Message

From: Seneca, Roy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0F19873F9B614C2ABDA0E476EEAFB8AD-RSENECA]
Sent: 2/3/2017 9:10:35 PM
To: Ethan Barton [ethan@dailycallernewsfoundation.org]
BCC: Epps, John [epps.john@epa.gov]; Barber, Joshua [Barber.Joshua@epa.gov]; Koffi, LaRonda [Koffi.LaRonda@epa.gov]; D'Andrea, Michael [DANDREA.MICHAEL@EPA.GOV]; White, Terri-A [White.Terri-A@epa.gov]; joan schafer (schafer.joan@epa.gov) [schafer.joan@epa.gov]; Brown, Kinshasa [Brown.Kinshasa@epa.gov]; saxe, jennie [saxe.jennie@epa.gov]
Subject: EPA responses to your follow-up questions

Importance: High

Ethan – Here are our responses:

1. "Unacceptable risks to human health and the environment were not identified in these studies until the late 1990's, which resulted in the placement of the LDCA Site on the NPL in 2001."

This statement seems to contradict previous EPA and FWS studies and statements that showed there were risks to the environment starting in mid 80s. I can send you examples of such studies, which are also included in the EPA's 2001 NPL Listing Package. Additionally, a fishing advisory and ban on commercial fishing was placed in 1985 as a result of those studies. Also, many of the chemicals identified are known carcinogens, and numerous news reports indicate that residents were concerned their communities saw an increased number of cancer cases.

Could you please explain these discrepancies?

EPA Response: *It is important to note that even though contamination is identified at a site, a Superfund response action may not be warranted if the contamination does not exceed applicable screening criteria or if no potential exposure pathways exist. Exceedance of EPA screening criteria can prompt further investigations and/or a more expansive risk evaluation.*

As indicated in the previous response, as part of the Superfund Site Assessment process, EPA conducted numerous investigations from the 1980's through 1990's on both the Clearview and Folcroft landfills to evaluate site conditions, to determine if removal actions were necessary to address short-term risks, and to gather data to determine if the Site should be placed on the NPL. Although contaminants were identified in some historic investigations, the data collected at that time did not warrant a Superfund response action. As additional data were collected, EPA continued to evaluate the potential risks. When sufficient data were collected and we identified exposure pathways that indicated potential unacceptable risks, EPA determined that Superfund response actions were necessary and the LDCA Site was placed on the NPL.

With regard to cancer incidence in the Eastwick community adjacent to the Site, EPA requested that the Pennsylvania Department of Health (PaDOH) perform a Cancer Incidence Analysis in 2012. The results of the analysis are available here:
https://semspub.epa.gov/work/03/2170134.pdf

2. "With regard to the Clearview Landfill, EPA was not able to access the main portion of the landfill until authorized via a federal court order in late 2005."

PADEP and EPA both investigated at least portions of the site in the 1980s and 1990s and found contaminants, according to the above referenced 2001 NPL Listing Package. Did the EPA ever access the main portion of the landfill prior to 2005, and why did it take so long to get a court order in order to do so?

EPA Response: *EPA was granted verbal access to the LDCA Site prior to 2005 to perform various site inspections and conduct limited investigative work to support the Superfund Site Assessment process. Once the LDCA Site was listed on the NPL, long-term access was required to perform more extensive investigative work during the Remedial Investigation and to implement the remedy. We needed a court order to secure long-term access because the majority of the Clearview landfill was an orphaned property, which means we could not identify a representative/owner.*

3. "Based on the condition of the soil cover at the Folcroft landfill, EPA has not identified any short-term risks to human health or the environment."

Again, this seems to contradict previous studies. Regardless, if this is the case, why was the Folcroft landfill included in the LDCA site if it doesn't present dangers?

