

Notice of Proposed CO&A

Public Notice of Proposed Consent Order and Agreement; Hazardous Sites Cleanup Act Benner Township PFAS Investigation Site, Centre County

The Department of Environmental Protection (DEP) under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.101—6020.1305; the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1 – 691.101 (“Clean Streams Law”); the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 – 6018.1003 (“Solid Waste Management Act”); the Comprehensive Environmental Response, Compensation and Liability Act of 1980, *as amended*, 42 U.S.C. §§ 9601-9675 (“CERCLA”); and to administer and implement the Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, *as amended*, 35 P.S. §§ 6026.101 – 6026.908 (“Land Recycling Act” or “Act 2”); and the Uniform Environmental Covenants Act, the Act of December 18, 2007, P.L. 450, No. 68, *as amended*, 27 Pa. C.S. § 6501 *et. seq.* (“Uniform Environmental Covenants Act”); and Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“administrative Code”) and the rules and regulations promulgated thereunder (“Regulations”), has entered into a Consent Order and Agreement (CO&A) with the Pennsylvania State University (PSU) regarding the Benner Township PFAS Investigation Site (Site).

Due to historic use of aqueous film-forming foam (“AFFF”) fire-fighting foam during testing and training exercises at the State College Regional Airport (SCRA), formerly the University Park Airport, located predominantly in Benner Township, a perfluoroalkyl and polyfluoroalkyl substances (“PFAS”) groundwater contaminant plume has been attributed to PSU as a Responsible Person after a HSCA investigation was conducted. Airport operations are split between the University and the Centre County Airport Authority with the University conducting the aviation operations responsibilities. The airport was built in 1950 and is a Federal Aviation Administration (“FAA”) certified commercial airport under 14 CFR Part 139 serving the community. The SCRA has an address of 2493 Fox Hill Road, State College, Pennsylvania, 16803. The airport property is comprised of approximately 1,105 acres. The airport property is located primarily in Benner Township, and partially in Patton and College Townships, Centre County, Pennsylvania. Pursuant to federal regulations, the FAA mandated that the SCRA, and all Part 139 Certified Airports, use AFFF for aircraft rescue and fire suppression. The AFFF required to be used by the FAA may have contained PFAS. Historically, and pursuant to FAA regulations, the AFFF required to be used could have been discharged at the Airport as part of the mandated aircraft rescue firefighting testing or training.

DEP’s Hazardous Sites Cleanup Program (HSCP) staff began their investigation in 2019 following the detection of PFAS above the EPA Health Advisory Level (HAL) at a public water system located on High Tech Road across Fox Hill Road, to the north from the SCRA. Subsequent sampling identified that the plume had impacted not only businesses along the industrial park on High Tech Road, but also residential water supply wells located mainly south of the SCRA. As per DEP’s Statement of Decision, published on October 12, 2022, the HSCP provided an alternative water supply, first in the form of bottled water, and then Point of Entry Treatment Systems (POETs) to any residences within the investigation area having detections above relevant state and federal groundwater standards for PFAS.

DEP has determined that it is in the public interest to resolve its investigation and remediation cost claims against PSU. Consequently, DEP and PSU have signed a CO&A through which PSU agreed

to pay DEP \$564,767.29 to resolve a portion of its environmental response cost liability. Further investigation activities fulfilling requirements under Act 2 have been stipulated as part of PSUs obligations, along with certain requirements to maintain mitigation measures. DEP has agreed to provide PSU with protections against certain future liabilities.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that "settlement shall become final upon the filing of DEP's response to significant written comments." DEP has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board. A public comment period on the Agreement will extend for 60 days from the date of this notice. Persons may submit written comments regarding this CO&A within 60 days from today's date to DEP's HSCP by email at RA-EPNCECComments@pa.gov or by mail at 208 W. Third Street, Suite 101, Williamsport, PA 17701.

The CO&A is available for public review electronically on DEP's Benner Township PFAS Investigation web page using this link: (<https://www.dep.pa.gov/About/Regional/North-central-Regional-Office/Community-Information/Pages/Benner-Township-HSCA-Investigation.aspx>) or entering the following into the Google search bar: [Benner Township HSCA Investigation](#).