Attachment B

DEP RESPONSE TO ER4PC QUESTIONS

June 2, 2011

The Eddystone Residents for Positive Change ("ER4PC") raised these questions to the Department of Environmental Protection ("DEP") in September of 2010. At the September 27, 2010, public meeting, DEP answered what could be answered at that time. A complete response follows. Please note that Camden Iron and Metal ("CIM") was the original air applicant, but the current proposal is by Eastern Metal Recycling ("EMR"). Both names are used below for the project sponsor.

Compliance

1. Taking into account the magnitude and size of this operation, how often will CIM's facility be inspected to assure it is in compliance with all local, state, and federal regulations? What tests or inspections will be conducted? Will the visits be announced?

For air quality purposes, based upon the potential emissions from this source, the facility is classified as a Natural Minor source, meaning the proposed emissions of criteria and air toxic pollutants are below major source thresholds. The DEP, under our delegated agreements with Environmental Protection Agency ("EPA"), is required to conduct inspections at Synthetic Minor facilities once every five years. Even though this facility has less emissions than a synthetic minor, we are committed to conduct inspections at the site at a minimum of once every five years. DEP routinely conducts inspections on a more frequent basis.

The air quality inspections usually fall under the heading of a full compliance inspection. This means that the inspector(s) visit the site, unannounced, and view the facility and the sources of air pollution for compliance with all requirements in the air quality permit. We do not inspect sources for compliance with local ordinances. Another type of inspection routinely conducted is the drive-by inspection. This is an inspection to see if there are any fugitive, visible, or malodorous emissions that are occurring at a site when an inspector is in the field. These inspections are routine and usually do not result in any written reports, unless we actually discover a problem or violation.

Testing of air pollution sources are not routinely conducted during full compliance inspections. We do have the right to request testing at any time if there is a valid reason for the testing.

For the National Pollutant Discharge Elimination System ("NPDES") permit for construction activities, which addresses stormwater runoff during construction, nonroutine, unannounced inspections during construction activities will be conducted by the Delaware County Conservation District ("DCCD") to determine compliance with stormwater erosion and sedimentation control requirements contained in the NPDES permit. Inspections will ensure that permitted stormwater best management practices ("BMPs") are installed and operated as per the approved plans. Any violations will be documented and, if not corrected expeditiously, appropriate enforcement actions under the law can be employed. The DCCD and DEP will respond to complaints received concerning stormwater management during construction. In addition, DEP may conduct inspections of the stormwater outfalls built under the authority of a Chapter 105 permit, which is required for structures encroaching on the Delaware River.

For the NPDES permit for stormwater associated with industrial activities, announced or unannounced inspections will be conducted. Generally, an inspection will include a site investigation to determine compliance with applicable portions of the Preparedness, Prevention and Contingency ("PPC") Plan, and an inspection of the BMPs and associated stormwater collection, conveyance, and discharge locations. Water samples may or may not be taken.

With regard to waste management activities, the facility will be handled as a residual waste generator. There is no mandated compliance inspection frequency for generators. Compliance inspections, when conducted, are unannounced. Complaint or incident response inspections are conducted as needed.

Inspections can be conducted by a single program staff or jointly with other program staff as needed. Our intention is to perform more frequent than minimum inspections at a new facility in a community to ensure up-front compliance, but we do have to consider our resource limitations and use our resources wisely.

2. **Has the DEP ever monitored a metal recycling facility of this size (60+ acres, up to 400 tons per hour processing capacity, with proposed maximum permitted operating hours of 24 hours per day, 7 days per week, 365 days, and 8,760 hours per year)? If so, where and what is the compliance history for the regulated facility/facilities? If not, how is the DEP altering its inspection and operational protocols to ensure proper oversight of this facility?**

Yes. There is a similar source in Fairless Hills, Falls Township, Bucks County. We conducted several inspections at this facility and found no emission violations. Because the unit operates at night, we conducted an after hours inspection in October 2010. We did document a minor violation. A pressure drop monitor was not properly connected, which they easily corrected.

There is another smaller operation (approximately 40–60 tons/hr) in Coatesville, Chester County that the DEP has inspected over the years. This site is not required to be permitted under air quality regulations. We have not had any recent complaints or compliance issues at this site.

Like the EMR proposal, the Fairless and Coatesville sites are regulated as waste generators. The Coatesville facility was inspected by the Waste Management Program in 2009, and a violation related to design of a waste storage pile was noted. The company worked with staff to resolve the issue. During this time, four follow-up inspections were conducted to monitor the situation, during which the same recurring violation or a related violation was noted. A fifth follow-up inspection, conducted in 2010, found the violation satisfactorily resolved.

The existing SPC site, owned by CIM, is a smaller facility operating at Penrose Avenue in South Philadelphia. A General Permit for stormwater was authorized, and inspections were conducted as noted in response to No. 1.

PA DEP does not plan to alter its inspection and operational policies for the proposed facility.

3. **How will recent state budget cuts affect the DEP's ability to oversee CIM's operations and enforce applicable state regulations? How many DEP employees were laid off as a result of the recent budgetary cuts?**

   Although the regional office lost a total of 13 positions in the 2009 furloughs, the department anticipates that it will be able to meet its statutory obligations. No additional furloughs are anticipated at this time.

4. **How many people are in each regulatory department that will potentially monitor CIM's proposed Eddystone facility? How many personnel will be dedicated to oversight of CIM's Eddystone operations?**

   The Air Quality Program operations staff that would be responsible to conduct oversight on this facility would start with the field inspector assigned to the area. The District Supervisor for the Chester/Delaware District conducts oversight on the field inspector's work and would occasionally assist the field inspector in their routine inspections. If there are compliance issues, a Compliance Specialist and Operations Chief are then involved in the case. So in all, the Air Quality Program could have up to four (4) individuals within the program conducting oversight of the operation. This does not include any of the permitting staff that can also be consulted regarding the operations.

   The Water Quality Program has one field specialist assigned to the area who would conduct inspections. If there are compliance issues related to water quality, additional program staff are available to assist.

   The Waste Management Program has one field supervisor and three field staff assigned to the Chester/Delaware County work unit. Typically, each inspector is assigned to a specific field area within the work unit for routine inspectional activities. However, any of the three inspectors may be assigned to respond to a complaint or incident if the regular inspector is unavailable. The field inspector and his supervisor can draw on the assistance of the operations manager, two compliance specialists, and any other technical staff in the program, as needed.

