

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PENNSYLVANIA

**FINAL DECISION AND RESPONSE TO COMMENTS
FOR
PECO SITE
CHESTER, PENNSYLVANIA**

AUGUST 2002

Introduction

This Final Decision and Response to Comments (FDRTC) is being presented by the United States Environmental Protection Agency (EPA) to identify the Final Remedy that has been selected by EPA. This FDRTC also addresses concerns and issues raised during the Public Comment Period and received at the Public Meeting based on the information in the Statement of Basis for the Proposed Remedy at the 17-acre portion of the property owned by PECO in Chester, Pennsylvania. The Statement of Basis is provided as Attachment I of this FDRTC.

All questions and comments received by EPA have been carefully reviewed and addressed in this FDRTC. EPA received some questions during the Public Meeting on June 11, 2002, but did not receive any other comments during the Public Comment Period. EPA has not modified the Proposed Remedy presented in the Statement of Basis which was issued May 10, 2002. The Proposed Remedy will now become the Final Remedy. This FDRTC completes the major tasks required by the Administrative Order on Consent ("Order") between PECO and EPA.

In 1993, EPA and PECO entered into an Order under Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA") to investigate the extent of environmental contamination and evaluate remedy options at a 17-acre portion of the 90-acre property PECO owns along the Delaware River in the City of Chester. The Order required that PECO perform work in two major phases. In the first phase, PECO was required to identify and determine the sources, types, and extent of contamination, and to identify risks to human health and the environment.

PECO completed the investigation and submitted a RCRA Facility Investigation Final Report to EPA in January 1999. EPA approved this report in June 1999. In the course of the investigation, PECO discovered oily sheens on the Delaware River. EPA required PECO to take immediate action to mitigate this environmental threat called "Interim Measures." The Interim Measures, which PECO instituted include a system to remove the oily sheens and prevent future sheens from reaching the Delaware River and the re-lining of storm sewers that traverse the property.

In the second phase of the Order, PECO was required to conduct a Corrective Measures Study. In this study, PECO evaluated the site conditions and considered cleanup alternatives. Before this work began, EPA and PECO approached the Pennsylvania Department of Environmental Protection ("PADEP") and proposed that PECO complete a combined study that simultaneously met EPA's requirements and addressed the requirements of Pennsylvania's land recycling program. On March 23, 2000, PECO submitted a report to EPA titled, "Remedial Investigation/Risk Assessment/Remedial Alternatives Analysis" in which PECO evaluated the risk to human health and the environment and proposed a cleanup remedy that met both EPA and PADEP program requirements. PECO submitted modifications to this plan on August 30, 2000; October 20, 2000; and November 15, 2000. EPA approved the report, as modified, on March 22, 2001.

Final Remedy

The Final Remedy, which is explained in detail in the Statement of Basis and is incorporated herein by reference and made a part hereof (Attachment I), consists of the following eight elements:

1. PECO will survey the 17-acre Site and remove fragments of a resinous material found on the surface.
2. PECO will stabilize the Delaware River bank with rip rap (large rocks placed against the bank) to prevent erosion.
3. PECO will maintain and upgrade the 1996 interim measures installed to remove contamination floating on the surface of the groundwater and to prevent oil sheens from forming on the Delaware River.
4. PECO will sample the existing monitoring well network to confirm that dissolved-phase contamination levels in the groundwater are stable and are not a threat to the Delaware River.
5. The Final Remedy will restrict certain future land uses to ensure the effectiveness of the remedy. Current and future owners of the 17-acre Site covered by the Order will need to comply with these use restrictions.
6. PECO will ensure that access to the Site is controlled until redevelopment is complete.
7. PECO will inform EPA of any changes to the redevelopment plans or land use which may impact the effectiveness or permanence of the Proposed Remedy.
8. EPA will re-evaluate the Final Remedy in two years to determine the need for Alternate Concentration Limits for contamination dissolved in the groundwater as described above. EPA will also periodically re-evaluate the entire Remedy and modify it as necessary.

Details of the Final Remedy will be worked out between EPA and PECO with input from the PADEP and other interested parties. The Final Remedy will be implemented through a Facility Lead Agreement between EPA and PECO.

Public Comment Period and Public Meeting

EPA conducted a Public Comment Period for the Proposed Remedy from May 10 to July 9, 2002. On June 11, 2002 EPA held a Public Meeting in Chester, Pennsylvania, to explain the Proposed Remedy and answer any questions from the community. The transcript of the Public Meeting is provided as Attachment II.

Comments and Responses

EPA did not receive any comments during the Public Comment Period. At the Public Meeting two members of the community asked questions. The following is a summary of their questions and EPA's responses. The exact text is available in the transcript of the Public Meeting (Attachment II).

1) Questions from Renee Dale: Ms. Dale asked questions about where to find more information about the Site and about whom to contact about possible future business opportunities after redevelopment.

EPA Response: EPA stated that more information about the site is available in the fact sheet, at the public library, and on the EPA web site. EPA also explained that she would need to contact the developer, Preferred Real Estate Investments, to find out about business opportunities and provided her with the appropriate phone number.

Following the Public meeting, EPA sent Ms. Dale a copy of the schematic diagram for the Interim Measures.

2) Questions from Joan Rosenberg: Ms. Rosenberg asked two sets of questions. One set was about the groundwater sampling and the other was about whether the companies that caused the pollution were held responsible.

EPA Response: The response to the questions about the groundwater sampling was given by EPA and Mr. Michael Watkins from Brown and Caldwell (PECO's environmental contractor). The respondents explained that there is information showing that the lower aquifers are not contaminated. However, there is contamination floating on the water of the upper aquifer consisting primarily of petroleum products. Additional sampling will be conducted to determine if there are contaminants dissolved in the water of the upper aquifer.

EPA explained that the contamination is old, it is unclear who caused the contamination, and, in some cases, the companies that occupied the area no longer exist. PECO now owns the contaminated property and has agreed to pay for the remediation.

Declaration

Based on the Administrative Record compiled for the PECO Site in Chester, Pennsylvania, I have determined that the Proposed Remedy set forth in the Statement of Basis will be the Final Remedy for the PECO Site and that it is appropriate and will be protective of human health and the environment.

Date: 8/21/02



Donald S. Welsh
Regional Administrator
U. S. Environmental Protection Agency Region III