

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Hazardous Sites Cleanup Program
Hoff VC HSCA Site
New Hanover Township, Montgomery County, Pennsylvania

March 1, 2013

STATEMENT OF DECISION

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") files this statement on the basis and purpose of its decision in accordance with Section 506(e) of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 1988, P.L. 756 No. 108 ("HSCA"), 35 P.S. Section 6020.506(e).

The Pennsylvania Department of Environmental Protection (Department) proposes an Interim Response to abate contamination in the private drinking water wells at the Hoff VC HSCA Site.

I. SITE INFORMATION

A. Site Location and Description

The Hoff VC HSCA Site (Site) is located near the intersection of Hoffmansville Road and Layfield Road in New Hanover Township, Montgomery County. The Site is an area of groundwater contamination located on the United States Geological Survey (USGS) 7.5 minute series Sassamansville, Pennsylvania Quadrangle Map, at 40.19791° north latitude and 75.33055° west longitude. The Site is an area that is mostly residential. Potable water at the site is supplied by residential wells.

B. Site History

In the early 1970's, the Pennsylvania Department of Environmental Resources (PADER) and the Pennsylvania Department of Health cited Swann Oil Company, located at 334 Layfield Road, New Hanover Township, PA, for violations of the PA Clean Streams Law due to runoff from truck washing entering an unnamed tributary to Swamp Creek. Stream samples taken at that time detected a hazardous substance, 1,2-dichlorobenzene, at multiple locations downstream of Swann Oil's facility. In 1973, Swann Oil installed a wash-bay for their vehicles in response to PADER's detection of contamination. Swann Oil Company filed for bankruptcy in the late 1980's, and in the early 1990's the Good Oil Company purchased the property.

In July 2011, the Montgomery County Health Department informed the Department that a sample taken from a residential well at 326 Layfield in response to a home heating oil release had high levels of VOCs. The Department provided those residents with bottled water and the Department initiated an investigation of the VOCs.

The Department has conducted multiple rounds of sampling of the residential properties located at the Site. Site contaminants have been detected at levels exceeding the MCL in samples collected from 9 residential properties. To date, a

total of 42 residential properties, businesses, and schools in New Hanover Township have been sampled.

In January 2012, the Department sampled 12 shallow wells at 334 Layfield Road, installed by Good Oil Co. on their property in the late 2000's. Site contaminants were detected at levels exceeding the MCL in samples collected by the Department from 8 of the wells. In April 2012, the Department installed 12 new monitoring wells at the Site and detected Site contaminants in both the shallow and deep groundwater at concentrations similar to those found in the residential wells.

C. Release of a Hazardous Substance

The presence of Trichloroethene ("TCE"), Vinyl Chloride and other Volatile Organic Compounds, pesticides, and 1,4-Dioxane in residential drinking water wells and onsite monitoring wells is evidence of a release or threat of a release of hazardous substances. A full list of contaminants that exceed the applicable Maximum Contaminant Levels (MCL) or Medium Specific Concentrations (MSC) for Used, Residential Aquifers in residential wells is listed below in Table 1.

Table 1.) Contaminants in Residential Wells that exceed Applicable Maximum Contaminant Levels or State-wide Health Standards (Site contaminants)

Contaminant	MCL or MSC (µg/L)	Range of Detections in Residential Wells (µg/L)
TCE	5	0 – 624
cis-1,2-dichloroethene	70	0 – 1580
1,1-dichloroethene	7	0 – 322
1,2-dichloroethane	5	0 – 8.28
1,1-dichloroethane	31	0 – 322
1,4-Dioxane	6.4	0 – 186
Pentachlorophenol	1.0	0 - 1.19
Dieldrin	0.041	0 – 0.31
Vinyl Chloride	2	0 – 99.8
Benzene	5	0 – 16.9
MTBE	20	0 – 328

II. RESPONSE CATEGORY

To address the contamination in residential home wells, the Department shall conduct an Interim Response action as defined in Section 103 of HSCA, 35 P.S. § 6020.103, and alleviate the threat to public health and safety.

The response category is Interim Response, because the response is expected to cost less than Two Million Dollars and be completed in less than one year.

III. ANALYSIS OF ALTERNATIVES

The selected response will be conducted as an Interim Response under Section 103 of HSCA, 35 P.S. § 6020.103, and shall be funded by the Hazardous Sites Cleanup Fund.

A.) Applicable or Relevant and Appropriate Requirements (ARARs)

The following standards, requirements, criteria or limitations are legally applicable, or relevant and appropriate under the circumstances presented by the Site.

Remediation Standards

Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, P.L. 4, No. 1995-2, 35 P.S. § 6026.101 *et seq.* (“Act 2”)
25 Pa. Code Chapter 250 – Administration of Land Recycling Program

Waste Management

Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, as amended, 35 P.S. § 6020.101 *et seq.* (“HSCA”)

Water Quality

Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 *et seq.*
25 Pa. Code Chapter 102 - Erosion and Sediment Control and Stormwater Management

Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, No. 43, 35 P.S. § 721.1 *et seq.* 25 Pa. Code Chapter 109 – Safe Drinking Water Regulations
Dam Safety and Encroachments Act, Act of November 26, 1978, P.L. 1375, No. 325 as amended, 32 P.S. §§693.1-693.27

Institutional Controls

Uniform Environmental Covenants Act (Act 68 of 2007), Title 27, Pa.C.S. Chapter 65 (UECA)

B.) Evaluation of Alternatives

Pursuant to its authority under Section 501 of HSCA, 35 P.S. § 6020.501, the Department shall implement an Interim Response action at the Hoff VC HSCA Site. In order to achieve the objective of eliminating the threats posed by ingestion of the Site contaminants in the drinking water, the Department considered the following five potential alternatives:

1. No Action.
2. Delivery of bottled water combined with restrictions on the use of groundwater.
3. Installation and maintenance of whole house treatment systems combined with restrictions on the use of groundwater.

4. Installation of a municipal supply waterline combined with restrictions on the use of groundwater.
5. Construction of a community water supply combined with restrictions on the use of groundwater.

ALTERNATIVE 1: No Action

Description of the Alternative:

Under this alternative, the Department would take no further action and would not continue monitoring or providing residents with bottled water to mitigate the threats of the ingestion of Site contaminants.

Protection of Human Health and Environment:

This alternative would not eliminate the threats to the public health and safety due to the potential of exposure to Site contaminants.

Compliance with ARARs:

This alternative would not comply with ARARs because it fails to prevent the public's exposure to hazardous substances.

Feasibility, Effectiveness, Implementability and Permanence:

This alternative would be feasible and implementable because no action is being taken, but would not be effective in addressing the health threats to the public and does not offer a permanent solution.

Costs and Cost Effectiveness:

There is no cost associated with this alternative.

ALTERNATIVE 2: Delivery of Bottled Water Combined and Carbon Filters with Restrictions on the Use of Groundwater

Description of the Alternative:

Under this alternative, the Department would supply bottled water to residents and install and maintain whole house carbon filters with levels of Site contaminants which exceed MCLs. The Department would maintain the carbon filters for a period of one year. The one year period referenced above would begin upon implementation of this alternative. Residents who are currently receiving bottled water and/or carbon filters as a temporary measure would continue to receive bottled water and have their carbon filters maintained under this alternative during the one year period so long as the levels of Site contaminants in their wells remain above MCLs. The Department would also sample residential wells periodically during the one year period. The sampling will also include residential properties with detectable levels of 9 Site contaminants

The Department would take appropriate steps to assure that residents do not ingest water from any water supply with concentrations of Site contaminants above the MCL and that a deed notice describing the contamination present in and the restrictions on the use of that water supply is recorded with the Montgomery County Recorder of Deeds.

Protection of Human Health and Environment:

This alternative is protective of public health and safety with regard to water supplies and assures that water with concentrations of Site contaminants above the MCL will not be ingested. The Department will provide impacted residents with an alternative supply of potable water during the one year period. Homes with Site contaminants at concentrations that pose an unacceptable threat to human health via inhalation and dermal contact would be provided carbon filters.

Compliance with ARARs:

This remedy would comply with the Safe Drinking Water Act because bottled water has to be sampled and met the MCLs.

Feasibility, Effectiveness, Implementability and Permanence:

This alternative would not provide a permanent solution to the potential for exposure to Site contamination. Delivery of bottled water would be required over a lengthy period of time because of the persistence of the contamination in the environment. The Department would continue an ongoing monitoring program of sampling and analysis for Site contaminants. This alternative would be effective for homes with lower levels of contamination as long as concentrations of Site contaminants remain consistent. This alternative would also be feasible and implementable, but would be an inconvenience to the residents because of sampling, scheduling, interruptions in service (some due to weather) and the need for residents to lift and move cases of water. The carbon filters are expected remove Site contaminants for five months before they need to be replaced. An ongoing monitoring program of sampling and analysis for Site contaminants would be continued.

Costs and Cost Effectiveness:

The cost of the Department's delivery of bottled water and to impacted residents is estimated to be \$9,500 a year (estimate based on number of residents who are currently impacted by the contamination and rates from similar sites). The costs of the carbon filters are \$35,000 for the installation and \$7,000 every five months. Additional costs associated with sampling of the residential wells are required for this alternative. The total cost for sampling during the one year period is \$32,000. The total cost associated with this alternative is estimated to be \$83,500. The estimate does not include funds to address contamination in homes which may be impacted in the future based on potential migration of the plume. This alternative is not cost effective and is not a permanent solution.

ALTERNATIVE 3: Installation and Maintenance of Whole House Treatment Systems Combined with Restrictions on the Use of Groundwater

Description of the Alternative:

During a one year period which would begin upon implementation of the alternative, the Department would offer to install, whole house treatment systems at impacted residences.