5. **How will CIM be penalized for permit violations? What are the repercussions for repeated infractions?**

   The Air Pollution Control Act and the Clean Streams Law contain provisions for seeking civil penalties for violations of permit conditions and of applicable environmental laws and regulations. Penalties can vary depending on the situation, but the DEP routinely seeks civil penalties for permit violations. The Air Pollution Control Act allows the DEP to seek civil penalties up to $25,000 per day per violation. Penalties are set based on the air penalty policy that can be found at:

   http://www.elibrary.dep.state.pa.us/dsweb/Get/Version-50372/273-4130-003.pdf

The Clean Streams Law provides for civil penalties up to the statutory maximum of $10,000/day. Penalties are calculated using penalty policies that provide a framework with which we can calculate penalties based upon the actual issues surrounding the violation. The link to the penalty policy under the Clean Streams Law and the Federal Clean Water Act is:

http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-47853/362-4000-006.pdf

Repeated infractions are considered in the policies and usually result in higher penalties.

6. How, and how promptly, will DEP communicate to the Eddystone community any violations by CIM and enforcement actions taken by DEP?

We enter all inspections and violations into our environmental Facility Application Compliance Tracking System ("eFACTS") database which is accessible by the public. We will copy Eddystone Borough on Notices of Violations ("NOVs"). The region's environmental advocate may also assist the community in obtaining compliance information. The region can only discuss the resolution of enforcement actions after the action is considered closed.

7. What are the mandatory continuing education and certification requirements for the DEP personnel (inspections, operations, etc.) who will be responsible for oversight of this facility's compliance with all applicable regulatory requirements?

There are no mandatory continuing education requirements for DEP inspection staff. However, our air quality inspectors do receive semi-annual training and certification in visible emissions observation. All of our inspection staff may also attend training courses on a variety of inspection and enforcement topics when available.

8. How quickly does DEP respond to a complaint about noise or odor? Does complaint response time depend on the time of day? How will complaints about the proposed CIM facility be investigated?

DEP does not respond to noise complaints, as we have no regulatory requirements on noise. That falls under the Borough's code enforcement of standards and any applicable noise ordinance(s). We give odor complaints a priority, as we need to experience and confirm the odors a complainant is reporting to our office. However, because we need to be able to prove that an odor is objectionable to the public, we usually require that we receive several complaints before we immediately send an inspector to investigate.

The time of day will be a factor. Our Emergency Response ("ER") Program usually responds to after hour calls. If an odor complaint rose to the level of an emergency incident, we would dispatch an ER team member to investigate the incident. Otherwise, odor incidents would be followed up by the Air Quality Program the next business day. However, each odor case is unique and will be dealt with to be protective of the local community and environment.

Citizens with environmental complaints should call DEP's complaint service representative, Ms. JoAnn Ache (484.250.5991), during normal business hours. Off-hours incidents should be reported to DEP at 484.250.5900. A voice messaging system is monitored by the region's ER on-call person during all nonbusiness hours, and ER staff would be dispatched as needed.

9. How, if at all, do DEP's air, water, and waste management monitoring of so called metal recycling facilities like the proposed CIM facility differ from its monitoring of other waste processing or recycling facilities? Other industrial facilities?

The Air Quality Program conducts all full compliance evaluations in the same manner. We investigate facilities for compliance with all the requirements of their Operating Permits and all Rules and Regulations under our purview. A full compliance evaluation will include as a minimum: a file review, pre-inspection site surveillance, inspection of all air quality sources and control devices, as well as any areas of a facility that may contribute to air pollution (e.g., stockpiles of ASR), sample collection (if required), records review, and post inspection report.

In our Water Management Program, metal processing facilities are considered to be an industrial activity rather than a waste disposal activity. As such, they are subject to the requirements of the Clean Streams Law and underlying regulations. Incidents which threaten to cause water pollution would be addressed by the Water Management Program.

A routine waste compliance inspection of a facility is obviously influenced by the type of facility being inspected. An inspector looks at different things at a landfill than at an incinerator, transfer station, or a waste generator. That said, each inspector looks for compliance with the regulatory requirements applicable to the waste management activities being conducted at that particular type of facility. The main difference between permitted and nonpermitted facilities is the frequency of inspection. Permitted facilities are typically subject to routine inspection anywhere from once to twelve times a year. Waste generators, such as EMR, are not subject to any routine inspectional frequency. If the question pertains more to collection and analysis of samples rather than inspectional monitoring, the Waste Management Program does not routinely collect samples during the inspection of any type of waste facility.

10. **Will CIM be required to install groundwater or surface water monitoring points around the perimeter of its site, including near the waterfront? What are the contaminants of concern that will be monitored? How frequently will samples be drawn? Will DEP take split samples?**

The permittee will be required to monitor all four outfalls which discharge stormwater from the site under the NPDES permit for industrial activities. pH, TSS, Oil and Grease, Total Aluminum, Total Chromium, Total Copper, Dissolved Iron, Total Iron, Total Lead, Total Zinc and Total PCBs are the parameters to be monitored. Frequency will be once per quarter. Also, three internal monitoring points will be established at the site to check the effectiveness of the BMPs. In addition, nickel, arsenic, benzene, mercury, and naphthalene must be monitored during the first year of the operation. The initial year's results will be used to evaluate whether the monitoring conditions should be modified in subsequent years. Stormwater sampling frequency will be once per quarter. In most instances, DEP does not split samples.

Groundwater monitoring will not be required under EMR's permits. EMR will have to provide groundwater monitoring data if EMR requests a Release of Liability for groundwater under the provisions of the Land Recycling Program (Act 2).

11. Will CIM be required to shut down its operations if a pollution control device fails?

Most Air Quality Permits require facilities to shut down operations if a pollution control device fails. The sources and control devices shall be installed, operated, and maintained in accordance with the plans submitted with their Plan Approval application. If a pollution control device failed, EMR would be in violation if they continued to operate. Other operations at the site may continue, provided the pollution control device is not required as a control for those operations.

If, during construction, significant potential for pollution is identified by an inspector due to improper construction or operation of stormwater BMPs, DEP can shut down the construction site until compliance can be demonstrated or achieved. After construction is completed, the pollution control devices and stormwater BMPs are designed to handle stormwater during wet weather events while the plant is either operating or shut down. In the event of a spill or other water related emergency, the stormwater drainage system incorporates sluice gates which can be activated to temporarily halt any contaminated discharge.

12. What was the extent of the environmental impacts (both on-site and to nearby communities) of the 2007 fire at CIM's Penrose Avenue facility? Did DEP or Philadelphia Air Management Service conduct any investigation or study of such impacts? If not, why not?

The DEP's Air Quality Program did not conduct an environmental impact of the 2007 fire at CIM's Penrose Avenue Facility. The Air Quality Program in the City of Philadelphia is administered by Philadelphia Air Management Services.

