Message

From: Ethan Barton [ethan@dailycallernewsfoundation.org]
Sent: 1/26/2017 9:10:15 PM
To: Seneca, Roy [Seneca.Roy@epa.gov]
Subject: Re: EPA response to your inquiry on WADE (ABM) and Lower Darby Creek Area Superfund sites

Great, thanks Roy. I did see one document that six drums were removed from the Folcroft Landfill in 1983 as the result of a fire, but I'm not sure who carried that out, who funded that, or who was responsible for the drums. I know there was some talk of it being under the Superfund program, but I'm not certain what the final determination was. If you know any details about that, please let me know.

As of now, I'm working on two stories on this topic.

First, pollution, including military waste from the Philadelphia Navy Yard, has been sitting at the Folcroft Landfill since at least 1969, and the EPA was aware of related dangers threatening the ecosystem, and possibly humans since at least 1985 – though maybe earlier, as Congress ordered studies be done in 1980. Dangerous levels of contaminants were found in fish and turtles which lead to advisories. Despite knowing these risks, as well as others at the Clearview Landfill, the site wasn't added to the NPL until 2001. Clearview saw its first cleanup action in 2011, and Folcroft is still being studied rather than cleaned – nearly 40 years after military and other waste was discovered. There's still a risk that humans could be exposed to pollution and there still isn't enough data to determine if groundwater is threatened.

In short, Folcroft's pollution, which includes military and municipal waste, has threatened the ecosystem and possibly people for over 30 years, but has yet to be addressed. Why has so little been done?

The second story compares the Darby Creek site to the Wade dump, located about 10 miles away and where pollution was discovered around the same time (late 70s), and was cleaned and removed from the NPL in about a decade – an especially quick turnaround among Superfund sites. Why is there such an extreme difference between the two sites, especially given that one is on a wildlife refuge owned by FWS with the military being a polluter, and the other is on a major river in a fairly industrialized area?

I will, of course, also reach out to FWS, the PA DEP, the Navy, and local townships. If you believe there are others I need to reach out to, please let me know.

I hope to have the first story finished by the end of the day Tuesday. If you could please answer my questions by then and provide any additional comment you'd like to add by then, that would be great. If you don't think that's enough time, please let me know and we can discuss. I'm certainly looking for complete, substantive answers rather than quick ones.

I appreciate all your help on this.

Thanks,

Ethan

On Thu, Jan 26, 2017 at 1:58 PM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan – Sorry for not getting back to you sooner. Here is the EPA response to your follow-up questions:

Your Question: Has there been any remedial or removal actions at the Darby Creek site?

EPA Response: Yes, There have been two removal actions conducted for the Operable Unit 1 (Clearview Landfill).

The first was conducted in 2011-2012 to address high level PCB waste within the landfill itself.

The second is ongoing and is addressing residential contaminated soils. It began in August 2012. This work was shut down for the winter in Nov. 2016 and is scheduled to restart in 2017.

More details on the removal actions is available at www.epaosc.org/ldca

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, January 26, 2017 9:26 AM
To: Seneca, Roy <Seneca.Roy@epa.gov>

Subject: Re: EPA response to your inquiry on WADE (ABM) and Lower Darby Creek Area Superfund sites

Hey Roy, just wanted to check the status of this inquiry. Thanks.

On Tue, Jan 24, 2017 at 1:10 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Great, thanks, just wanted to be sure.

On Tue, Jan 24, 2017 at 1:10 PM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan – Yes, I did receive your email and we are working on getting you a response.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Tuesday, January 24, 2017 12:16 PM

To: Seneca, Roy <Seneca.Roy@epa.gov>
Subject: Re: EPA response to your inquiry on WADE (ABM) and Lower Darby Creek Area Superfund sites

Hi Roy,

I received a bounce back yesterday saying you were out of the office until today. I just wanted to make sure you saw my email yesterday regarding remedial and/or removal actions at Darby Creek. Thanks.

On Mon, Jan 23, 2017 at 12:52 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Roy, I'd like to follow up on this. Has there been any remedial or removal actions at the Darby Creek site? I believe I saw that none have been taken since it was added to the NPL, but were there any actions before that? I don't believe I've seen any, but I want to be certain. Thank you.

On Wed, Jan 18, 2017 at 5:31 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Ah, okay got it. Thanks!

On Wed, Jan 18, 2017 at 5:20 PM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan – Sorry for the confusion, but any entity receiving a General Notice Letter is considered to be a PRP. Emphasis on the first "P"….Potential, in this case.

There may/may not be other entities that we are investigating to determine if they should also be considered a PRP and/or we are conducting additional activities to gather additional information on current PRPs. This is the information we cannot disclose.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, January 18, 2017 4:59 PM
To: Seneca, Roy <Seneca.Roy@epa.gov>
Subject: Re: EPA response to your inquiry on WADE (ABM) and Lower Darby Creek Area Superfund sites

Sorry for the delay, thanks for passing this along, Roy. Could you please explain why the PRPs for the Darby Creek site can't be disclosed? I would have thought that would have been made public some time ago, given how long it's been on the NPL.

On Tue, Jan 17, 2017 at 2:04 PM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan – Thanks for your patience, and sorry I could not get you a response sooner. Here is the information you requested:

Regarding The WADE site: I have attached a document that lists the parties that have received General Notice Letters and or signed Consent Agreements in regard to the Wade (ABM) Site. PRPs are those parties that have received Notice Letters, so this is the appropriate list. This list also contains parties that appear not to have been "noticed", but did enter Consent Agreements that would designate them as PRPs.

