



# STATEMENT OF BASIS

REGION III  
ID # PAD 069 020 691

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M.A. BRUDER AND SONS, INC  
Philadelphia, Pennsylvania  
Signed July 2015

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**Facility/Unit Type:** Former Manufacturing Facility / Hazardous Waste Storage  
**Contaminants:** Volatile Organic Compounds / Manganese  
**Media:** Groundwater and Soil  
**Proposed Remedy:** Continued compliance with the terms and conditions of the existing Environmental Covenant.

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## I. INTRODUCTION

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis to solicit public comment on its proposed remedy for the former M.A. Bruder & Sons, Inc. (MA Bruder) facility located at 5213 Grays Avenue, Philadelphia, PA 19143 (Facility).

The Facility is subject to EPA's Corrective Action program under the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 *et seq.* The Corrective Action program requires that facilities subject to certain provisions of RCRA investigate and address releases of hazardous waste and hazardous constituents, usually in the form of soil or groundwater contamination, that have occurred at or from their property.

EPA's proposed remedy for the Facility is continued compliance with the existing environmental covenant to restrict certain uses of Facility land and groundwater.

EPA is providing a 30-day public comment period on this Statement of Basis and may modify its proposed remedy based on comments received during this period. EPA will announce its selection of a final remedy for the Facility in a Final Decision and Response to Comments (Final Decision) after the comment period has ended.

Information on the Corrective Action program as well as a fact sheet and the Government Performance and Results Act Environmental Indicator Determinations for the Facility can be found by navigating to <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

The Administrative Record for the Facility contains all documents on which EPA's proposed remedy is based. See Section VIII for information on how you may review the Administrative Record.

## **II. FACILITY BACKGROUND**

The Facility is located in a mixed use industrial and residential area in southwest Philadelphia. It consists of a 3.0 acre former production area on the north side of Grays Avenue, and a 4.5 acre parking lot on the south side of Grays Avenue. It is surrounded by residential properties to the west, railroad tracks to the north, and industrial properties to the east and south. The Facility location and property boundaries are shown in Figures 1 and 2.

The Facility began operations in 1920 and closed in 2007 after being purchased by Sherwin-Williams Company. Historically, MA Bruder produced and packaged a variety of oil-based and water based paints. The Facility is currently owned by Grays LLC. The current and anticipated future use of the property is for warehousing.

The production was done in a large two-story building, which still occupies most of the production area, and an area on the west side of the building that was used for tank and container storage (Figure 2).

Industrial operations were closed in December 2007 and the Facility was fully decommissioned in 2008. Decommissioning activities included removal and clean-up of all remaining chemicals and manufacturing materials; including raw materials, tanks, process vessels, piping, etc., as well as the removal of several storage structures.

## **III. SUMMARY OF ENVIRONMENTAL HISTORY**

The following environmental investigations were conducted at the Facility and evaluated by the Pennsylvania Department of Environmental Protection (PADEP) during the Act 2 review process:

- 2007 - Phase I and Phase II Environmental Site Assessments were completed. They included both soil and groundwater sampling. The recommendation of the Phase II Assessment was to install permanent monitoring wells and to conduct further soil quality investigations.
- 2008 – Sherwin-Williams installed permanent monitoring wells and conducted two rounds of soil sampling pursuant to the recommendations of the Phase II Assessment. In addition, Sherwin-Williams conducted two more rounds of groundwater sampling.
- 2010 - A vapor intrusion assessment was completed, including two rounds of soil vapor monitoring and two rounds of indoor air monitoring.

The soil and groundwater investigation sampling locations are shown in Figure 2. The vapor intrusion sampling locations are shown in Figure 3.

Soil and groundwater samples were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyl compounds (PCBs), and metals. Soil vapor and indoor air samples were analyzed for VOCs.

For all environmental investigations, sampling analytical results were screened against Pennsylvania Act II Statewide Health Standards (SHS), which incorporate Maximum Contaminant Levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act.

The following summarizes the results:

Groundwater – No chemical or metal concentrations were above MCLs for drinking water. Three chemicals, for which there are no MCLs, were detected above the Act 2 Statewide Health Standard for a residential used aquifer: manganese, naphthalene, and 1,2,4-trimethylbenzene.

contaminant	Location	Max concentration detected	Screening level SHS - residential
manganese	MW-5	30,000 ug/l	300 ug/l
naphthalene	MW-3	990 ug/l	100 ug/l
1,2,4-trimethylbenzene	MW-3	82 ug/l	15 ug/l

No contaminants were detected at levels of concern in the downgradient well, MW-4. PADEP subsequently determined that the contamination is localized.