CIM's SPC facility is a hazardous waste generator and a residual waste generator. Generators do not get inspected routinely unless there are other permits associated with the facility or there are problems. The SPC site was last inspected by our waste inspector in 2003 and 2007. No violations were noted during those inspections. We did visit the site as a follow-up to the fire incident in May 2007. The May 2007 incident/complaint was investigated but no waste violations were noted during the inspection.

13. With respect to both indoor shredder fires and fires in outdoor stockpiles of auto shredder residue ("ASR") or other pre- or post-processing materials at metal recycling facilities, what studies have you done or reviewed on the frequency and/or causes of such fires and best practices for the prevention of, and interventions for, such fires? Will you make any such studies available to the public?

We have not conducted any studies on shredder fires or ASR stockpile fires. We are aware that they have occurred at other facilities. The air permit requires controls, such as watering during the shredding process which minimizes the risk of fires, and requires effective fire suppression if they do occur.

14. What is DEP's action plan if there is an on-site fire or explosion at the proposed facility?

The DEP maintains an Emergency Response (ER) Team that is available at all times to respond to environmental incidents which pose a threat to public health, safety, or the environment. The team works within the same command structure as do the local Public Safety Officials, Delaware County Emergency Services, and the Southeast PA Taskforce. The Incident Command System (ICS) is an integral part of the command structure which places initial control of an incident with the highest ranking qualified municipal official. If an incident poses problems beyond the capabilities of the municipal first responders, Incident Command will request resources from various other local, county, state, and federal emergency services agencies to facilitate the needs presented. The EMR Preparedness, Prevention and Contingency ("PPC") Plan addresses such issues.

a. What protocols are in place for DEP inspectors?

The protocol in place to respond to on-site fires or explosions is to work with the local emergency responders to evaluate the incident to minimize the impact to the community and environment. Each incident is evaluated on a case-by-case basis. If there is a true emergency that may impact the local community, we will respond as we do to all environmental emergencies.

b. How quickly will DEP arrive on-site to begin testing air quality?

Each environmental emergency is dealt with on a case-by-case basis. If there is a need to conduct air quality monitoring during an emergency, it will be conducted at that time.

c. How will DEP keep residents apprised of air quality when a fire occurs?

Fires usually fall under the purview of local fire officials. If there is a true environmental emergency that requires fire officials and DEP involvement, the community will be apprised by the local Incident Commander, through ER protocols.

d. Will air quality be tested at multiple locations during a fire? If yes, how many? If not, why not?

See answer to 14(b).

e. Will residents receive a final result of the air quality testing? How?

If air monitoring is performed during an incident, residents and municipal officials will be informed in an appropriate manner.

f. When a fire occurs, how will water be collected and treated to avoid surface water and groundwater contamination?

Fire control issues will be managed by the responding fire department. In the event of a fire, concerns about water pollution are secondary to effective fire suppression.

DEP's Emergency Response Program would provide support as needed to the local authorities during a fire event to minimize environmental impacts and engage in pollution prevention and remediation activities if necessary.

g. How will DEP's plan for CIM's next fire impact air traffic at Philadelphia International Airport?

Given the fire suppression capabilities built into the proposed facility, we would not anticipate such an incident. In the event that a fire at CIM had the potential to affect airport operations, DEP would provide support as requested by the local Incident Commander, as it would for any other fire or emergency that could affect airport operations.

h. Has DEP conducted or reviewed any studies on fires involving indoor and/or outdoor operations at auto shredding/metal shredding facilities? What were the results of those studies in terms of causes, resulting pollutants, and human health impacts?

No, we have not conducted any studies on fires involving indoor or outdoor auto/metal shredding operations. Such events have been too unusual and transitory to lend themselves to a study of this nature.

i. Has DEP studied, or reviewed studies of, the impact on air quality from any past fire at a CIM location?

No.

15. Given CIM's past history of violations at its other locations, how can Eddystone residents be assured that DEP will hold CIM accountable to its permit conditions if DEP grants the pending permits?

Our job is to ensure proposed facilities meet the requirements for DEP permits and to conduct compliance inspections at the permitted facilities. DEP would evaluate any monitoring data during the inspections to assess permit compliance.

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DEP RESPONSE TO ER4PC QUESTIONS

June 2, 2011

Regulations

16. Combustion and further processing of ASR is known to release toxic and hazardous substances, including dioxins, to the environment. Will DEP reject any permit application for this facility that seeks authorization to burn or further process ASR?

EMR does not propose to further process ASR. Any future proposal for processing of ASR would have to be proposed in a permit application(s) and DEP would need to evaluate such proposal on its own merits. Additional processing of ASR could qualify for permit-by-rule under the Waste Management regulations, provided all other required DEP permits were also obtained.

17. What are the regulations for handling the following components that are brought to the proposed facility as part of cars, white goods, or other materials intended for shredding: LCD displays; electronics/e-waste; air bags; refrigerants; engine and other fluids? What human health risks are associated with these materials?

The applicant proposes to accept scrap metal only from suppliers who remove LCD displays; electronics/e-waste; air bags; refrigerants; engine and other fluids before shipping scrap to the facility. Suppliers must remove fluids to the maximum extent possible before shipping vehicles. The Department recognizes that no process can eliminate 100 percent of all such materials, but is requiring that all received scrap metal be handled in a manner which insulates the public from any hazards associated with these materials. Compliance with this requirement is required by visual inspections, using cameras, radiation detectors, and quality assurance personnel. If at any point prohibited materials are detected they must be rejected, segregated and stored temporarily in required impervious containment until the materials are sent off-site for disposal at a permitted facility. DEP required EMS to prepare and has approved a Preparedness, Prevention and Contingency ("PPC") Plan to ensure that operational contaminant releases are addressed promptly. Nine Clara treatment units are proposed to treat any contaminated runoff.

18. **Does DEP have the authority to condition its granting of these permits on a demonstration that CIM provide more environmental benefits to Eddystone than the potential environmental harms its operations at this facility would create in Eddystone? For example, can DEP condition a permit on a requirement that CIM use solar panels to generate electricity for their headquarters, or that it add sufficient additional solar panels to generate electricity for Eddystone residents?**

DEP does not have this authority. The harms/benefits regulation in the Waste Management Program is not applicable to this metals recycling facility. Under Air Quality regulations, we can only require they meet Best Available Technology ("BAT") for the air pollution source. We do not have the authority to require companies to use solar panels or provide solar panels to generate electricity for residents. Neither the air nor water quality requirements contain a harms/benefit component.

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DEP RESPONSE TO ER4PC QUESTIONS

June 2, 2011

19. CIM just recently submitted two stormwater permit applications along with two Water Obstruction and Encroachment permit applications, to go along with the previously submitted air plan permit – can DEP summarize in plain language all pending and required permit applications, what they propose, and what the relevant regulations require?