The chemical properties of the Site contaminants require extensive filtration and treatment to remove them from drinking water. The Department is not aware of any commercially, available residential-scale treatment systems that would reliably remove all the Site contaminants below the MCLs. Research, development, and testing of the whole treatment systems would be required.

The Department would install the whole house treatment systems on any residence with levels of Site contaminants that exceed MCLs in its well. For homes with already installed treatment systems, the Department would verify that the system meets regulatory treatment standards. The Department would also periodically sample existing residential wells and newly installed treatment systems during the one year period. The sampling would include residential properties with detectable levels of Site contaminants. Sampling of the water supply and maintenance of the treatment system would become the responsibility of the homeowner(s) after the one year period.

During the one year period, the Department would also install, at no expense to the homeowner, whole house treatment systems on any additional residential property with levels of Site contaminants which exceed the MCLs, provided that the homeowner enter into a covenant to maintain the treatment system after the one year period in accordance with the manufacturer's specifications and to perform the sampling necessary to assure that the systems is operating properly.

The Department would take appropriate steps to assure that water from any water supply with levels above the MCLs is not utilized in the future unless it has been sampled according to a protocol established by the Department and unless it passes through the Department-installed or an equivalent whole house treatment system that has been maintained according to manufacturer's specifications. The Department would also take appropriate steps to assure that a deed notice describing the contamination present in and the restrictions on the use of that water supply is recorded with the Montgomery County Recorder of Deeds.

Protection of Public Health and the Environment:

This alternative would be protective of public health and safety because the Department's installation and maintenance of whole house treatment systems will prevent the public's ingestion and inhalation of hazardous substances.

Compliance with ARARs:

There are no ARARs that are applicable to this alternative.

Feasibility, Effectiveness, Implementability and Permanence:

This alternative requires ongoing monitoring program of sampling and analysis for Site contaminants. This alternative would be difficult to implement. The Department is not aware of any residential treatment systems for the Site contaminants. This alternative would require the design of novel treatment systems, and only be effective as long as the systems were maintained properly. The whole house treatment systems requires an inordinate amount of space on the residential properties. Appropriately certified technicians would be required to perform maintenance on the systems.

Costs and Cost Effectiveness:

The cost associated with the design, construction, installation, sampling, and the maintenance of the treatment systems may exceed \$2,000,000. This estimate assumes that no additional homes will require treatment systems. This alternative is not cost effective and may not be a permanent solution.

ALTERNATIVE 4 : Installation of a Municipal Water Supply Waterline Combined with Restrictions on the Use of Groundwater

Description of Alternative

Under this alternative the Department would use the Hazardous Sites Cleanup Fund to construct a municipal supply waterline to the affected and threatened properties. The Department would fund the construction of the waterline main, the lateral connections from the waterline main to the affected residential properties, the connection of the laterals to the in-house plumbing, the repairs to all road surfaces or properties disturbed by the waterline construction, and the abandonment of all private water supply wells. Upon receipt of the Department's HSCA grant, New Hanover Township would implement this alternative, including the enactment of an ordinance to restrict the use of contaminated groundwater within the Site area.

Protection of Human Health and Environment

This alternative would be protective of human health and safety by eliminating the threat of exposure to Site contaminants through ingestion and inhalation pathways. The future supply of water to the affected properties will be provided by a water utility, which already has mandated monitoring requirements to ensure the water meets human health standards for drinking water. The source of the municipal supply is not located within the Site boundaries.

Compliance with ARARs

This alternative would comply with ARARs. It would eliminate the exposure to the contaminants present in the groundwater. Although the Department does not regulate water quality in private wells, the utility providing the public water, under this alternative, would be required to comply with established drinking water regulations. Therefore, this alternative would comply with Title 25, Chapter 109, of the Pennsylvania

Code, the safe drinking water regulations. The required well abandonment would also be funded under the remedy.

Feasibility, Effectiveness, Implementability, Permanence

This alternative would be a feasible, implementable, effective, and a permanent solution to the threat of exposure to site related contaminants through ingestion/inhalation of groundwater. Implementation of this alternative would be completed in a short period of time. A water main currently exists on Layfield Road located approximately one mile south of the intersection of Layfield Road and Hoffmansville Road.

Costs and Cost Effectiveness

This alternative would be cost effective. The estimated Departmental cost for the installation of a municipal waterline is up to \$2,000,000 under the proposed Interim Response Action and would include the cost of properly abandoning wells with Site contaminants. This alternative would be permanent.

ALTERNATIVE 5 : Construction of a Community Water Supply Combined with Restrictions on the Use of Groundwater

Description of the Alternative:

Under this alternative the Department would issue a grant or contract to design and construct a community water supply system to serve the affected residences. The project would include installation of a new supply well in an area not affected by the Site contaminants, installation of necessary treatment equipment required to provide safe drinking water, construction of a water main from the wells to the affected area, laterals and all needed facilities to supply water to the affected residents. All existing affected home wells and the common well would be properly abandoned.

Protection of Human Health and Environment:

A community water supply would be protective of human health. Public water suppliers are regulated under the Pennsylvania Safe Drinking Water Act. Selection of a new source would also be subject to the provisions of the Pennsylvania Safe Drinking Water Act, 35 P.S. 721.1 *et seq.* and the "Public Water Supply Manual, Community System Design Standards" Environmental concerns related to construction of the water system, including and erosion control would be mitigated through adherence to the appropriate regulations.

Compliance with ARARs:

As noted above water provided by the community water supply would be required to meet Pennsylvania Safe Drinking Water Standards. The water system's design and construction would be carried out in accordance with Part II of DEP's Public Water Supply Manual – Community System Design Standards.

Feasibility, Effectiveness, Implementability and Permanence:

This alternative would be effective and permanent for eliminating public exposure to contaminated groundwater at the Site. The Department is currently evaluating potential well sites for the community supply. The feasibility and implementability of various well sites will be key factors in this evaluation. The Department cannot both own and regulate a community water system and a willing operator would be required to take over the system and collect fees.

Costs and Cost Effectiveness:

The estimated capital cost of this alternative, which includes installation of a new source, treatment plant, delivery structures, and abandonment of the affected home wells and common well, is expected to cost higher than \$2,000,000 depending on the systems needed for treatment, system requirements, and construction costs. The Department would provide a one-year warranty for construction-related defects. The costs of operation and maintenance of the community water supply would be the responsibility of the water provider and would be reflected in the rates charged to its customers.

IV. SELECTED RESPONSE

The Department has determined, based upon the information contained in this document, that a response action is justified at the Site in accordance with Section 505(b) of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. § 6020.505(b). The Department has selected Alternative 4, installation of a public water supply waterline to the affected and threatened properties. The Department would fund the construction of the waterline main, the lateral connections from the waterline main to the affected properties, the connection of the laterals to the existing buildings' plumbing, the repairs to all road surfaces or properties disturbed by the waterline construction, and the abandonment of private water supply wells.

The fourth alternative is substantially more implementable, due to a nearby waterline and public water supplier than the other four alternatives. It complies with ARARs relating to the Safe Drinking Water Act standards, which protect human health. It is also a cost-effective method to mitigate the threats to public health associated with ingestion of the contaminated groundwater at the site.

VI. MAJOR CHANGES FROM PROPOSED RESPONSE

No major changes have been made to the proposed response action outlined in the Analysis of Alternatives and Proposed Response Document, signed on July 6, 2012 which is contained in the Administrative Record compiled for this response action.

VIII. DEP APPROVAL

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Stephen Sinding, Regional Manager
Environmental Cleanup and Brownfields Program

3/1/13
Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Hazardous Sites Cleanup Program

RESPONSE TO COMMENTS

Hoff VC HSCA Site

March 1, 2013

Notice of the establishment of an Administrative Record concerning the selection of the interim response at the Hoff VC HSCA Site ("Site") was published in the *Pennsylvania Bulletin* on October 20, 2012. The Administrative Record was available for public review at the New Hanover Township Building and at the Department's office in Norristown. The Department accepted comments on the Administrative Record between October 20, 2012 and January 18, 2013 conducted a public hearing on December 4, 2012, at the New Hanover Township Municipal Building. During the hearing, the Department accepted oral comments on the Administrative Record. The Department has compiled all comments, both oral and written, received during the comment period. The name and street address of each commenter is listed below:

Chris Mullaney
P.O. Box 24
Red Hill, PA 18076

Tony Mashintonio
P.O. Box 1
Frederick, PA 19435

Ralph G. Schaar
2110 Big Road
Gilbertsville, PA 19525

Daniel Nolan
2189 Hoffmansville Road
Frederick, PA 19435

Paul Persing
2015 Hoffmansville Road
Frederick, PA 19435

Diane Reese
313&317 Layfield Road
Perkiomenville, PA 18074

William and Grace Miller
325 Layfield Road
Perkiomenville, PA 18074

Edwin and Ann Hill
318 Layfield Road
Perkiomenville, PA 18074

Dorothy Schoenly
314 Layfield Road
Perkiomenville, PA 18074

Each comment, the source or sources of the comment and the Department's response are listed below:

Comment #1: Oral Comment from Chris Mullaney:

Good Evening. Chris Mullaney, M-U-L-L-ANEY, P.O. Box 24, Red Hill, PA, 18076. I think most of my questions have been answered, and I will be submitting formal comments. I just want to put on the record tonight that your investigation which originally started a year and a half ago, and you're speculating on the exact plume.