Soil Investigation – No chemicals or metals exceeded the Statewide Health Standard for residential direct contact.

Vapor Intrusion Investigation – Soil and soil vapor samples identified several VOCs that might pose a threat to indoor air. Indoor air samples were collected to determine the actual contaminant levels inside the former production building. Indoor air samples were below the SHS residential screening levels, and were comparable to the outdoor air samples collected.

In April 2009, Sherwin-Williams submitted to enter the PADEP Act 2 program and requested a non-use aquifer determination for the Facility. PADEP approved the Non-Use Aquifer designation in June 2009.

Sherwin-Williams submitted an Act 2 Final Report in November 2009, and a Final Report Addendum, documenting the results of a supplemental vapor intrusion investigation, in August 2010. PADEP approved the revised Act 2 Final Report in December 2010, which provided for the execution of an environmental covenant to restrict uses and activities at the Facility.

Sherwin-Williams Company recorded a PADEP-approved environmental covenant on the title to the Facility property with the Philadelphia Commissioner of Records on January 9, 2013, file # 120791PHI. The environmental covenant includes the following restrictions:

- Groundwater at the Property will not be used for potable water supply or agricultural purposes.

- The portion of the property on the west side of the production building will be restricted from residential use, and shall not be developed for occupied use.
- Each year, the conditions for which the Non-Use Aquifer was obtained will be verified. Any changes will be reported to the PADEP immediately.

The restricted area at the Facility is shown in Figure 4.

#### **IV. CORRECTIVE ACTION OBJECTIVES**

EPA's Corrective Action Objectives for the specific environmental media at the Facility are the following:

1. Soils – EPA's Corrective Action Objectives for soils is to attain PADEP's Statewide Health Standard (SHS) for residential direct contact. EPA has determined that the SHSs for residential direct contact meet or are more conservative than EPA's acceptable risk range for residential use, and, therefore, are protective of human health and the environment for individual contaminants at this Facility.

2. Groundwater – EPA expects final remedies to return usable groundwater to its maximum beneficial use within a timeframe that is reasonable given the particular circumstances of the project. For facilities associated with aquifers that are either currently used for water supply or have the potential to be used for water supply, EPA will require the groundwater be remediated to National Primary Drinking Water Standard Maximum Contaminant Levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act and codified at 40 C.F.R. Part 141, or EPA Region III Risk-Based Concentration (RBCs) for tap water (designated as Screening Levels for tap water (SLs)) for chemicals for which there are no applicable MCLs.

PADEP has designated the aquifer under the Facility as a non-use aquifer. In addition, monitoring has shown that there are no unacceptable exposures to groundwater by applicable receptors, including receptors outside the property boundary, with the exception of the potential for vapor intrusion into structures that may be built in the former storage area located on the west side of the production building. Therefore, EPA's Corrective Action Objectives for Facility groundwater is to control exposure to the hazardous constituents remaining in the groundwater.

3. Soil Vapor – EPA's Corrective Action Objectives for subsurface vapor intrusion is to attain EPA's Subsurface Vapor Intrusion Guidance screening levels. EPA has determined that PADEP's SHS residential screening levels for indoor air meet or are more conservative than EPA's acceptable risk range for residential use, and, therefore, are protective of human health and the environment for individual contaminants at this Facility.

**V. PROPOSED REMEDY**

EPA’s proposed remedy is continued compliance with the existing Environmental Covenant for 5213 Grays Avenue, Philadelphia, PA, executed by Sherwin-Williams Company and approved by PADEP on December 6, 2010. The Environmental Covenant was recorded by the Philadelphia Commissioner of Records on January 9, 2013, file # 120791PHI.

1. Soils - EPA proposes a Corrective Action Complete without Controls determination for Facility soils because, based on the available information, there are currently no unacceptable risks to human health and the environment from Facility soils and there are no land use restrictions.

2. Groundwater - The proposed remedy for groundwater consists of compliance with and maintenance of groundwater use restrictions implemented through the environmental covenant recorded on the title to the Facility property on January 9, 2013, file # 120791PHI.

3. Soil Vapor – EPA would generally allow for occupied use of buildings in the former storage area provided that a vapor intrusion control system were installed in such buildings or it were demonstrated to EPA that vapor intrusion did not pose a threat to human health in such buildings. However, the January 9, 2013 environmental covenant, file # 120791PHI, prohibits the former storage area from being developed for occupied use. Therefore, to limit the potential for exposure to soil vapor, EPA proposes continued compliance with and maintenance of use restrictions implemented through the environmental covenant recorded on the title to the Facility property on January 9, 2013, file # 120791PHI.