A. Individual NPDES Permit for Discharge of Stormwater from Construction Activities: This permit focuses on stormwater discharges associated with construction activities. During construction, it requires Erosion and Sedimentation (E&S) Control as required under DEP's Chapter 102 Regulations. E&S practices should adhere to the technical criteria identified in the PA Erosion and Sediment Pollution Control Program Manual (issued April 2000). E&S practices for this project include sediment basins, silt fence, rock construction entrances, inlet protection, riprap outlet protection, and temporary and permanent seeding to stabilize unpaved areas. After construction is completed, the permit requires Post Construction Stormwater Management (PCSM) using BMPs. PCSM BMPs will need to adhere to the technical criteria identified in the PA Stormwater BMPs Manual (12/2006). PCSM BMPs for this project include various bio-retention facilities, structural water quality treatment, and street sweeping. PCSM BMPs are designed to manage the volume, rate, and quality of stormwater runoff in accordance with the established NPDES permitting requirements.

B. The Water Obstruction and Encroachment Permit application requests approval to construct and maintain proposed outfall structures. The permit application review will focus on the health, safety, and environmental impacts of the four proposed stormwater outfalls located along the Delaware River. The stormwater outfalls have been reviewed for consistency with Chapter 105 regulations, including potential threat to life, property and navigation; effects on ecology, water quality and riparian rights; and consistency with other state program requirements for cultural and environmental impacts.

C. The individual NPDES permit for the discharge of stormwater associated with industrial activities requires minimizing the volume of the stormwater that comes in contact with the industrial activity and making sure that potential impacts to the stormwater are reduced through the use of BMPs, such as oil water separators and rain gardens, and emergency sluice gates for spill capture. Additional monitoring is required by the Industrial Wastewater (IW) NPDES permit. Each treatment unit will be monitored to evaluate treatment efficiency prior to its discharge to the rain gardens. BMP snouts are proposed to capture floatable materials. The runoff is then filtered through the rain gardens' 24-inch amended topsoil, then directed to the storm sewer outfall pipes via perforated underdrain pipes located under the rain gardens. The quality of water at the outfalls must be monitored on a quarterly basis.

20. How will the Delaware River and other nearby surface waters be protected from contaminants from CIM's operations that can seep through soil and eventually make their way into groundwater or surface water?

The PCSM Plan that is required as part of the NPDES construction permit will require stormwater treatment to capture pollutants prior to discharge. The permit application is reviewed to ensure all applicable PA standards for stormwater are met. The NPDES permit for stormwater associated with industrial activities will include ongoing discharge monitoring where necessary to protect the Delaware River. From a functional standpoint, the rain gardens are primarily designed to provide filtration and biological/chemical reduction of any pollutants contained in the runoff that were not removed by a preceding BMP in the treatment train. Groundwater recharge is not a major function of these rain gardens which have been equipped with perforated underdrains to capture and convey treated runoff after filtering through 24 inches of engineered soil. Operation and Maintenance Plans have also been developed to sequester and properly dispose of any captured pollutants from the rain gardens. Also, see response at No. 19C.

21. What are all of the potential wastewater contaminants associated with the metals recycling process, including, but not limited to: loading and unloading of trucks, shredding, dust suppression, fire suppression, pre-processing storage of materials, and ASR storage?

Stormwater runoff from the site will be treated through various BMPs. A treatment train approach has been utilized on most of the impervious surfaces on the site to maximize water quality treatment, including: source control through street sweeping; gravity separation and oil absorption through BMP Snouts with Oil Boom Pillows; and settling, filtration and biological/chemical reduction through Rain Gardens (a.k.a. Bioretention). Impervious areas that are subject to operations and potential oil in the runoff also incorporate a treatment train approach including: gravity separation through structural oil/grit separators; settling through detention structures; and settling, filtration and biological/chemical reduction through Rain Gardens (a.k.a. Bioretention). Through input by the Department, EMR arrived at this multiple treatment train approach which is considered state-of-the-art and meets the design objectives in Pennsylvania's Stormwater BMP Manual. All potential wastewater contaminants associated with the metal recycling process are included in the IW NPDES permit. See response at Nos. 10 and 22.

22. What proportion of the site will be covered by impervious surfaces, and how will that proportion impact DEP's evaluation of stormwater management techniques proposed under the relevant permit applications?

The existing site is covered by large amounts of impervious cover, including several buildings which will remain in place. New impervious cover is also proposed to facilitate operations at this site. The application includes several BMPs to deal with the rate, volume, and quality of anticipated runoff from the entire site, including impervious areas. The proposed site layout will include several pervious areas which will be fully utilized as green spaces for stormwater management purposes. The riverward side of the project includes a riparian buffer and two very large rain gardens – which will also be utilized as sediment basins during construction. There are also eight rain gardens on the perimeter and interior to

the project that will manage stormwater runoff. Prior to the stormwater reaching the rain gardens, it will be treated by gravity settling and oil/water separation units. The BMPs meet the design objectives in Pennsylvania's Stormwater BMP Manual. Also, EMR has proposed to cover the ASR pile to reduce the potential for contaminated runoff. See response to 21.

23. How is water usage in all aspects of metal recycling (e.g., dust suppression, metal cooling, fire control, and truck washing) affected by state or local drought limitation regulations?

Water suppression for dust control is considered an essential use and is not restricted during drought emergencies.

Truck Traffic and Routing/Quality of Life Issues

24. As a result of the significant increase projected in truck traffic we are concerned about trucks loaded with waste for the facility driving on our residential streets, particularly Saville Avenue, Eddystone Avenue, and 2nd Street between Eddystone and Saville Avenues. What traffic studies has DEP required or reviewed in connection with the proposed facility? Are they available to the public? What do they show regarding the impacts of this proposed facility on traffic on Saville and Eddystone Avenues?

No traffic studies are required under the applicable regulations. As with any commercial or industrial facility, traffic considerations are always under the purview of the local municipality.

We have been advised by the Borough Manager that funding has been secured for an alternative access road which is expected to be completed by the end of 2011.

25. How are diesel truck emission standards and state anti-idling laws enforced?

Local and state law enforcement as well as DEP inspectors can enforce the anti-idling law. This law requires that any vehicle with a gross weight of 10,001 pounds or more that is engaged in commerce cannot idle for more than five (5) minutes in any continuous 60-minute period. An exemption in the law allows these vehicles to idle for up to 15 minutes in any continuous 60-minute period, provided they are actively loading, unloading, and being weighed or sampled.

Any heavy-duty diesel engine sold within the Commonwealth must meet certain provisions of the California Exhaust Emission Standards and Test procedures for Heavy-Duty Diesel Engines and Vehicles. In 2005-2006, DEP's Central Office personnel visited Commonwealth truck dealerships offering these vehicles for sale and did not find any vehicles that did not meet the standards.