I understand that this takes a long time to figure out where the plume is traveling. But you have all but drawn the circle, so to speak, the blue, line and have stated that those are the only people that you're going to hook up. And I would object on behalf of the citizens and Mr. Mashintonio, who's just a hop, skip and a jump. And if, God forbid, he needs public water, that would cost a fortune, through no fault of his own. And I think that the sphere should be kept flexible, and there should be a time period,

perhaps five or ten years, where the DEP would be willing to extend this line and at no cost to the homeowner, to hook them up. Thank you.

Response to Comment #1: The residential properties to be connected to the waterline were chosen based on the historical detections of Site contaminants, and the potential for properties to become contaminated. The Department's groundwater investigation is ongoing. The Department does not regulate residential wells and the sampling of those wells is the responsibility of the owners. In the event that a residential property has exceedances of the applicable MCLs of Site contaminants in the future, the Department would connect that property to the waterline.

Comment #2: Oral Comment from Tony Mashintonio

Tony Mashintonio, P.O. Box 1, Frederick, PA 19435. My concern is with the restrictions, a couple - - - the deed restrictions that are going to be placed on all the homeowners. It seems to me we have attorneys present to see what the homeowners should possibly need to get a title - - - their deed to be, you know, title free,

I also see the problem - - - everyone's mentioning this story. I see the problem with Good and Swann Oil from years ago, who numerous times polluted the area. I think it's common knowledge. The DEP just found out about it. But I think if they would do some investigative reporting, former employees probably dumped oil and gasoline into this soil that polluted my sister's home, my farmland and the other residents of this beautiful community. And I just hope the liability is placed on them and not us, the homeowners who've been paying taxes up here. And again, I reiterate, the Silvi group and the quarry are - - - I feel, have been good neighbors. If there would be a problem, they have a track record that they clean up any of their messes. The mess was started years ago - - -. Thank you.

Response to Comment #2:

A mandatory hookup and well abandonment ordinance will serve as the institutional control to ensure that contaminated groundwater is not used in the future at the Site. Environmental Covenants are not expected to be required for the selected remedy.

Comment #3: Written by Ralph G. Schaar; Letter contained 29 questions (Attachment 1)

Response to Question 1.) The Department considered the construction of a community water supply in its Analysis of Alternatives. As noted in that document, the costs of such a supply well are expected to exceed \$2,000,000. Moreover, the cost of a community water supply will also exceed the costs of the selected Interim Response. In addition to the infrastructure costs (construction of the water main, laterals) associated with the selected Interim Response, the Department will also have to pay the costs of the land acquisition, permitting, and possibly treatment associated with a community water supply. Additionally, the Department cannot both own and regulate such a system. According to the Pennsylvania Utility Commission, the majority of the site has been designated for service by the Superior Water Company.

Response to Question 2.) The residential properties to be connected to the waterline were chosen based on the historical detections of Site contaminants, and the potential for properties to become

contaminated. The Department's groundwater investigation is ongoing. The Department does not regulate residential wells and the sampling of those wells is the responsibility of the owners. In the event that a residential property had exceedances of the applicable MCLs of Site contaminants in the future, the Department would hook up that property to the waterline.

Response to Question 3.) The residential properties to be connected to the waterline were chosen based on the historical detections of Site contaminants, and the potential for properties to become contaminated. The Department's groundwater investigation is ongoing. The Department does not regulate residential wells and the sampling of those wells is the responsibility of the property owners. In the event that a residential property had exceedances of the applicable MCLs of Site contaminants in the future, the Department would connect that property to the waterline.

Response to Question 4.) The Interim Response is anticipated to take less than one year to implement, depend on the community's support and the availability of funding. The Department's groundwater investigation is ongoing and possible future responses by the Department are outside the scope of this Interim Response, which is to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Question 5.) The Department inspected the alleged dump site on December 14, 2012. The Department determined that the waste material at the alleged dump site is inert and predates the regulations set by the Solid Waste Management Act. Hazardous substances have not been detected in sample results in vicinity of the alleged dump site.

Response to Question 6.) In the event that a residential property has exceedances of the applicable MCLs of Site contaminants in the future, the Department would connect that property to the waterline.

Response to Question 7.) In the event that a residential property has exceedances of the applicable MCLs of Site contaminants in the future, the Department would connect that property to the waterline.

Response to Question 8.) The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Use of groundwater for non-potable purposes by commercial properties and farms, is not being addressed by this Interim Response.

Response to Question 9.) The Hazardous Site Cleanup Act, 35 P.S. §6020.101, *et seq.* does not provide a mechanism to create escrow accounts to fund future responses. However, so long as the Hazardous Site Cleanup Fund has resources, responses can be funded.

Response to Question 10.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and separate from the Interim Response.

Response to Question 11.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was

to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and separate from the Interim Response.

Response to Question 12.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and separate from the Interim Response.

Response to Question 13.) The Department is anticipated to continue the monitoring wells at the Site. However, the Department does not regulate residential wells and the sampling of those wells is the responsibility of the owners before and after the initiation of possible quarrying operations.

Response to Question 14.) Upper Frederick Elementary, and Perkiomenville Valley Academy are community water supplies that are regulated the Department under the Safe Drinking Water Act. Their sampling requirements include the Volatile Organic Compounds, and Site contaminants have not been historically detected at either school. St. John's Luther Church, host of the Swamp Creek Nursery School, is distant from the Site, and is not located in the direction of groundwater flow from the Site.

Response to Question 15.) Upper Frederick Elementary, and Perkiomenville Valley Academy are community water supplies that are regulated by the Department under the Safe Drinking Water Act, 35 P.S. 721.1 *et seq.*. This Act's-sampling requirements include analysis for Volatile Organic Compounds. The Department has not detected Site contaminants at either school. St. John's Luther Church, host of the Swamp Creek Nursery School, is not within the Site area and is not located in the direction of groundwater flow from the Site.

Response to Question 16.) The scope of the Interim Response is to provide potable water to affected residents. The Department's a groundwater investigation at the site is ongoing and separate from the Interim Response. The Department may modify its investigative efforts, if necessary, based on the data from the Site.

Response to Question 17.) The Mandatory Hook Up Ordinance at the Site will be subject to a separate public comment period.

Response to Question 18.) The Department provided information about on-site contamination at the public meeting on December 4, 2012. The Department recommends that residents with concerns about the toxicity and other characteristics of the Site's contaminants should contact the Montgomery County Health Department.

Response to Question 19.) Sub-slab sampling was performed beneath three of the homes in the impacted area. No concentrations in actual soil gas were detected above ATSDR actionable levels in these samples. Properly constructed public water utilities will not create any new pathways of exposure to residents.

Response to Question 20.) Groundwater impacted with Site contaminants is not anticipated to be encountered during the construction of the waterline. The construction of the waterline will be subject to regulations promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.* and regulated by the Department's and the Montgomery County Conversation District's requirements.

Response to Question 21.) Groundwater impacted with Site contaminants is not anticipated to be encountered during the construction of the waterline. The construction of the waterline will be subject to regulations promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.* and regulated by the Department's and the Montgomery County Conversation District's requirements.

Response to Question 22.) Groundwater impacted with Site contaminants is not anticipated to be encountered during the construction of the waterline. The construction of the waterline will be subject to regulations promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.* and regulated by the Department's and the Montgomery County Conversation District's requirements.

Response to Question 23.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and separate from the Interim Response.

Response to Question 24.) The Department provided the requested information to Mr. Schaar during a file review on January 2, 2012.

Response to Question 25.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and separate from the Interim Response.

Response to Question 26.) This question is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. On December 12, 2012, the Department presented remedial alternatives for the Site. The transcript from the December 12, 2012 reveals that Department did not make representations concerning property values during the hearing.

Response to Question 27.) A buyer-seller agreement can be used when there is a contaminated property which is eligible for remediation pursuant to Act 2. Property owners and prospective buyers may execute such an agreement so long as the parties meet the requirements of Act 2 and at least one party will endeavor an on-site cleanup of hazardous substances in accordance with the requirements of this law.

Response to Question 28.) Since the operation of a community water supply well pump involves land acquisition as well as infrastructure costs, no valid comparison can be made between the costs of

purchasing water from Superior Water Company and the acquisition, construction and maintenance of an unaffected well.

Response to Question 29.) The Pennsylvania Utility Commission must approve rate increases by Superior Water. For cost recovery related to the purchase of potable water, the Hazardous Sites Cleanup Act provides a right of private action against responsible parties. All records of the Department's actions and investigation are available at its Southeast Regional Office in Norristown, PA.

Comment #4: Written by Daniel Nolan

Mr. Colin R Wade,

I first want to thank you and your fellow DEP employees for taking the time to inform the residents of Frederick, PA of the proposed clean drinking water project. The meeting was informative and provided me with the key points needed to make sure I know the proposed steps being taken. The hope is to ensure my family and other local residents are safe from the VOC contamination originating from the Ethan Good property.

The presence of the DEP in our community tells us there is a true present and future danger to our families' drinking water in the mapped area. It's also a good possibility of other residents in a wider area being affected if this situation is not taken care of in a quick manner. I understand the five possible steps your group is deliberating.