**VI. EVALUATION OF PROPOSED REMEDY**

Threshold Criteria	Evaluation
1) Protect human health and the environment	<p>The primary human health and environmental threats are posed by the hazardous constituents in the groundwater and the potential for vapor intrusion into structures that may be built in the former storage area. These threats have been mitigated by restrictions imposed by the existing Environmental Covenant.</p> <p>It specifies that groundwater at the property will not be used for potable water supply or agricultural purposes. It also specifies that the former storage area not be developed for occupied use.</p>
2) Achieve media cleanup objectives	<p>EPA’s proposed remedy meets the cleanup objectives based on assumptions regarding current and reasonably anticipated land and water resource use(s). The existing Environmental Covenant restricts uses that would pose an exposure hazard.</p>

3) Remediating the Source of Releases	Sources of releases were removed when the Facility was closed and decommissioned in 2008.
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<b>Balancing Criteria</b>	<b>Evaluation</b>
1) Long-Term Effectiveness	EPA has determined that the closure activities which were conducted in 2008 are protective of human health and the environment. The protection will be maintained in the long-term via the existing Environmental Covenant which runs with the land and controls exposure to any hazardous constituents in the groundwater at the Facility.
2) Reduction of Toxicity, Mobility, or Volume of Hazardous Waste	The reduction of toxicity, mobility and volume of hazardous constituents has already been achieved by the closure and decommissioning activities.
3) Short-Term Effectiveness	EPA's proposed final remedy does not involve any activities, such as construction or excavation that would pose short-term risks to workers, residents, and the environment.
4) Implementability	EPA's proposed remedy has already been implemented.
5) Cost	All substantial costs for the Facility closure and execution of the environmental covenant have already been incurred.
6) Community Acceptance	EPA will evaluate Community acceptance based on comments received during the public comment period, and will address any comments in the Final Decision.
7) State/Support Agency Acceptance	PADEP has reviewed and concurs with EPA's proposed remedy for the Facility. EPA will address all comments received by the State during the public comment period in the Final Decision.

**VII. FINANCIAL ASSURANCE**

EPA has determined that financial assurance is not required for the proposed remedy.

## **VIII. PUBLIC PARTICIPATION**

Interested persons are invited to comment on EPA's proposed remedy. The public comment period will last 30 calendar days from the date that the notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Ms. Maureen Essenthier, at the address listed below.

A public meeting will be held upon request. Requests for a public meeting should be made to Ms. Maureen Essenthier at the address listed below. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed remedy at this Facility. The Administrative Record is available at the following location[s]:

U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
Contact: Ms. Maureen Essenthier (3LC30)  
Phone: (215) 814-3416  
Fax: (215) 814 - 3113  
Email: [essenthier.maureen@epa.gov](mailto:essenthier.maureen@epa.gov)

## **IX. INDEX TO ADMINISTRATIVE RECORD**

1. Environmental Covenant for 5213 Grays Avenue, Philadelphia Pa, executed by Sherwin-Williams Company and approved by PADEP on December 6, 2010 / recorded by the Philadelphia Commissioner of Records on January 9, 2013, file # 120791PHI.
2. PADEP Land Recycling Program (Act II) Final Report Approval, Former M.A. Bruder & Sons Inc., letter dated 12/6/2010
3. PADEP Act 2 Technical Review, Former M.A. Bruder & Sons Inc., memo dated 9/28/2010
4. PADEP Final report Summary, Former M.A. Bruder & Sons Inc., dated 8/27/2010
5. Final Report Addendum prepared by KU Resources Inc, for Sherwin-Williams Company submitted to PADEP in August 2010.
6. Final Report prepared by KU Resources Inc. for Sherwin-Williams Company submitted to PADEP in September 2009 revised November 2009.  
Appendix A – Weston Phase I ESA and Phase II ESA Reports  
Appendix B – Soil Boring Logs / Monitoring Well Installation Details  
Appendix C – Groundwater Sampling Field Reports  
Appendix D – TTI Underground Storage Tank Closure Report

Appendix E – Laboratory Analytical Report  
Appendix F - Non-Use Aquifer Determination with PADEP Approval Letter  
Appendix G – Environmental Covenant  
Appendix H – Notice of Intent to Remediate and Municipality Notification

7. Phase 1 Environmental Site Assessment prepared by Weston Solutions, Inc. for Sherwin-Williams Company submitted in January 2007
8. Phase 2 Environmental Site Assessment prepared by Weston Solutions, Inc. for Sherwin-Williams Company submitted in January 2007

Date:

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Original signed 7/22/2015

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Land and Chemicals Division  
US EPA, Region III