Regarding the Darby Creek site, we cannot disclose information regarding ongoing investigations, which is currently underway for both portions of Lower Darby. However, we can share which entities have received General Notice Letters (GNLs).

On June 11, 2002, EPA issued Notice of Potential Liability and Waiver of Special Notice Procedures for the RI/FS ("RI/FS Waiver") letters to five parties related to **Operable Unit 1** of the Lower Darby Creek Area Superfund Site (the Clearview Landfill), including the

City of Philadelphia, Clearview Land Development Company ("CLDC"), the Estate of Edward I. Heller, and Richard Heller. EPA also issued an RI/FS Waiver to the U.S. Department of the Navy who may have arranged for the disposal of hazardous substances at the Site.

On March 4, 2013, EPA issued General Notice letters to 25 parties, including: then current owners, Steve Fitzgerald LLP and the City of Philadelphia, prior owners and operators, CLDC and Richard Heller, and the following parties who may have arranged for disposal of hazardous substances at the Site: ABB, Inc.; Cargill, Inc.; City of Philadelphia Redevelopment Authority; CBS Corporation; Delaware County Solid Waste Authority; E.I. duPont De Nemours and Company; FMC Corporation; General Electric Company; Gould Electronics, Inc.; Kimberly-Clark Corporation; PECO; Rohm and Haas Company; Sunoco, Inc.; The Sherwin-Williams Company, Inc.; ThyssenKruppBudd Company; the United States Mint; the United States Department of the Navy; and Wyeth. EPA also issued General Notice letters to BFI Waste Systems of North America, Inc.; Waste Management of Delaware, Inc.; and Waste Management Disposal Services of Pennsylvania, Inc. which may have transported hazardous substances to the Site for disposal. On January 9, 2014, a General Notice letter was issued to current owner Killeen Disposal, LLC.

Between 2001 and 2004, EPA issued Notice of Potential Liability letters related to **Operable Unit 2** ("OU2"), the Folcroft Landfill and Folcroft Landfill Annex, to 27 parties: Allied Envelope Company; Browning Ferris Industries, Inc.; Cargill, Inc.; Chemical Leaman Tank Lines, Inc.; Connecticut Valley Paper and Envelope; Conoco, Inc.; Crompton, Inc.; Delaware County Solid Waste Authority; E.I. DuPont de Nemours and Company; FMC Corporation; General Electric Company; Henderson Columbia Corporation; Honeywell, Inc.; Hospital of the University of Pennsylvania; Kimberly-Clark Corporation; M.A. Bruder and Cons, Inc.; PECO Energy Company; PPG Industries, Inc.; Rohm and Haas Company; Temple University; The Boeing Company; Thyssenkrupp Budd Company; The Henderson Group; U.S. Department of the Navy; U.S. Fish and Wildlife Service; U.S. Mint; and Waste Management, Inc. On 11/14/2006, 15 parties entered into an Administrative Settlement Agreement and Order on Consent, Docket No. CERC-03-2007-0033DC, to perform the Remedial Investigation ("RI") and Feasibility Study ("FS") at OU2. The Boeing Company, Browning-Ferris Industries, Inc.; ConocoPhillips Compan6y' Delaware County Solid Waste Authority; E.I. DuPont de Nemours and Company; FMC Corporation; General Electric Company; Wilbur C. Henderson, Jr.; Henderson-Columbia Corporation; Kimberley-Clark Corporation; M.A. Bruder, Inc.; PECO Energy Company; PPG Industries, Inc.; Rohm and Haas Company, and Waste Management Disposal Services of Pennsylvania, Inc. are currently conducting the RI/FS at OU2.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Tuesday, January 17, 2017 10:20 AM
To: Seneca, Roy <Seneca.Roy@epa.gov>
Subject: Re: WADE (ABM) and Lower Darby Creek Area Superfund sites

Hi Roy,

Just wanted to touch base with you. Do you think I can have the PRPs/RPs by the end of business today?

Thanks,

Ethan

On Fri, Jan 13, 2017 at 11:30 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Great, thank you.
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> On Fri, Jan 13, 2017 at 11:29 AM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:
>
> > I'll do my best to get you something by Tuesday.
> >
> > Sent from my iPhone
> >
> > On Jan 13, 2017, at 11:20 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
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> > > Thanks. Do you have an estimate for when you'll have a response? End of the day Tuesday would be preferable.
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> > >
> > > On Fri, Jan 13, 2017 at 11:14 AM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan - I'm not in the office today. I will be back on Tuesday and will have something for you next week. - Roy

Sent from my iPhone

On Jan 13, 2017, at 10:34 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hi Roy,

Any updates on this?

Thanks,

Ethan

On Wed, Jan 11, 2017 at 12:15 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Great, thank you Roy.

On Wed, Jan 11, 2017 at 9:39 AM Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan – Sorry for not getting back to you sooner… I'm checking this out and will get back you when I get the information you requested. -- Roy

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]

Sent: Tuesday, January 10, 2017 12:40 PM

To: Seneca, Roy <Seneca.Roy@epa.gov>

Subject: WADE (ABM) and Lower Darby Creek Area Superfund sites

Hi Roy,

My name is Ethan Barton. I'm a reporter with the Daily Caller News Foundation. I'm interested in the WADE (ABM) and Lower Darby Creek Area Superfund sites. Would you please provide the names of the responsible parties and/or potentially

responsible parties for each site?

Thank you,

Ethan

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Ethan Barton

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