26. Have studies been required or performed to determine the impacts of the additional projected truck traffic on the structural integrity of Saville and Eddystone Avenues and accompanying sidewalks (which, we understand, conceal underground gas lines)? What about studies of the impacts to the nearest streets/sidewalks/underground gas lines from vibrations created by (a) shredder operations, (b) other operations involving heavy machinery at or around the site, and (c) explosions in the pre- or post-processing stockpiles?

These studies are not required pursuant to any of the DEP permits required for this facility.

See response to Question 24.

27. Has DEP performed, required, or reviewed any studies concerning the environmental and human health impacts of (a) the additional truck traffic to, from and at the facility, (b) the proposed facility's operations, or (c) the risk of fires and explosions at the facility? Are they available to the public? What do they say regarding environmental and human health impacts?

PA DEP considers many factors; including the protection of human health and the environment as well as public safety, during the development of its regulations. However, PA DEP does not generally conduct health studies related to the permitting of facilities.

28. What are the risks to the environment and human health of building a public park in an area that is to be bordered by a metal recycling facility and other heavy industrial uses?

Because the potential air emissions from this facility are extremely limited, there should be no adverse effects to park visitors. DEP will enforce all regulatory requirements at the facility to reduce any potential impacts. Construction of a public park will provide the benefit of public access to the Delaware River waterfront in an area formerly closed to the public.

Environmental Justice and Health Assessments

PA DEP considers many factors; including the protection of human health and the environment as well as public safety, during the development of its regulations. However, PA DEP does not generally conduct health studies related to the permitting of facilities. For example, the Eddystone air quality permit requires the installation of the best available technology. This technology includes equipment, devices, methods or techniques that prevent, reduce or control emissions of air pollution to the maximum degree possible. Moreover, the Department implements the national ambient air quality standards which set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. As a result, the regulatory standards that are in place are protective of public health and the environment. See response to Question 35.

29. How does the EJAB's recommendation that Eddystone be identified as an EJ community affect the DEP's evaluation of CIM's various permit applications for this site?

In accordance with DEP guidance, designation as an EJ community triggers an enhanced public participation process which helps to make residents aware of the proposal, keeps the community advised of review status, and allows the community to make suggestions and raise concerns to DEP. However, the regulatory requirements and technical criteria for review of permit applications are not altered in any way. Based on DEP's technical concerns and on public comments received through this process, the industrial stormwater permit has been modified to require appropriate treatment units and BMPs throughout the area to capture contaminated water and provide treatment prior discharge to Delaware River. Additional monitoring requirements were also included in the NPDES permit. See also responses at Nos. 10, 13, 19C, and 20.

30. What DEP plans and programs are designed to alleviate Eddystone's environmental burden from the high concentration of polluting industrial uses?

DEP's Air Quality permits require the use of the current Best Available Technology (BAT) to minimize air contaminants from entering the atmosphere. BAT is equipment, devices, methods, or techniques that DEP determines will prevent, reduce, or control emissions of air contaminants to the maximum degree possible. In this case, the EMR facility meets the BAT requirements.

Innovative technology, segregation of stormwater from active and inactive industrial areas, and implementation of a Preparedness, Prevention and Contingency ("PPC") Plan are designed to control water contaminant levels. See also response at No. 29.

31. Has DEP or any independent, nonindustry party conducted any studies to identify or assess the potential risks to human health of living in close proximity to an auto or metal shredding facility? What health risks were assessed, including, but not limited to: low birth weights, asthma, cancer, cardiovascular diseases, and respiratory diseases?

PA DEP does not generally conduct health studies related to the permitting of facilities. The Clean Air Act regulations for this type of facility were developed with human health and the environment in mind. DEP advised the PA Department of Health (DOH) of the proposal and the public comments received and also provided DOH contact information to the ER4PC. While DEP has not conducted any health studies relative to an auto shredding facility, it has conducted ongoing air monitoring in the region. See answer to Question 33 below.

32. What health risks do Eddystone residents already face? What assessment has been performed concerning the specific impacts the CIM facility could add to Eddystone's existing health risks?

See answer to question 33.

33. Has DEP or any other local, county, state, or federal agency conducted any health assessment of Eddystone residents since 1995? If so, when and what were the findings and conclusions? Is the report available to the public?

The DEP released its Third Interim Report for the Southern Delaware County Air Monitoring Report on July 31, 2003. The report, which includes a detailed analysis of cancer risk from inhalation of the pollutants measured, was made available at the September 27, 2010, public meeting. Findings and conclusions are provided in the report. This report can also be found on DEP's Air Quality webpage at:

http://www.dep.state.pa.us/dep/deputate/airwaste/aq/toxics/projects/sdel/sdelrpt3.pdf

The Summary of the report on page 2 states:

"The goals of this study are to learn more about the air quality in Southern Delaware County – what pollutants are present, how the measured; pollutant concentrations compare to other areas, whether there are any trends in pollutant concentrations, and what are the health risks from breathing air containing the pollutants that were measured. This data analysis and conclusions are solely those of DEP and may not reflect the views or opinions of EPA or Maryland Department of the Environment. Two earlier reports were released to the public in December 1996 and April 1999. This third report summarizes all of the air sampling from the start of the study in 1995 through 2000. Some changes were made in the way the data were analyzed from the first and second interim reports. The estimated cancer risk from inhalation have been updated using the most recent cancer unit risk factors published in EPA's Integrated Risk Information System (IRIS) and in other sources.

The Chester Volatile Organic Compounds (VOCs) sampler was moved from Front and Highland Avenue to Front and Norris Street, on January 7, 1999. This must be considered when examining the data for trends in pollutant concentrations. In September 2000, the Marcus Hook TSP (Total Suspended Particulates) and PM-10 (Particulate Matter less than 10 microns) samplers were moved from the roof of the Marcus Hook Elementary School to a location behind the school. The average particulate measured after the samplers were moved increased slightly, apparently due to the lower sampler height.

The second part of this report gives an estimate of the excess lifetime cancer risk due to inhalation of these pollutants. Any estimation of risk is based on assumptions: How well do air samples represent actual public exposures? How toxic are the chemicals? How long are people exposed? Is the estimated risk for an average person or for sensitive groups? What are the effects of other routes of exposure to these and other chemicals? The risks are estimates of the additional cancers that may occur in a population exposes continuously to the measured pollutant concentrations over a 70-year lifetime. They were calculated for the average concentrations measured during each calendar year. On a national average, roughly 4,000 out of 10,000 people will develop cancer in their lifetimes. The highest inhalation cancer risks, assuming people were exposed continuously to the annual average concentrations measured in 1995, were 1.6 in 10,000 for Chester and 1.6 in 10,000 for Marcus Hook. Risks based on the annual concentration

measured in 2000 were 1.3 in 10,000 for people in Chester, 1.2 in 10,000 for people in Marcus Hook, and 0.8 in 10,000 for people in Swarthmore.