With the information provided in the meeting, I am in favor of the DEP proposed local public water project only if I am satisfied with the response and understanding of the following. I do have questions and concerns pertaining to this particular plan. Is there a list of addresses for the residents affected by the mandatory hook up? I am unsure as to who is financially responsible for this proposed project or the other four possibilities. There were two instances at the meeting where one green dot well, was responsible to pay for hook up and another was not. Who is to tell the residents the exact financial responsibilities for the immediate proposed project and future costs stemming from this contamination? Does the township have knowledge of this proposed plan? Do they have a financial plan in place? Are they taking action to hold the accused parties responsible for this contamination? I am concerned with the immediate safety of my wife and three children. We are in close proximity to the contaminated property. My family's water is not currently affected with VOC's but we are within the proposed new water source. If I don't hook up to this new water source, am I left to fend for myself when or if my water is contaminated? Will the DEP come back and propose a similar solution to those who may be affected in the future? How long will the DEP stay and be involved with the contamination. Will the DEP continue testing as you feel needed to ensure the safety and health of my family and other residents in the future? I have a concern there will be hidden expenses to the residents now and in the future. Is the DEP and or the township covering the hook up cost from the street to the final termination in each house hold? Is the DEP going to cover the project budget? Is the township responsible for all expenses? Will taxes increase because of this project?

In conclusion I want to make a comment I hope you, the DEP and township will take into account when making the final decision of this proposed plan. I will ask, upon your final decision you please keep in mind the health, safety and financial responsibility of the residents who have been adversely affected by this contamination. The blatant disrespect by the accused parties who made this mess is unacceptable ethically and lawfully. There will be long term affects to the local resident's health as well as the environment. It is in my opinion the accused should be the sole financial debtor. This includes all present and future expenses for my family, residents, the DEP and the township.

I appreciate you taking the time to read this letter. I encourage you and the DEP to move forward with a plan to protect our drinking water.

Thank You,
Daniel Nolan
2189 Hoffmansville Road
Frederick, PA 19435

Response to Comment #4: The Department appreciates this comment. The Department has selected Alternative 4, installation of a public water supply waterline to the affected and threatened properties.

Response to Question 1.) *Is there a list of addresses for the residents affected by the mandatory hook up?*

Residential properties to be connected to the public waterline was depicted on the maps presented during the administrative record hearing on December 4, 2012. Additionally, the Township will also develop its own list of properties to be connected to the waterline in its mandatory hook up ordinance. The hook up ordinance will be subject to a separate public comment period.

Response to Questions 2.) *Who is financially responsible for the proposed project?*

The Department will fund the construction of the water main, the lateral connections from the waterline main to the affected properties, the connection of the laterals to the existing buildings' plumbing, the repairs to all road surfaces or properties disturbed by the waterline construction, and the abandonment of private water supply wells.

Response to Question 3.) *Does the township have knowledge of the proposed plan?*

The Department has kept New Hanover Township aware of its activities and the selected Interim Response and will continue to do so.

Response to Question 4.) *Do they have a financial plan in place?*

The infrastructure related to the Interim Response will be funded by the Hazardous Sites Cleanup Fund.

Response to Question 5.) *Are they taking action to hold the accused parties responsible for this contamination?*

The Department will seek to recover costs associated with this Interim Response from any parties it deems responsible for the contamination. The Department does not have information regarding the Township's claims against potentially responsible parties.

Response to Question 7.) *If I don't hook up... Will DEP come back... to those affected in the future. How long will the DEP stay...?*

The Department will fund the connection to the waterline of residential properties to the water main during the one year period it takes to complete this Interim Response. Residential properties offered the opportunity to connect, and refuse, will have to pay applicable connection fees in the future. For properties not included in this Interim Response that have exceedances of the applicable MCLs of Site contaminants in the future, the Department will hook up those property to the waterline.

Response to Question 8.) *Will the DEP continue testing...?*

The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department may consider future testing outside of the scope of this Interim Response based on the results of its investigation.

Response to Questions 9-10.) *Is the DEP and or the Township covering the hook-up cost...?*

The Interim Response selected by the Department will be funded by the Hazardous Sites Cleanup Fund. The Department will fund the construction of the waterline main, the lateral connections from the waterline to the affected properties, the connection of the laterals to the existing buildings' plumbing, the repairs to all road surfaces or properties disturbed by the waterline construction, and the abandonment of private water supply wells. There are no taxes associated with the Department's Interim Response.

Comment #5:

Colin,

Thanks for taking the time to explain all the details of the public water line. Appreciate the time and effort.

I'd like to submit the following questions into the administrative record:

- PaDEP should develop a local repository for all the data from the various studies collected to date. This should be set up in the local library or township building. Even better would be to set up an electronic library on line.
- I appreciate PaDEP covering the costs for the water line. It should be made very clear to all the prospective residents that 100% of the cost of the public water lines is being covering by the state includes all the following:
 - The cost of the underground distribution lines, from the nearest existing supply lines to the effected properties
 - The cost of repaving the roads after they are dug up and patched. This should be clearly included in the scope that the asphalt repaving should include the entire width of the road and not the patchwork strips that later lead to potholes and unintended rumble strips along the road.
 - The cost of the lateral connections to each respective residence including any repairs to foundation or basement walls necessary to seal former well water connections and to cut new access for a new water line.
 - The cost of restoration of landscaping and lawns to its original condition. Water line lateral mapping should be performed to avoid existing mature trees in order to minimize root damage.
 - The cost of sealing and grouting the abandoned residential wells at each residential property being hooked up to the water line.
- How much excess capacity is being design into this distribution line? There should not be excess capacity designed in this line that could be used to facilitate small lot subdivisions in the area. The current property values are sustained because of the open space and limited land use

authorized by the present land ordinances. Land size restrictions on present lot size should be maintained throughout this area.

- What is being done to address residual contamination that could be built up in existing septic systems? At a minimum a septic tank clean out should be included in the water line project for residences who have been pumping contaminated water through their homes into their respective septic tanks. In order to remove residual contamination and prevent further migration into the ground through leach fields, septic tanks should be cleaned out after the water line connections are complete.
- What enforcement actions are being pursued against present and former property owners of the Good and Swann oil facility? The costs for future water use through a public water supply system should have been reimbursed as part of the damages against the current and past responsible parties that operated on the site. Property owners will now have to pay for their water. Electrical pumping costs savings will not compensate for the additional cost of water.
- PaDEP should have been better prepared during the public meeting to address the services costs and the future water supply costs that Superior Water Company will charge for residential water.
- How were the limits of the soil vapor study determined? Why wasn't every residence with site related contamination detected in groundwater on their respective properties studied for the existence of soil vapor intrusion into their homes?

Thank You
Paul Persing
2015 Hoffmansville Road

Response to Comment #5:

Response to Question 1.)...*local repository*...?

All records and sampling results, and studies conducted at the site are available for the public review at the Department's Southeast Regional Office in Norristown, PA.

Response to Question 2.)...*cost of the public water lines*...?

The Department will fund the capital costs to construct the water main, the construction of the laterals, site restoration, and the abandonment of the existing potable wells at the site.

Response to Question 3.) *How much excess capacity*...?

This Interim Response will be funded by the Hazardous Sites Cleanup Fund for only existing properties. Thus, its design does not include excess capacity for new land development.

Response to Question 4.) ...*residual contamination...in existing septic systems*?

Septic tank clean-ups are not included as part of this Interim Response as the purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Question 5.) ...*enforcement actions*...?

The Department will seek to recover costs for this Interim Response from any responsible parties. Sections 702 and 1101 of Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.702 and 6020.1101 provide mechanisms for private parties to independently seek damages against responsible parties.

Response to Comment 6.) *PaDEP should have...prepared..to address the service costs and future water supply costs...*

Residents who would like more information concerning the costs of water services may contact Superior Water Company

Response to Question 7 .) *How were the limits of the soil vapor...?*

The Department's Vapor Intrusion study at the Site is ongoing and not part of this Interim Response.

Comment #6:

Hi Colin, Hope your holidays were good? I needed some time to process all the information from the meetings and testing over the past two years. Here are my thoughts and corresponding questions. Testing has been done for almost two years with over 50 wells tested. To my knowledge, only 9 have been found to be polluted. If the original problem goes back 10 to 25 years, this is not a new issue. I am not sure that public water is the answer for all the residents in the area unless the DEP feels the problem will get worse instead of better. Would it not be easier and cheaper to fix or supply the nine wells affected than to make everyone connect to public water and pay a fee forever. I am not necessarily against public water but I have disturbing questions such as.. 1) Doesn't it make it easier for the township and the quarry if everyone is already hooked up to public water prior to the start of quarry blasting? 2) wouldn't it eliminate the worry of drying up wells, in close proximity to the quarry.... less headaches for both?!?! 3) Of all the test wells drilled, how many have been tainted? Is it just the deeper wells that are at issue, possibly due to the weight of solvents? If you cap all the wells, doesn't that just reroute the water table to another direction or to some other water stream?

In my case as a land owner for 25 years, as well as being an agriculture property, who's wells has tested clean every time, what assistance can I expect from the DEP in regard to an exception to the use of well water for farming purposes?? There are quite a few farmers in this immediate area that, if made to use public water would be forced out of business. Would there be some kind of legal assistance available to help our dilemma? Lastly, what about the possible sale of land to build homes? Would it no longer be permissible to drill wells? Would all future home construction need to use public water?

As you can see, this is a very serious situation for those of us utilizing well water for our livelihood. As well, it is a serious problem that a resident that currently does not have an issue with tainted wells is been forced to abandon the use of that well for no particular reason other than to conform to township desires. No matter what the result, I would hope that I could continue to utilize my well for agricultural reasons.

I thank you for your time and your dedication for trying to help our neighborhood and hope to hear from you or your team in response to my concerns.

Sincerely,
Diane Reese
313 & 317 Layfield Road Sent from my iPad

Response to Comment #6:

Response to Statement 1.): *Would it not be easier and cheaper to fix or supply the nine wells affected...*
The Department determined as part of its Analysis of Alternatives, based on the available data, both

Alternative 2, the installation of carbon filters and bottled water, and Alternative 3, the installation of whole-house treatment systems, were not permanent or cost effective alternatives to implement at the Site. Thus, these alternatives would not be "easier or cheaper" to implement.

