfere with cleanup progress, or worsen contamination?

Institutional controls are in place at the site to ensure protectiveness of the cleanup remedy. In 2017, a legal agreement called an environmental covenant was recorded to prohibit disturbance of the capped area to ensure the soil cleanup remedy remains protective of human health and the environment in the future. Based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present. Contaminated soil is not expected to be encountered during the redevelopment and the capped area **is not** part of the proposed redevelopment.

In 2006, EPA coordinated with the Chester County Health Department to establish a Groundwater Management Zone that requires groundwater testing and restricts the installation of new wells in the area of groundwater contamination from the site.

Due to the depth of the groundwater at the site, the redevelopment is not expected to impact groundwater contamination (depth to groundwater is 45-60 feet below ground surface). As discussed above, EPA is currently conducting an additional groundwater investigation to further define the extent of groundwater contamination.

4. Why is EPA conducting additional groundwater testing?

The September 2024 Five-Year Review concluded that more information was needed to define the full extent of groundwater contamination at the site. As discussed above, establishing the Groundwater Management Zone is a preventative measure that protects exposure to contaminated groundwater by restricting the installation of new wells.

5. What are Comfort Letters? Why does EPA issue them?

Comfort letters are issued to promote beneficial reuse of Superfund sites. EPA issues comfort letters to describe site conditions, prohibited activities that could impact the cleanup remedy, where applicable, and outline reasonable steps that prospective purchasers can take to remain protected from Superfund liability. Comfort letters are **not** permits or official decisions, and they do **not** authorize the recipient to do anything.

6. What safeguards are in place if contaminated soil is discovered during construction or excavation? Should I be concerned about construction dust from the site? What safeguards are in place if contaminated soil is discovered during construction?

EPA does not expect contaminated soil to be encountered during redevelopment, including during excavation, and dust generated during construction is not expected to contain site-related contaminants. EPA has been working to clean up the site for several decades and significant progress has been made to remove and contain soil contamination. As discussed above, based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present.

The Comfort Letters required the developer to prepare a Soil Management Plan and Environmental Health and Safety Plan, which have been reviewed by EPA and Pennsylvania Department of Environmental Protection (PADEP). The Soil Management Plan includes provisions to control and prevent the generation and offsite migration of dust and requires the developer to immediately notify EPA and PADEP if soil contamination is encountered.

During the redevelopment, EPA will continue to receive regular updates from the developer and conduct periodic site visits to observe site conditions and engage with partners to confirm that construction activities are not occurring on the capped portion of the site. This is EPA's routine practice at Superfund sites where redevelopment is occurring.

7. What does SWARU mean and why did it change?

Sitewide Ready for Anticipated Use (SWRAU) designations are internal EPA performance measures that document that a site's cleanup remedy is in place and that exposure to site contamination is prevented by either the physical cleanup remedy or institutional controls. While the SWRAU designation is meant to promote redevelopment at Superfund sites, a SWRAU designation is not required for reuse and/or redevelopment. As long as all land and groundwater use restrictions continue to be met and redevelopment does not interfere with EPA's remedy or future investigations, sites can be reused and redeveloped even if the site is not designated as SWRAU.

The site was given the SWRAU designation in January 2018. However, due to the need to further define the extent of groundwater contamination at the site identified in the 2024 Five-Year Review, the SWRAU designation was rescinded in September 2024.

Please see EPA's [SWRAU Performance Measure Guidance Document](#) for additional details on SWRAU designation.

8. How will EPA's groundwater investigation be affected by the redevelopment activities, including relocating a monitoring well?

The redevelopment, including relocating any wells, will not impact EPA's ability to investigate groundwater at the site. EPA is planning to install additional monitoring wells at the site to better define the full extent of the groundwater investigation. All wells located on the property, including the abandoned wells, were sampled before construction began.

Key Terms

Cleanup Remedy – A Superfund **cleanup remedy** is a site-specific cleanup plan chosen to address contamination to a level that is protective of human health and the environment.

Environmental Covenant – An **environmental covenant** is an institutional control that is a legally recorded, permanent land use restriction attached to a property's deed.

Five-Year Review – If waste is left in place, Superfund **Five-Year Reviews** are conducted to ensure people and the environment are not exposed to unsafe levels of contamination and to ensure long term protectiveness of human health and the environment. Five-Year Reviews typically include a site inspection and data collection and review. Findings are summarized in a final report that includes a conclusion about the protectiveness of the cleanup remedy.

Groundwater Management Zone – A **Groundwater Management Zone** is an institutional control that is established to document restrictions related to groundwater use. In the Superfund context, the goal is to protect human health and the environment while a cleanup or investigation is underway or as part of a cleanup remedy to ensure long term protectiveness.

Comfort Letter – EPA issues **comfort letters** to describe site conditions, prohibited activities where applicable, and steps to take to protect prospective purchasers from Superfund liability. They usually explain the “reasonable steps” an owner must take to keep those protections.

Sitewide Ready for Anticipated Use (SWRAU) – EPA uses the **SWRAU** designation as an internal performance measure to document achievements toward required cleanup goals that impact current and future land uses.

Additional Resources

[Pennsylvania Data Center Planning Toolkit](#)

[Reuse Considerations for Data Centers on Superfund Sites](#)