Of the pollutants measured, the four that pose the greatest risk to human health in Chester, Marcus Hook, and Swarthmore are 1,3-butadene, 1,2-dibromoethane, benzene, and carbon tetrachloride."

34. If the DEP has not yet identified our community's health risks from environmental exposures in Eddystone, how is the DEP able to mitigate such risks as required by the Fair Treatment Mandate of Environmental Justice? Why is DEP's commitment to environmental justice limited to public participation in the permitting process, and not a substantive part of the permit review itself?

In its review of any project, DEP may only determine whether that project may be permitted under its current laws and regulations. All DEP permit decisions are based on statutes passed by the general assembly and signed by the governor, and upon regulations approved by the Environmental Quality Board.

Under the Environmental Justice Enhanced Public Participation Policy, DEP grants communities timely access to information on the proposed project, an opportunity to participate in an informational public meeting and opportunities to submit public comments.

35. Does DEP or EPA monitor air quality anywhere in Eddystone? Where? Where are the closest existing DEP or EPA monitoring or sampling sites to the proposed CIM facility, and what pollutants are monitored at those sites? Is the data publicly available?

DEP does not conduct air monitoring in Eddystone Borough. We do, however, maintain three air monitoring sites nearby in southern Delaware County. They are located in the City of Chester, Marcus Hook, and Swarthmore, all within a 5.5 mile radius of Eddystone. The Chester station is closest to Eddystone at 3.2 miles, with the Swarthmore station about 3.9 miles away.

Pollutants monitored at the Chester site include volatile organics, total particulates, metals, and weather data. At Swarthmore, we monitor for volatile organics, total particulates, and metals. At the Marcus Hook site, we monitor for volatile organics, total particulates, and metals.

The data is provided in the Southern Delaware County Air Monitoring Report as mentioned above and is publicly available on DEP's website. Based on the studies, there is no statistical difference in air quality comparing the data from the three stations. The air issues are area-wide.

While we would not use this data to make determinations on specific permits in Eddystone, the data is used to determine compliance with the National Ambient Air Quality Standards. DEP will then make regulatory decisions based upon an area's air quality rating. Areas in which the air quality meets all applicable standards are rated as "attainment" areas. Areas are designated as nonattainment when ambient air monitoring indicates that an air quality standard is not being attained. The Southeast

Pennsylvania area is rated as having moderate nonattainment status for ozone. Consequently, facilities in this area are subject to more stringent standards than if they were operating in an attainment area.

36. Will DEP commit to monitoring air quality in and around Eddystone to evaluate whether concentrations of air pollutants are higher in Eddystone than in other parts of Delaware County?

See answer to Questions 33 and 35.

37. Will DEP support Eddystone residents in seeking a health assessment (whether through a local, county, state, or federal agency or privately) to identify existing environmental health impacts in Eddystone before CIM begins operations here?

DEP will continue to implement the ongoing air monitoring program previously described (See answer to Question 35). However, DEP could support Eddystone residents through providing information and access to resources in other state agencies and/or academic institutions which may assist them in obtaining health data. Nevertheless, this assistance could not be tied to a permit review or permit decision due to our regulatory constraints.

Operations

38. If the permit applications are approved, will CIM be authorized to process materials mixed with incinerator ash, metal ash or other residual ash products? If so, (a) what are the sources of the ash and its toxicological and carcinogenic properties; (b) how, when, and for what analytes will the ash be tested; (c) how is the ash to be stored at the facility; (d) how long will the material and ash be stored prior to processing; and (e) how often will the ash be removed from this site? What regulations will apply to activities involving such ash materials?

The applications do not request approval to process material mixed with incinerator ash and therefore EMR would not be allowed to do so.

39. Does CIM intend to process used or new tires at the site? If so, what are its acceptance and storage policies, and how will the tires be processed?

Similar to the answer to Question 38, the air quality application does not request approval for the processing of tires and therefore the permit would not allow tire processing. The Preparedness, Prevention and Contingency ("PPC") Plan mentions removal and storage of tires with rims on prior to shredding. This recognizes that, on occasion, EMR may receive some cars that still have whole tires on rims. This incidental handling of waste tires on rims requires setting aside as unacceptable waste any waste tire received, temporarily storing them with rims on and then shipping them off-site so they are not shredded.

40. Will any of CIM's permits, if approved, allow them to process used or new tires at the site? If so, what regulations will apply?

See answer to Question 39.

41. Will the shredding process create any new hazardous materials? Have there been studies done regarding this?

As mentioned previously, the shredding process is a minor source of air pollution. DEP does not believe that the shredding process creates new hazardous materials.

42. Were noise studies performed, required, or reviewed for all transfer points – indoors or outdoors – in the proposed operational plan? What were the results?

The DEP does not regulate noise and, as mentioned previously, this is usually regulated by local authorities. Noise studies are not required pursuant to any of the DEP permits required for this facility.

43. What studies and tests have been performed on the actual shredder model that will be used at the proposed facility? Will you provide those results and reports to the public?

The Air Quality Program has not conducted any studies nor have we requested that any studies be conducted so no results can be provided.

44. What are the different types of metals that are found in materials that will be accepted at this facility, and how can they potentially affect our air quality, soil, water, and health?

The main types of metals being processed for recycling are steel, aluminum, and copper. The shredding process is an indoor, closed loop system, meaning there will be no emissions to the outdoor atmosphere from the unit. Any potential air impact from the facility could come from the outdoor ASR stockpiles, but they will be controlled through wet suppression. The NPDES permit for industrial activities will require monitoring for certain parameters of concern, including metals and oil and grease. There will be BMPs in place to control the discharge of potential pollutants in stormwater runoff. BMPs consist of 10 rain gardens, 8 BMP snouts, and 9 oil grit separators (Clara Units). Also see response at 10, 13, 19C, and 20. The outdoor ASR pile is proposed to be covered.

45. What are the potential contaminants implicated by, and health impacts of, the shredding of (a) LCD display panels found in cars and appliances; (b) auto air bags and their deployment mechanisms; (c) refrigerants, and (d) fluids found in cars and other heavy machinery?

Also see responses to Questions 10, 13, 17, 19, and 20.

46. Under the relevant regulations, what constitutes "empty" for a canister or tank that contained or could have contained engine or other fluids, which is brought to the facility for processing? How many inches of fluid can remain in a tank and still be considered "empty" under the regulations?