Response to Question 1.) *Doesn't it make it easier for the township and the quarry...*

The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Alternative 4, was selected because it provides a permanent, regulated, alternative source of drinking water that can be feasibly implemented. Quarry operations and permitting are immaterial to the Department's response action to provide potable water to impacted residents.

Response to Question 2.)...*wouldn't it eliminate the worry of drying up wells...*

The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Alternative 4, was selected because it provides a permanent, regulated, alternative source of drinking water that can be feasibly implemented. Quarry operations and permitting are immaterial to the Department's response action to provide potable water to impacted residents.

Response to Question 3.)...*Of all the test wells drilled, how many have been tainted...is it just the deeper wells that are at issue...?*

The Department's sampling has detected Site contaminants in 26 monitoring wells at the site. These wells range in depth from 7.51 feet below ground surface (bgs) to 300 feet bgs. Most of the depths of the residential potable wells were unknown by the property owners.

Response to Question 4.) *If you cap all the wells, doesn't that just reroute the water table to another direction...?*

Alternative 4, was selected because it provides a permanent, regulated, alternative source of drinking water that can be feasibly implemented. Once the waterline is installed, and residential wells at the site closed, there is a possibility that the plume of contamination may migrate; to address this concern the Department will hook up both those residential properties that are currently affected, as well as those properties that are anticipated to be affected.

Response to Question 5.) *In my case as a land owner for 25 years, as well as being an agricultural property...what assistance can I expect from DEP in regard to an exception to the use of well water for farming purposes?*

The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Non-potable water use would be need to comply with the Mandatory Hook-Up Ordinance passed by New Hanover Township. Any discharge of contaminated water from non-potable wells to surface water would be a violation of the Clean Streams Law.

Response to Question 6.) *What about the possible sale of land to build homes? Would it no longer be permissible to drill wells?*

New wells at the site would need to comply with a Mandatory Hook-Up Ordinance passed by New Hanover Township, as well as be permitted by the Montgomery County Department of Health.

Response to Question 7.) *Would all future home construction need to use public water?*
New wells at the site would need to comply with a Mandatory Hook-Up Ordinance passed by New Hanover Township, as well as be permitted by the Montgomery County Department of Health.

Comment #7: Written by William and Grace Miller:

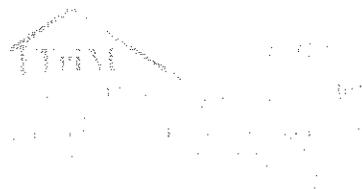
John Woods + Greg 7-11-2013

I am writing this letter to let you know that we William & Grace Miller want to let you that we approve to have the new line put in to supply our water in New Hanover Twp. In full compliance from the Department of Health or PL 73

Sincerely
William J. Miller Sr.
Grace Miller
Phone 610-652-2007

Response to Comment #7: For the Interim Response, the Department has selected Alternative 4, installation of a public water supply waterline to affected residential homes and those anticipated to be affected in the future.

Comment #8: Written by Christopher MacMullen



January 14, 2013

Mr. Colleen R. Wade
Pennsylvania Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Wormstown, PA 19401

Re: Groundwater Contamination
2024 Hochmayer Road
Frederick, PA

Dear Mr. Wade:

My company owns a home and 3 preliminarily approved building lots that are affected by groundwater contamination. It is my understanding that the DEP is proposing to extend a water line and connect all affected homes without charge to the homeowners.

Please consider providing me and any other affected landowners with the right to hook any potential, preliminarily approved, or approved building lots into the proposed waterline extension without charge. This would of course require the waterline extension to be large enough to provide capacity in addition to that which is needed only for the existing homes. I am suggesting that landowners be given the right to hook up, the actual cost of tying into the waterline should be born by the landowner.

If you have any questions about my comment concerning your long term solution, please don't hesitate to contact me.

Sincerely,


Christopher B. MacMullen, Owner
Tris Development Company

Response to Comment #8: For the Interim Response, the Department has selected Alternative 4, installation of a public water supply waterline to affected residential homes and those anticipated to be affected in the future. This Interim Response will be funded by the Hazardous Sites Cleanup Fund for only existing properties. Non-residential landowners may connect to the waterline at their own expense.

Comment #9: Written by Edwin and Ann Hill

To: Colin Wade,

In response to your e-mail both Edwin and Ann Hill want the proposed extension of the waterline to be extended to our home as soon as possible at no cost to us. Thank you for accepting our comments for this proposal. Ann and Edwin Hill, 318 Layfield Road, Perkiomenville, PA 18073

Response to Comment #9: For the Interim Response, the Department has selected Alternative 4, installation of a public water supply waterline to affected residential homes and those anticipated to be affected in the future. Once the Interim Response is completed, the cost of the water from Superior Water will be borne by the property owners.

Comment #10: Written by Christopher Mullaney; Letter contained 36 comments (Attachment 2)

Response to Statement 1.) The Department's selection of an Interim Response is pursuant to the administrative record process outlined in Section 506 of the Hazardous Site Clean-Up Act, 35 P.S. § 6020.506. The Department will conduct additional Site investigation separate from its Interim Response action.

Response to Statement 2.) Analysis of the impact of the Quarry on groundwater quality was made or (will be) made during the permitting of the Quarry. Such analysis is beyond the scope of the Department's Interim Response to connect residential properties to a potable water supply.

Response to Statement 3.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 4.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 5.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing.

Response to Statement 6.) The Non Coal Surface Mining Act is not an ARAR for this Interim Response. The purpose of the Interim Response is to provide a source of potable water to affected residential homes and those likely to be affected. The extension of a waterline and laterals is not regulated by either the Non Coal Surface Mining Act or the blasting regulations promulgated pursuant to this Act.

Response to Statement 7.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 8.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 9.) The Department will consider (or has considered) public comments related environmental impacts of the Quarry during the separate public comment period for the Quarry's permit application. Such comments are beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing.

Response to Statement 10.) The Department has stated that it will fund only the capital costs of the construction of the waterline; future water bills will be the responsibility of property owners. For more specific information concerning expected monthly costs for water service, residents may contact Superior Water Co.

Response to Statement 11.) At the public meeting on April 12, 2012, the representatives of the Department's outlined the actions taken at the Good Oil Property located at 334 Layfied as it pertains to ongoing petroleum contamination on that property. Records regarding the Department's enforcement of the Storage Tank laws at the Good Oil property at available for public review at the Department's Southeast Regional Office in Norristown, PA. The issue of the whether the Quarry will discharge polluted groundwater is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing.

Response to Statement 12.) All records regarding the Department's enforce of the Storage Tank laws at the Good Oil property as well as the Department's actions under the Hazardous Sites Clean-Up Act are and have been available for public review at the Department's Southeast Regional Office in Norristown, PA.

Response to Statement 13.) Records regarding the depth of monitoring wells sampled at the site are available for public review at the Department's Southeast Regional Office in Norristown, PA.

Response to Statement 14.) The Department selected an Interim Response in order to immediately address the human health risks associated with the Site contaminants in residential drinking water. The Interim Response is expected to take less than one year to implement, and cost less than \$2,000,000.

Response to Statement 15.) Section 501(d) of HSCA, 35 P.S. § 501(d) states:

“(d) Investigations.- *The department shall undertake or cause to be undertaken by the owner, operator or any other responsible person as permitted under subsection (a), investigations, monitoring, surveys, testing and other similar activities necessary or appropriate to identify the existence and extent of the release or threat of release, the source and nature of the hazardous substances or contaminants and the extent of danger to the public health or welfare or the environment. The department may also undertake planning, legal, fiscal, economic, engineering, architectural and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action and to enforce the provisions of this act...”*

The word “may” in the last sentence of this provision indicates that the Department has discretion regarding whether to undertake planning, legal, fiscal, economic, engineering, architectural and other studies or investigations necessary or appropriate to plan and direct a response action. Notwithstanding this discretion, the Department has conducted an appropriate investigation to determine which residents are or may become impacted by hazardous substance contamination within the boundaries of the Site.

Response to Statement 16.) The Department will fund the Interim Response through a grant to New Hanover Township. New Hanover Township will then select a public water supplier. According to available information from the Pennsylvania Utility Commission (PUC), Superior Water Company is the designated water supplier in New Hanover Township. Future rate increases would have to be in compliance with regulations set by the PUC.

Response to Statement 17.) The Department has conducted sufficient testing of both the Site’s perimeter and the contamination plume to determine the residents who are impacted or may become impacted by the contaminants. The residential properties to be connected to the waterline were chosen based on the Department on-site data of historical detections of Site contaminants, and the potential for properties to become contaminated. The Department’s groundwater investigation is ongoing. In the event that a residential property had exceedances of the applicable MCLs of Site contaminants in the future, the Department would connect that property to the waterline.

Response to Statement 18.) The Department will fund the capital costs of construction of the waterline main, including: the lateral connections from the waterline main to the affected properties, the connection of the laterals to the existing buildings’ plumbing. The Department will not pay residential water bills; residential water usage varies, and the Department cannot estimate the associated costs.

Response to Statement 19.) Uses of groundwater that fall under the Department’s purview will be subject to the applicable laws and regulations, including pertinent mining regulations.

Response to Statement 20.) The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Permitting and groundwater testing requirements related to the Quarry’s mining permit are beyond the scope of the Department’s Interim Response.

Response to Statement 21.) The Department’s Interim Response to connect identified contaminated and potentially contaminated residences to a potable water supply is not contrary to its on-going investigation of the contamination plume within the Site area. If the Department’s investigation reveals

properties which subsequently become contaminated, the Department will address these properties when information about them becomes available.