EPA Response: *It is critical to recognize that the Superfund program addresses both potential short-term and long-term risks to human health and the environment that exceed EPA risk criteria. Unacceptable potential short-term risks are addressed via removal actions, and unacceptable potential long-term risks are addressed via remedial actions, which involve listing a site on the NPL.*

As indicated above, throughout the various investigations conducted in the 1980s and 1990s, with the exception of the drum fire in 1983, EPA did not identify any potential short-term risks at the Folcroft landfill that would warrant a removal action. Instead, the Folcroft landfill was included in the LDCA Site and placed on the NPL so that long-term risks could be evaluated and addressed by remedial actions.

As indicated previously, a group of PRPs are currently performing a Remedial Investigation at the Folcroft landfill to determine the nature and extent of contamination and to evaluate potential remedial actions to address any unacceptable potential long-term risks to human health and the environment. The Remedial Investigation report is expected to be finalized in 2017.

4. Lastly, the Navy, whose waste was discovered at the Folcroft landfill in 1969, indicated yesterday that they would not comment on its involvement at the site because of ongoing litigation. Could you please give me additional information about this if it's with the EPA? Is the litigation being handled in court? How long as it been going on? What is the reason for the litigation.

EPA Response: *We cannot confirm or deny any potential ongoing enforcement actions.*

Please be advised that I would like the story published Sunday night, but my editor may request that it be published tonight.

Thank you,

Ethan

On Thu, Feb 2, 2017 at 1:28 PM, Seneca, Roy <Seneca.Roy@epa.gov> wrote:

Ethan -- Thank you for your patience. I have inserted EPA responses to your inquiry.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, January 26, 2017 4:10 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.

EPA Response: The drums were discovered during a response to a brush fire on the landfill. The contents of the drums were sampled by EPA and EPA removed the drums based on those sampling results.

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?

EPA Response: EPA addresses Superfund sites based on current or potential risks to human health and the environment. Extensive investigations were performed by EPA and the Pennsylvania Department of Environmental Protection (PADEP) at the LDCA Site to evaluate these potential risks. Unacceptable risks to human health and the environment were not identified in these studies until the late 1990's, which resulted in the placement of the LDCA Site on the NPL in 2001.

With regard to the **Clearview Landfill**, EPA was not able to access the main portion of the landfill until authorized via a federal court order in late 2005. EPA subsequently conducted two removal actions in 2011 and 2016/17 at the Clearview landfill to address short term risks to human health that were identified during the Remedial Investigation.

A Record of Decision selecting the remedy for the Clearview landfill was issued in 2014 and the Remedial Design to implement the remedy will be finalized in the Spring of 2017. Additional information on historic investigations and the remedy at Clearview landfill is included in the 2014 Record of Decision: https://semspub.epa.gov/work/03/2189665.pdf

With regard to the **Folcroft landfill**, it is important to note that between 2 to 10 feet of soil cover were placed over the landfill as part of closure activities in 1974. The landfill surface is currently vegetated with some limited areas of erosion in steep areas and around portions of the landfill adjacent to the creeks. Based on the condition of the soil cover at the Folcroft landfill, EPA has not identified any short-term risks to human health or the environment. EPA identified Potentially Responsible Parties (PRPs) at the Folcroft landfill and negotiated an Administrative Order on Consent (AOC) for the PRPs to perform the Remedial Investigation and Feasibility Study in October 2006. The Remedial Investigation has been ongoing since 2006 under EPA oversight and includes an extensive groundwater investigation to determine the extent of impacted groundwater outside of the landfill boundary. The Remedial Investigation report is expected to be finalized in 2017.

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?

EPA Response: As indicated above, EPA addresses Superfund sites based on current or potential risks to human health and the environment. The Wade (ABM) Site posed a current risk to human health and the environment when it was addressed in the 1980's, primarily due to the 1978 fire and the presence of uncontrolled tankers and drums on the site. Similar risks to human health or the environment were not identified at the LDCA Site. Additionally, the final remedy at the Wade (ABM) Site is similar to the current conditions at the Clearview and Folcroft landfills, in which a soil cover is placed over contaminated materials.

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.
>
> 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:
>
> > 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

--

Ethan Barton

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