There is no specific regulatory definition of "empty" for a municipal or residual waste container. The pertinent performance standard for such nonhazardous waste is to properly drain or remove the liquid to the extent possible so that no visible signs of free-flowing liquid remain in or on the material. Under the Resource Conservation and Recovery Act (RCRA), for hazardous waste, the "RCRA Empty" definition is found in 40 CFR 261.7. Essentially, this requires that all waste be removed using the practices commonly employed to remove material from that type of container (e.g., pouring, pumping, aspirating, etc.) *and* no more than one inch of residue remain on the bottom of the container or liner, or no more than 3 percent, by weight, remain for containers or liners less than or equal to 119 gallons in capacity, or no more than 0.3 percent, by weight, remain if greater than 119 gallons in capacity. The second part of the RCRA definition is commonly used to evaluate the compliance with the "properly drain or remove the liquid to the extent possible" performance standard for non-hazardous waste. See also responses to Questions 10, 13, 17, 19, and 20.

47. Given that numerous toxic and carcinogenic metals – including arsenic, lead, cadmium, and others – are known to be found among the by-products of metal recycling operations such as CIM's, how will CIM ensure that no unsafe levels of these metals, or any other known human carcinogen, will be emitted into the air?

DEP air permits require that the facility apply best available technology to limit emissions of pollutants. The estimated emissions from CIM are considered minor for air toxics. BAT will provide adequate control of any emissions.

48. In the air permit application, CIM states that they will utilize an Osborn Engineering "Zero Bleed" Cascade Cleaning Chamber closed loop electromechanical air cleaning system. CIM states that this system has been permitted in fifteen (15) locations nationwide, with one system having already received PA DEP permits to operate in Pennsylvania. What facility using the identical Osborn system received PA DEP approval? What permits were issued to that site? What is the compliance history of that facility with regard to air quality? Wastewater and stormwater discharges? Groundwater contamination? Noise? Odors? Explosions or fires? How close is that facility to the nearest residences, or to surface waters? Were any health assessments or the neighboring communities conducted before or after that facility began operations, or before it began using the Osborn Zero Bleed System?

The operation is SIMS Metal in Fairless Hills, Bucks County. It is not near residences. The facility received a state only natural minor air operating permit and SIMS is compliant with our air quality regulations. We have had no environmental problems with this facility. We did not require any health assessment be conducted for this operation. SIMS also has an NPDES Permit No. PAR600077. See response to Questions 10 and 20, related to groundwater contamination and monitoring requirements.

49. What studies has DEP conducted or reviewed on the short- and long-term health effects of noise pollution on residential communities located near regulated facilities (whether in the metal recycling industry, or in other industries using similar equipment or equipment operating at similar decibel levels)?

DEP does not regulate noise.

50. Why has DEP not required CIM to obtain a permit from the Waste Management Program, when CIM will be processing, handling, transporting, and/or storing industrial, municipal, and/or residual waste at the proposed facility?

CIM's permit will only permit it to accept crushed vehicles and other scrap metal objects. Under long-standing DEP policy, the beneficial use of industry-wide coproducts, coal ash, food waste, mushroom waste, scrap metal, and slag does not require a permit if performed and beneficially used in accordance with applicable regulations.

A permit under the Solid Waste Management Act is not required to transport municipal or residual waste, nor is a permit required to generate such waste at a site or to store such waste as may be captively-generated at that site. In addition, a solid waste permit exemption exists for processing that results in the beneficial use of scrap metal. Thus, CIM does not require a solid waste processing permit for its shredding operation. Any waste residue generated and handled onsite as a result of the shredding operation will be managed under the applicable waste generator requirements.

51. Does PADEP consider ASR to be a hazardous waste? If not, why not?

ASR is not listed as a hazardous waste by the USEPA. Each generator must conduct a hazardous waste determination to determine if its waste is characteristically hazardous or not. If not, then the material is managed as a non-hazardous waste, or as a residual waste in Pennsylvania. EMR, as the generator, will need to conduct a hazardous waste determination for the ASR generated at its Eddystone facility and manage the material accordingly.

52. Will CIM's proposed operations use, produce, or create any substances that are ignitable, corrosive, reactive, combustible, or toxic? If so, how will those substances be handled?

See answer to Question 17.

CIM will be required to determine whether any of the wastes that it generates at its Eddystone facility are hazardous or nonhazardous and manage them pursuant to the applicable generator requirements.

53. What effect will rainfall have on piles of ASR?

Both the ASR storage pile and the ASR working pile near the shredder will be under roof to avoid contact with rainfall. Any rainfall contacting incidental ASR materials that is not absorbed or evaporated and results in runoff will be treated by the proposed stormwater BMPs. Special attention

was given to runoff coming from the industrial operations at this site. Additional structural treatment devices and utilization of the vegetated stormwater systems is proposed to directly deal with water quality.

54. Does DEP have current or future plans to reconsider its classification of ASR like other states have done (California, for example, has reclassified ASR as hazardous waste)? Why or why not? If so, when?

California has chosen to implement state requirements that are more stringent that the USEPA federal requirements for hazardous waste determinations. Pennsylvania incorporates the federal requirements for such determinations. There are currently no plans to change this approach.

55. If ASR is reclassified in the future under state or federal laws or regulations, will CIM be required to apply for a new permit, or may it continue operating under a permit granted before such a reclassification?

We cannot prospectively comment on any laws or regulations that have not yet been proposed.

56. Can DEP require that ASR be stored indoors at the proposed facility in order to protect human health and the environment? If not, why not? What authority does DEP have to require specific controls concerning storage and handling of ASR?

The Air Quality Program regulates fugitive emissions from stockpiles of material such as ASR. Facilities must take all reasonable means to control those emissions and prevent them from crossing property lines. If and when any such fugitive emissions violation would occur, the facility would be required to take means to address those emissions.

ASR will need to be stored in accordance with the applicable waste storage requirements. The residual waste storage requirements do not typically mandate indoor storage, but they do require that waste be stored in a manner that does not allow the waste or constituents of the waste to be blown or otherwise deposited outside of the storage area. This is a performance standard rather than a design standard. In the event the ASR is a PCB-containing waste (more than 4 but less than 50 ppm of PCBs), then the ASR must be stored in a facility with adequate roof and walls to prevent rainwater from reaching the PCB-containing material and with impervious flooring with containment curbing. Also see response to Questions 13 and 53.

57. Will DEP require testing of the ASR piles for hazardous constituents? If so, how frequently, and how will residents be informed of the results? What method will be used to test for leaching?

CIM will need to conduct a hazardous waste determination for wastes generated at the Eddystone facility. In accordance with USEPA requirements, such a determination does not require actual chemical analysis. It may rely upon generator knowledge. However, if determined to be nonhazardous, then the waste falls under DEP's residual waste generator requirements. This requires an initial chemical analysis of the waste and additional chemical analysis at least once every five years thereafter.