Response to Statement 22.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. Notwithstanding this objection, the Department's Southeast Regional Office has an on-going dialogue about this Site and the Quarry.

Response to Statement 23.) The Department's Interim Response to provide potable water to potentially impacted residents is separate from its investigative response action to determine the source of the contamination. The Department's groundwater investigation is ongoing.

Response to Statement 24.) The Department inspected the alleged dump site on December 14, 2012. The Department determined material at this site is inert and predates the regulations set from by the Solid Waste Management Act. Hazardous substances have not been detected in sample results in vicinity of the alleged dump site. Thus, the Department's discovery of the alleged dump will not affected its Interim Response.

Response to Statement 25.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 26.) This statement is beyond the scope of the Interim Response that was the subject of the comment period and the public hearing. The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future.

Response to Statement 27.) The Department considered the construction of a community water supply in its Analysis of Alternatives. As noted in that document, the costs of such a supply well are expected to exceed \$2,000,000. Moreover, the cost of a community water supply will also exceed the costs of the selected Interim Response. In addition to the infrastructure costs (construction of the water main, laterals) associated with the selected Interim Response, the Department will also have to pay the costs of the land acquisition, permitting, and possibly treatment associated with a community water supply. Additionally, the Department cannot both own and regulate such a system. According to the Pennsylvania Utility Commission, the majority of the site has been designated for service by the Superior Water Company.

Response to Statement 28.) The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing. Thus, the Department may conduct additional modeling and testing related to the contamination plume. If additional impacted properties are identified during the investigation, the Department will address these properties when information about them becomes available.

Response to Statement 29.) The residential properties to be connected to the waterline were chosen based on the historical detections of Site contaminants, and the potential for properties to become contaminated. The Department's groundwater investigation is ongoing. If additional impacted properties are identified during the investigation, the Department will address these properties when information about them becomes available.

Response to Statement 30.) Groundwater contour maps, including ground water flow modeling data, prepared by SAIC, Inc., the Department's contractor are available for public review at the Department's Southeast Regional Office in Norristown, PA.

Response to Statement 31.) The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and the Department will determine the extent of future ground water testing, the geographic locations of testing and the duration of testing in a separate investigative response action.

Response to Statement 32.) The Department considered the construction of a community water supply in its Analysis of Alternatives. As noted in that document, the costs of such a supply well were expected to exceed \$2,000,000. In addition to the infrastructure costs (construction of the water main, laterals) associated with the selected Interim Response, costs of a supply well include the land acquisition, permitting, and treatment if necessary.

Additionally, the Department cannot both own and regulate such a system. According to the Pennsylvania Utility Commission, the majority of the site has been designated for service by the Superior Water Company. Since the Department determined construction of a supply well was impractical as an Interim Response, no economic analysis was performed comparing the costs to residents.

Response to Statement 33.) The Department considered the construction of a community water supply in its Analysis of Alternatives. As noted in that document, the costs of such a supply well were expected to exceed \$2,000,000. In addition to the infrastructure costs (construction of the water main, laterals) associated with the selected Interim Response, costs of a supply well include the land acquisition, permitting, and treatment if necessary.

Additionally, the Department cannot both own and regulate such a system. According to the Pennsylvania Utility Commission, the majority of the site has been designated for service by the Superior Water Company. Since the Department determined the construction of a supply well was impractical as an Interim Response, no groundwater investigations were performed to determine the feasibility of a community water supply well.

Response to Statement 34.) The purpose of the Interim Response was to provide an alternative supply of potable water that meets Safe Drinking Water standards to affected residential homes and those anticipated to be affected in the future. The Department's groundwater investigation is ongoing and the Department will determine the contaminant mass and other information about the source of contamination in its separate investigative response action.

Response to Statement 35.) A review of the transcript indicates that the Department did not make representations concerning property values and the proposed Interim Response.

Response to Statement 36.) The purpose of the Interim Response is the replacement of potable at the Site for those properties affected or likely to be affected. For those properties, no valid cost comparison between the cost of public water and maintaining an unaffected well can be made, since hazardous substances in the residential wells exceed the Safe Drinking Water standards, and would have to be treated to abate negative human health effects.

Comment #11: Written by Dorothy Schoenly

1-15-2013

Dear Colin Wade

I am interested in getting the Pipe Line in from Boyertown School District. I give my approval for the Pipe Line Put in as soon as possible.

Dorothy Schoenly
314 Layfield Rd.
Berksville
Pa 18074

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13 JUN 18 06 14 06
ECP/WAS
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DEPT. OF ENVIRONMENTAL
PROTECTION

Response to Comment #11: For the Interim Response, the Department has selected Alternative 4, installation of a public water supply waterline to affected residential homes and those anticipated to be affected in the future.

Attachment 1: Ralph G. Schaar's Letter



December 5, 2012

SUBMITTED VIA EMAIL & US POSTAL SERVICE – CERTIFIED MAIL

Mr. Colin R. Wade
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

**Subject: Comments to Public Meeting & Interim Measure
 Hoff VC HSCA Site
 New Hanover Township, PA**

Dear Mr. Wade:

It was a pleasure meeting you last night at the December 4th, 2012 public meeting at the Boyertown Area Junior High School East albeit under less pleasant circumstances.

The purpose of this letter is to provide the Pennsylvania Department of Environmental Protection (PADEP) with comments pertaining to the captioned site and the PADEP's proposal to provide the residences adversely impacted by the release of contaminants from the captioned site into the environment with public water.

The importance of providing safe drinking water to the impacted residents in an expedient manner is a paramount concern. However, it appears that the feasibility evaluation of the Interim Measure is incomplete and that some statements made by representatives of the PADEP are factually incorrect. A myriad of questions require additional answers and action by the PADEP. Although this letter and its contained list of comments are lengthy, I am sure you understand that this site and effects require a thorough and diligent, yet expedient approach by all parties involved.

I have been a remedial design and implementation professional for 26 years having conducted and/or managed several hundred site investigations, remedial investigations, feasibility studies, remedial implementations, site closures, and Brownfield redevelopments. As a concerned local resident it is my intent to ensure the soundness of the selected Interim Measure and ultimate remedy on behalf of my family residing at 2110 Big Road in Gilbertsville; my 9-year old daughter attending New Hanover Upper Frederick Elementary School; and my neighbors.

1. It appears that the selection process for the "Interim Measure" to be implemented is incomplete although the PADEP is proposing the installation of a public water line to provide the impacted residences with safe drinking water at a substantial cost to the homeowners. The option of installing a new municipal well has – in my opinion not been sufficiently evaluated at this point. In order to dismiss the economic feasibility of a newly installed municipal a preliminary location would have to be selected.



In order to evaluate the municipal well option, the PADEP could select an upgradient location at a sufficiently conservative distance (and outside a potential radius of influence of the future quarry). A preliminary economic feasibility evaluation could then be performed on said preliminary location including length of water lines to the residences, well depth and diameter, screened intervals, as well as installation and operation & maintenance costs. I do believe that the PADEP should have sufficient data on hand on the area allowing for some preliminary well yield evaluations.

Based on my 26 years of experience as a Professional Geologist in remedial design and implementation, I consider this option still technically and economically very viable, especially in light of the anticipated installation costs of the public water line from Boyertown Junior High School East to the area in question. Additionally, the annual water costs to the homeowners likely in excess of \$1,200 per year (to be paid to a “for profit” commercial enterprise – Superior Water Company) with the public water line option need to be considered also. The operating cost of a municipal well will likely result in lower water bills with lower annual cost escalations than the water rates by Superior Water Company.

Please explain in detail what evaluations (technical and economic) were conducted by the PADEP to fully screen the municipal well option.

2. The selection of ultimate environmental remedies is supposed to be the result of a Remedial Investigation and Feasibility Study (RI/FS). Even for an Interim Measure a limited RI should have been performed. While subsurface investigations have most certainly been conducted by the PADEP, it appears that even a limited RI is still insufficient for the selection of which residences will be provided with public or municipal water (Options Nos. 4 and 5 as presented). By its own admission the PADEP has not delineated the lateral and vertical extent as well as direction of the groundwater plume. With that being said, how can the PADEP with a high degree of confidence determine which residences will likely be adversely effected in the future. As currently proposed only the residences depicted with “red” and “yellow” color designations will be provided with access to municipal/public water.

Please detail what hydrogeological investigation and fate and transport modeling has been conducted to provide a high degree of confidence that the residences currently denoted in “green” are not potential receptors.

3. A concern exists that the leading edge of the groundwater plume as well as respective aquifer parameters have not been sufficiently identified to date. Through the December 4, 2012 public meeting a tenuous perception (at best) was created within the general public and impacted residents that the extent of the plume and its impact has been characterized



and that no or only minimal changes to the current “status-quo” are anticipated. It is my professional opinion that the groundwater plume and its potential impact are beyond what is currently anticipated and/or conveyed by the PADEP.

What monitoring measures will the PADEP continue to implement for the residences currently deemed non-impacted (i.e. denoted in “green” on the current drawings)? **Please provide detailed information.**

4. The PADEP stated during the December 4, 2012 meeting that the PADEP is currently proceeding on two tracks (1) the implementation of the Interim Measure and (2) the continued site/remedial investigation. In order for a level of trust and comfort to be established within the local community I do believe that it is important to understand the PADEP’s timeline for the site/remedial investigation and the ultimate implementation of a full-scale remedy. This is integral to a level of comfort that the number and areas of impacted residences will not continue in perpetuity. We just want to feel comfortable that both tracks progress in a manner that is protective of the community and that there will be an endpoint (whatever that may be). **Please provide details on the timeline and milestones for the site/remedial investigation.**
5. Several of the residents present at the December 4, 2012 public shared knowledge about a former dump site east of Highway 663 between the intersections of Big Road and Hoffmannsville Road. This alleged former dump site is located between the impacted residences and several residences/wells currently denoted as un-impacted (“green”). What steps is the PADEP prepared to implement to ensure that the currently un-impacted (denoted as “green”) in the southern reaches of your investigated area on your presentation are protected and adequately monitored? **Please provide details.**
6. In the (not so unlikely event) that currently un-impacted wells will indeed be impacted after the installation of the water line is complete, what measures will the PADEP implement to hook-up the newly impacted residence(s) to the newly installed water line and what will be the anticipated response time for such action? **Please provide details.**
7. Does the PADEP anticipate a time limit for the hook-up of a newly impacted residence(s) with no cost to the resident(s)? Given what appears to be limited information available to date on the extent and/or characteristics of the contaminant plume, currently un-impacted residence(s) may not be impacted until several years from now. However, the residents should still be afforded such a measure. **Please provide details.**
8. What is the PADEP’s rationale for excluding the commercial properties and farms from a free hook-up to the water line (public or municipal)? These businesses are adversely



impacted through no fault of their own by the groundwater contamination just like the local residences. *Please provide the rationale.*

9. With the ever increasing budgetary pressures on State, Federal, and local funding, will the PADEP establish an ESCROW account set aside for future hook-ups to the water line (regardless if public or municipal (Options Nos. 4 and 5 of the presentation))? A concern does exist that if residence(s) will have to be hooked up at a later date that a lack of funding may preclude or delay the respective hook-up or that it may at that point become the responsibility of the resident(s). *Please provide detail.*

10. With a large portion of the Interim Measure relying on predictions by the environmental professionals of the PADEP pertaining to what properties have been impacted and which ones are deemed at risk, *please provide details on the current and planned "source control" efforts to eliminate (or at least reduce) the continued recharge to the plume* via continued leaching of a potential "hot spot"/source and controlling infiltration. It is paramount that the source be controlled immediately while other investigations are being conducted.

11. With the impending initiation of quarrying operations between Hoffmannsville Road and Big Road, please provide detailed information (such as groundwater flow modeling) has been performed to evaluate the effect that continued extraction of groundwater at the quarry will have on the groundwater plume. *Please provide the model and input parameters as well as model assumptions and boundary conditions.*

There is a substantial concern that groundwater extraction at the quarry will accelerate the movement of the plume and thereby result in a spreading of the contamination.

12. What monitoring requirements will the PADEP impose on the operator of the quarry to ensure that the groundwater extracted or any run-on/run-off are not impacted by the observed contaminants of concern? *Please provide details.*

13. What monitoring requirements will the PADEP initiate (groundwater monitoring wells and residential wells currently denoted as "green") once the quarrying operations and groundwater extraction is initiated to ensure that the characteristics of the groundwater plume are not altered? An alteration of a groundwater plume will further exasperate the already adverse impact to human health and the environment or endanger additional residences. Is the PADEP prepared to advance additional monitoring wells or expand investigative efforts? *Please provide details.*



14. What monitoring protocols are currently in place at the local schools (New Hanover Upper Frederick Elementary, Swamp Creek Nursery School, and Perkiomenville Valley Academy)? **Please provide details.**
15. What monitoring protocols will the PADEP initiate at said schools once the quarrying operations and groundwater extraction are initiated to ensure that the characteristics of the groundwater plume are not altered? **Please provide details.**
16. An alteration of a groundwater plume will further exasperate the already adverse impact to human health and the environment or endanger additional residences. Is the PADEP prepared to advance additional monitoring wells or expand its investigative efforts to ensure continued protection and to assert control of the situation?
17. In order for the general public to formulate an informed opinion on the Interim Measure resulting in the “Community Acceptance” during the FS, it is crucial that a draft of the “Mandatory Hook-up Order” be provided to the impacted residents at this point rather than later in the process. The PADEP stated that it did not want to inconvenience the Township with the drafting of such order until it was certain that the “public water option” would be implemented. However, the “inconvenience to the Township” should be a much lesser concern than providing the impacted residents with the appropriate information to provide informed consent or disapproval.

The content, provisions, and stipulations contained within the “Mandatory Hook-up Order” are of crucial importance for community “Community Acceptance” on this matter.

It is strongly urged that the Township be asked to develop a draft “Mandatory Hook-up Order” immediately and present it for public review and comment. Please provide detail on the PADEP’s intent in this matter.

18. Has the PADEP thoroughly informed the general public and the impacted residents about the characteristics of the contaminants of concern at the site? There was an impression at the December 4, 2012 meeting that quite a few impacted residents anticipate that the groundwater condition will be remedied. There are numerous contaminants of concern with recalcitrant characteristics and/or with the potential for severe adverse health and environmental impacts including:
 - a. chlorinated compounds (trichloroethylene (TCE); cis1,2-dichloroethylene (DCE), and vinylchloride (VC));
 - b. methyltertiarybutylether (MTBE);
 - c. polycyclic aromatic hydrocarbons (PAHs) – such as benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, etc.); and



d. 1,4-dioxane

Reflecting on remedial history and the state of current remedial technologies in conjunction with the local geologic strata it is my professional opinion that the likelihood of a successful remedy is very low and that the residents should be made aware of that potential. Does the PADEP anticipate to inform the general public and impacted residents about the characteristics and potential impacts of the contaminants of concern in a public meeting or via fact sheets or does the PADEP consider this responsibility be incumbent on the individual resident(s)? Please provide details.

19. With the elevated contaminant concentrations in groundwater the PADEP has initiated vapor intrusion studies. This appears to be in response to the characteristics of the contaminants of concern such as vapor pressures, volatilization potential, partitioning coefficients, etc. What measures will the PADEP require by the water hook-up installation contractor to ensure that the water hook-up will not present a pathway for vapors into the residence? **Please provide details.**
20. In light of elevated groundwater concentrations of volatile organic compounds and in conjunction with the concerns over the volatilization of said contaminants, **please provide detailed information pertaining to the ambient monitoring protocol the PADEP intends to implement during the installation of the water line and especially when intrusive activities are being conducted in the immediate vicinity of the residences slated for a water line hook-up. Will those monitoring protocols be developed by and overseen by a Certified Industrial Hygienist (CIH) on a real time basis to ensure the protection of human health during the installation?**
21. What will the erosion and sedimentation control efforts for the installation of the water line consist of? **Please provide detail.**
22. If impacted groundwater and/or run-on/off is encountered, what mitigative and control measures will the PADEP require of the installation contractor? **Please provide detailed information.**
23. A review of the currently available groundwater monitoring data exhibits limited indication of potential anaerobic degradation of trichloroethylene (TCE) – one of the identified contaminants of concern. This is supported by the presence of degradation intermediates and byproducts such as cis-1,2 dichloroethylene (DCE) and vinylchloride (VC) which is another contaminant of concern. However, notable concentrations of ethane, the end product of the degradative chain, are missing. This preliminarily indicates



that even if anaerobic degradation of the chlorinated compounds is occurring that it is not reaching the desired endpoint.

Please provide a detailed description of the evaluation steps taken to ascertain if natural attenuation may be occurring.

24. **Please provide details on all installed groundwater monitoring wells.** This includes boring and construction logs as well geodetical coordinates of said wells and borings. A preliminary discussion with a PADEP representative and based on a portion of the PADEP presentation indicates that only limited groundwater monitoring wells were advanced into the intermediate and deeper aquifers.
25. Given my understanding of the investigative efforts undertaken thus far please an estimate of the contaminant mass and source should be available. **Please provide such information.**
26. The PADEP stated that the hook-up of the impacted residences to public/municipal water will improve the value of the residences. That is factually incorrect. The value of the real estate associated with the impacted residences has been drastically reduced and will further decline as the properties will be subject to a deed restriction requiring full disclosure of the adverse environmental impact during a property conveyance/sale of said real estate. **Please provide detail supporting that claim expressed by the PADEP.**
27. Will the PADEP enter a “Buyer-Seller”-**type** agreement as part of real estate transfers/sales to facilitate a sale of an impacted property that is protective of the buyer and seller? Establishing the responsible (third) party as retaining the environmental liability will conceivably facilitate the sale of real estate. I am aware that such an agreement is a derivative of the conventional “Buyer-Seller Agreement” as the selling party is not the Responsible Party. However, the PADEP should evaluate this option to aid the impacted residents.
28. The PADEP stated that the costs of operating a well pump is comparable to the costs of purchasing water from Superior Water Company. **Please provide the detailed economic analysis that supports this claim.**

Unless I am mistaken, Superior Water Company’s current rate structure is (at a minimum) \$16.80 for a domestic hook-up/water meter per month plus \$9.53 for every 1,000 gallons used. This results for an average household at an additional cost of probably \$80 to \$100 per month or more. The additional costs (over the cost of running a

Ralph G. Schaar, P.G. – 2110 Big Road, Gilbertsville, PA 19525



1 to 2 horsepower motor on a domestic well pump on an intermittent basis) cannot be offset through water conservation measures as proposed by the PADEP.

29. What – if any – recourse do the impacted residents have to recover the increased costs of potable water? Will the PADEP support any legal action by the residents against the responsible party(ies)?

I do understand that this is a substantial list of questions and that a lot of information is requested. Please do not perceive me as a problem given the extensive nature of this document, please look at me as a part of the solution.

It is my intention to be an active participant as the Interim Measure and ultimate remedy moves forward and I do believe that I can span a bridge from the regulatory community to my neighbors as I am a concerned resident experienced in these matters without any other agenda other than being protective of the local community.