During intervening years, the generator may recertify that the physical and chemical characteristics of the waste did not change from the preceding year. Copies of the analyses and/or recertifications are submitted to DEP on an annual basis, using Form 26R, which are reviewed and then filed in the regional office. Analytical methods used are those in the most recent edition of EPA's "Test Methods for Evaluating Solid Waste" (SW-846).

58. When was the most recent testing of ASR produced at a CIM facility, and what were the results for overall toxicity as well as for specific metals?

We have no data on the CIM ASR since it is generated in NJ. SPC performs primary metal recovery at their Philadelphia facility. The ASR that they handle is not yet a waste because it is then sold to another facility in NJ that further processes the material to remove any remaining ferrous and nonferrous scrap metal. At that point, remaining ASR that is generated after the secondary and/or tertiary processing is a waste, but that is in NJ and is not subject to PA DEP's generator reporting requirements.

At the proposed facility, EMR will do the secondary/tertiary processing of the ASR material on-site so they will be generating the ASR at Eddystone. EMR will need to perform both hazardous waste determinations and residual waste characterizations on the waste materials they generate at their facility, including the ASR.

59. How close to surface waters can ASR be stored under applicable regulations?

There are no applicable regulations, other than the general requirement in 25 Pa. Code Section 91.34 for preventing polluting materials from entering waters of the Commonwealth and the requirement to obtain a permit for obstructions placed within the floodway (assumed to be 50 feet from top of bank). There are no piles proposed to be stored within 50 feet of the river.

Pursuant to the residual waste storage requirements, there are no isolation distances from surface waters specified for the storage of regular residual waste. There are some specific requirements for certain special types of residual waste. The only one that may be applicable to ASR would be if the ASR is a PCB-containing waste (more than 4 but less than 50 ppm (parts per million) of PCBs). If that were the case, then it could not be stored in the 100-year floodplain of waters of the Commonwealth.

60. Will DEP require that controls, such as pads, liners or berms, be installed under or around the ASR stockpiles to capture, treat, or manage wastewater and stormwater runoff?

DEP will require measures to prevent runoff from the facility from polluting the Delaware River.

From a waste perspective, outside storage piles shall maintain berms around the storage area to collect and, when necessary, treat runoff or leachate from the storage area, unless DEP waives the berm requirement when other collection methods are in place. If ASR is a PCB-containing waste, then it must be stored in a facility with adequate roof and walls to prevent rainwater from reaching the PCB-containing material and with impervious flooring with containment curbing. As noted earlier, EMR proposes to cover the outdoor ASR pile.

Attachment B

DEP RESPONSE TO ER4PC QUESTIONS

June 2, 2011

Site Contamination

61. Please briefly explain Act 2, also known as the DEP's Land Recycling Program?

The Land Recycling and Environmental Remediation Standards Act, known as Act 2, was passed in 1995, with regulations promulgated in 1997. Act 2 provides a release of liability to any remediator that can demonstrate attainment of one or more of the standards established by Act 2 (Statewide Health Standard, Background, and Site-Specific). Under Act 2, the Land Recycling Program provides procedures and cleanup standards for addressing contaminated sites within the Commonwealth. There are a variety of tracks a remediator may take to achieve DEP approval of a cleanup under Act 2. Common actions taken by remediators under the act include excavating soils and/or treating groundwater that exceed standards or managing it in place with engineering controls to eliminate exposure pathways. Under Act 2, a remediator must demonstrate to the Department's satisfaction that future human and nonhuman occupiers and users of a property will not be harmed by contamination.

62. Has the entirety of the proposed site been fully investigated and characterized with respect to both soils and groundwater?

A number of previous investigations were conducted at the former Foamex site from 1991 through 2010. Contaminants of Concern (COCs) were lead in soil and vinyl chloride, naphthalene, arsenic, and other compounds in groundwater.

CIM submitted an Act 2 Notice of Intent to Remediate (NIR) in August 2010. An Act 2 Final Report for soils only was submitted on December 17, 2010. The DEP approved the Act 2 Final Report for soils on February 25, 2011. The Act 2 Final Report contained data sufficient to attain a nonresidential Statewide Health Standards for 27 different regulated substances in soils.

63. Has groundwater flow been investigated and adequately characterized at the site? If so, how, when, and by whom, and what were the conclusions? Has DEP approved any such conclusions?

There has been a limited groundwater investigation, but the DEP has not approved the groundwater characterization. The approved Final Report as noted above only addresses soil contamination.

64. Was a baseline environmental assessment conducted of the former Foamex site? What were the results and recommendations?

Phase I and Phase II investigations were conducted in 2007–2008 by Malcolm Pirnie. Conclusions were discussed in the answer to Question 62, above. Camden Iron and Metal has chosen to excavate the three areas of Lead impacted soils.

Attachment B

DEP RESPONSE TO ER4PC QUESTIONS

June 2, 2011

65. What contamination has been found on, under, or emanating from the former Foamex site? Have any and all exposure pathways for these known contaminants been identified to DEP's satisfaction?

COCs are referenced above. As part of the Act 2 process, additional soil and groundwater samples were obtained for analysis and an ecological evaluation was prepared and submitted to supplement earlier information. The Act 2 Final Report submission for soils was approved as mentioned above.

66. What contamination has been found on, under, or emanating from either the specific piece of land that CIM has designated as potential park space or any pieces of land that potentially could serve as public access to the proposed park space?

Four soil samples and one groundwater sample have been collected from this area. No COCs have been identified in excess of the nonresidential Statewide Health Standard during this sampling event in 2008.

67. We understand that CIM recently submitted a Notice of Intent to Remediate for the site. What remediation has been or will be performed at the site to address the contaminants and/or the exposure pathways? Where? How long do you expect it will take to complete this remedial work, and what oversight will DEP provide during the remediation process?

CIM excavated soil in three areas where Lead concentrations were elevated and conducted additional sampling to verify remediation.

General

68. Will DEP require CIM to submit any sort of bonding under any of the pending permit applications? If so, in what amount and to cover what activities? If not, why not?

There are no bonding requirements in the Air Quality or Water Management Programs.

The waste management bonding requirements only apply to processing or disposal facilities for which a permit is required pursuant to the Solid Waste Management Act and its implementing regulations. As discussed previously, since no waste management permit is required, no waste bond is required for the CIM facility as currently proposed.

69. We request that copies be sent to Borough Hall and Ridley Public Library of all regulatory reports completed by or at the behest of EPA or DEP, as well as any other report completed by or at the behest of any federal, state, or local governmental entity or that CIM or its representatives have submitted to DEP, that relate to the proposed facility, its operations, auto shredding, ASR, or the equipment to be used at the facility.

DEP placed copies of all applications as well as DEP review letters and EMR responses at both locations.