Given the already manifested impact with a lot more investigation to come, it is important that the local community (including myself) be considered an integral element to all aspects related to this site.

I will be requesting a file review and hope that even data not yet embedded in formalized filings or submittals be made available. Following the file review I would like to schedule a technical meeting with you and other technical professionals at the PADEP to review my findings and the PADEP's strategies.

I sincerely hope that we can have professional and productive technical dialogues regarding the issues at hand and I will gladly provide my professional experience and knowledge to the PADEP and community. Throughout my career I have found that the most successful remedial implementations have been those that followed the spirit of environmental legislation which is based on the collaborative efforts of regulators, public officials, the general public, and the remedial implementer.

Should you have any comments, questions, or concerns, please do not hesitate to contact me via my mobile phone at (321) 917-3863 or via email at schaarman@aol.com. My correspondence address for hardcopy mail is Ralph G. Schaar, 2110 Big Road, Gilbertsville, PA 19525.

Sincerely,

Ralph G. Schaar, P.G.

cc: Bob Mensch – Senator – Pennsylvania's 24th District
Kyle Schmeck – Division Director – Montgomery County Health Department

Attachment 2: Christopher Mullaney's Letter



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GERALD J. MULLANEY, SR.
CHRISTOPHER P. MULLANEY

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DEP-8830
EPA/STATE
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January 16, 2013

Mr. Collin R. Wade
Pennsylvania Department of Environmental Protection
2 E. Main Street
Norristown, PA 19401

RE: Comments to Public Meeting and Interim Measure
Hoff VC HSCA Site (New Hanover Township, Pennsylvania)

Dear Mr. Wade:

Please be advised I represent Ban the Quarry - Paradise Watchdogs, which is comprised of local New Hanover Township residents, most of whom live in proximity to the Hoff VC HSCA Site. Please accept the following as public comments in accordance with Section 506 (c) of HSCA, 35 PS 6020.506(c):

1. Ban the Quarry - Paradise Watchdogs object to the selection process for "interim measure" as by admission of DEP, testing has only recently begun and is still ongoing with new wells still being installed, many of which the test results have not yet sufficiently been obtained.
2. There have been no calculations presented or conducted of the effect of the polluted ground water by the soon-to-be Gibraltar Rock Quarry (hereinafter "Quarry"), which will pump water from the aquifer into the Swamp Creek tributaries. There have been no calculations performed as to how this pumping of water will effect ground water movement and pollution to other nearby homes.
3. You have not revealed what communications you have had with the Pottsville Mining Office or the extent of what information has been shared between your office and the Pottsville Mining Office to determine what impact the Quarry will have on the polluted aquifer.
4. You have failed to fully test the Gibraltar Rock property. It is clear that you have not taken advantage of wells that presently exist upon their property in order to test the water contained within these wells.

5. You have failed to put specific test wells in the area approved for mining to see if there is contaminated water in the area that, pursuant to the mining map, which will be mined, excavated and blasted.
6. The Department has failed to consider and list the Non Coal Surface Mining Act and the Pennsylvania Blasting Regulations as "applicable or relevant and appropriate requirements" (ARAR's) in its notice of proposed interim response.
7. You have failed to determine which way the contaminated plume will move once the Quarry starts pumping water.
8. You have failed to conduct any studies nor reveal to the public the results of prior studies that the effect of blasting has in fracturing rock and releasing additional pollutants into the aquifer.
9. You have failed to reveal to the public if a separate meeting will be held to discuss the polluted ground water on the Quarry site as the Quarry will end up blasting, excavating, quarrying and then pumping water from this aquifer into the Swamp Creek tributaries.
10. At the beginning of the public comment meeting on December 4, 2012, one of your representatives told the public and misled them that the expected cost to them would be "free". You deliberately misled the public as their water will no longer be "free" and they will be forced to use municipal water for all of their uses, including agricultural uses and you have failed to reveal and investigate and relate the expected monthly cost to the homeowner for the use of municipal water services.
11. You have repeatedly stated that you were not aware of any residential sampling at the site which detected hazardous substances before the Montgomery County Board of Health sampling. However, you have failed to candidly disclose that this residential testing site is immediately adjacent to the commercial site for which you have had knowledge of a comprehensive pollution investigation and pending citations. The record should be clear that you were fully aware that the polluted aquifer immediately below the commercial site which could have been affecting the aquifer immediately adjacent to that site which is all residential. There have been no discussions or plans whatsoever of what to do with the polluted water that will be pumped from Gibraltar Rock Quarry into the tributaries of the Swamp Creek and any effect of pollution downstream.
12. Your agency has not been completely forthcoming with all of the testing results over the past many years from the commercial site source pollutant in this matter.

Therefore the public is without necessary knowledge to make an informed decision in order to comment on your proposed plan.

13. DEP has failed to show on a chart or explain to the public clearly and concisely the various depths of the testing wells so the public can see where the contaminant are located.
14. DEP has failed to show why it is choosing an interim response approach rather than a remedial response approach.
15. Pursuant to 35 P.S. 6020.501(d), the Department has failed to conduct legal, fiscal and economic studies and investigations prior to proposing its planned response, all of which is an abuse of discretion and contrary to law.
16. Your agency has failed to detail the exact source of the public water supply proposed and whether or not any of the proposed cost of infrastructure improvements to the water supply would be passed on to the consumers through future rate increases to the consumers and your agency has failed to show they have sufficient control and oversight over the proposed supplier of the public water to ensure that such increases would not be assessed to the new customers.
17. Sufficient testing of the perimeter and/or contaminated plume has not been conducted in order to ensure that all potentially affected residents would be covered by the alleged new water supply pipeline.
18. Your agency has failed to disclose to the affected residents what the annual cost will be to them for the use of the public water nor has there been any investigation on behalf of your agency to mitigate the cost to the ultimate consumer/resident.
19. Although you proposed to restrict use of the ground water and cap wells in the residential areas, you have no such restriction for the Gibraltar lands which intend to pump water from their lands into the Swamp Creek tributaries. How do you propose to permit one affected landowner to pump water from their ground, but then restrict adjoining landowners from doing the same thing?
20. You have not proposed any downstream water testing in anticipation of Gibraltar Rock pumping water from their affected lands to the surface.
21. Although you are continuing to investigate the matter of the contaminated plume, you have prematurely proposed a resolution of the matter and prematurely proposed the geographical extent of the public water supply, all of which is contrary to your actions and admissions that the plume is still being investigated.

22. You have failed to request anyone from the Pottsville District Mining Office to provide input, comment and information concerning this contaminated site.
23. Although you have proposed a resolution for this contaminated site, you admit that you have not determined the exact source or sources of the contamination.
24. Although recently you were shown surface contamination by way of barrels and cans just off Route 663 between Hoffmansville Road and Big Road, you have failed to install any test wells in that immediate area to determine if that is a source of the contamination. Moreover, despite this new knowledge, you are moving forward with an interim response.
25. You have failed to request that the Pottsville District Mining Office investigate and/or amend the mining permit for Gibraltar Rock to address the contaminated plume from which they will soon be mining, blasting and pumping water from.
26. Your presentation to the public on each occasion failed to even mention the Quarry immediately adjacent to the plume and the effect it would have on the contaminated ground water surrounding the proposed Quarry.
27. Your agency has failed to completely evaluate a municipal well option or present any economic feasibility studies and how this would affect the cost to the consumer versus the proposed water line which is run and managed by a for-profit, private enterprise.
28. Although your agency claims to have identified the perimeter plume and has indicated it is stable, there is insufficient history, testing and/or modeling to determine whether, in fact, your agency is correct or whether it is mere speculation.
29. There is insufficient protection to residents beyond the proposed water line or who live just beyond the proposed pipeline. No assurances have been given by your agency that if in the near future their wells become contaminated, the pipeline would be extended free of charge to these potentially additional affected residents. Your agency has also failed to offer an escrow fund setting aside money specifically for this purpose.
30. Your agency has failed to provide any ground water flow modeling to the public, notwithstanding this clearly exists. It is absolute common sense that ground water does flow underground at various depths, directions and speeds. None of this information is known or has been determined by your agency. Notwithstanding all of this, you have proposed a final resolution to the matter.

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January 16, 2013

31. Your agency has failed to indicate the future extent and duration and geographic scope of ongoing and future testing of the contaminated plume.
32. You have failed to provide an economic analysis and impact to the consumer of a mandatory hook-up order from the township from a private commercial water source versus an upstream municipal well.
33. The feasibility of an upstream municipal well cannot even be determined because your agency has failed to conduct certain ground water studies of the plume and modeling, especially in light of the proposed Quarry and the millions of gallons of water it will pump from the polluted aquifer.
34. Your agency has failed to provide the public an estimate of the contaminant mass and source or sources of such contaminant and therefore it is apparent that your agency does not have this information and yet, you have proposed a permanent solution.
35. Your agency has emphatically stated that the public water supply won't improve the value of the affected residents, however, this is mere speculation and your agency has failed to supply any economic analysis, appraisals or expert opinions on this matter.
36. Your agency stated that purchasing water from the Superior Water Company will be most cost-effective to the residents rather than operating their own well pump and maintaining their own well pump. However, your agency has failed to disclose how they have reached such a conclusion, the motivation behind such a conclusion or any studies or any economic analysis whatsoever. Therefore, this is complete speculation on behalf of the agency for which they intend the affected residents to rely upon.

Very truly yours,


CHRISTOPHER P. MULLANEY

CPM/rb

cc: Ban the Quarry - Paradise Watchdogs
Mrs. Celeste Bish