

September 15, 2008

**Re: Act 2 Release Liability for the Proposed Notice
of Intent to Remediate the McIntosh Road Site**

Department of Environmental Protection
Kathleen G. Horvath
Chief, Special Projects Section
Environmental Cleanup Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200

Dear Ms. Horvath:

Over a month has elapsed since we sent “SWAN’s Reply to DEP’s Correspondence and Responses Dated July 28, 2008 ‘RE: SWAN’s Comments, Concerns & Questions Relating on the Proposed Notice of Intent to Remediate the McIntosh Road owned by the Russell Standard Corporation, eFACTS PF No. 678402, remediation No. 37723.” (Enclosure)

We hope to receive responses from the Department in the near future.

We would also like to thank you for your Response to the concerns we raised in our July 14, 2008 correspondence. As you know, Stray Wind Area Neighbor’s (“SWAN”) interest in the hazardous waste site that abuts our community dates back to the initial discussion with the Department of Environmental Protection (“DEP”) in 2006.

SWAN requested that DEP deploy its mobile analytical laboratory to conduct soil tests similar to those recently completed in the Muhlenberg School District. The Department’s Press Release (September 10, 2008, Lauri Lebo) acknowledged the benefits of the mobile lab:

Soil samples gathered during March and June have shown that no public health or environmental risks exist on the grounds of the Muhlenberg School District campus in Berks County, according to results released today by the Department of Environmental Protection.

DEP collected 244 soil samples from 120 locations, which were analyzed for 65 volatile organic compounds and 10 metals.

The analysis found some elevated levels of arsenic, the highest of which were found on the varsity athletic field, but DEP concluded that this is most likely due to the natural weathering process of local bedrock, as well as the historic use of arsenic-containing pesticides prior to being banned in 1983.

We feel there are several parallels between Muhlenberg and the McIntosh Road site. SWAN believes the need for sediment and particulate samples to be taken at the Baltimore Tar Site. This site has “historic” pathways, and current contamination problems relating to benzo(a)pyrene. (1) We have suggested that eastward sloping and the “weathering processes” may have contributed to the accumulation of benzo(a)pyrene in sediment and particulate matter in the Paxton Creek. (2)

As we stated before, SWAN thinks DEP needs to investigate outside of the narrow band of the site and **actually take samples from the Creek’s bed and environs**. It is difficult to imagine that decades worth of hazardous waste activity on a site that slopes into the Paxton Creek would not infect the watershed. Is DEP legally precluded from taking sediment and particulate matter samples from Paxton Creek? Can DEP compel the site’s owner or subcontractor to extract samples?

1 **Why is Benz(a)pyrene being Regulated?**

In 1974, Congress passed the Safe Drinking Water Act. This law requires EPA to determine safe levels of chemicals in drinking water which do or may cause health problems. These non-enforceable levels, based solely on possible health risks and exposure, are called Maximum Contaminant Level Goals. The MCLG for benzo(a)pyrene has been set at zero because EPA believes this level of protection would not cause any of the potential health problems described below. (U.S. EPA Fact Sheet)

2 “Released benzo(a)pyrene is moderately persistent in the environment. It readily binds to soils and should not leach to ground water, though it has been detected in some ground water. If released to water, **it will adsorb very strongly to sediments and particulate matter**. In most waters and in sediments it will resist breakdown by microbes or reactive chemicals, but it may evaporate or be degraded by sunlight.” (U.S. EPA, Fact Sheet) **(Boldface type added)**

Of specific concern are some of the results contained in the NIR Report; which, clearly states the Residential Direct Contact MSC was not attained for benzene. The residential soil vapor MSC was not attained either.

The Report's Summary states, "However, for a residential scenario, a single benzene exceedance of its' Soil Gas MSC indicates that further vapor intrusion assessment and/or mitigation would be needed to demonstrate acceptable intrusion risk in the vicinity of SG 4 in accordance with the vapor Intrusion Guidance." Additionally, benzo(a)pyrene exceeds its residential MSC at sampling locations: UST-1, B-14, B-15, and TP -4. ("Narrative")

We look forward to your responses to this inquiry, and "SWAN's Reply DEP's Correspondence and Responses Dated July 28, 2008 "RE: SWAN's Comments, Concerns & Questions Relating on the Proposed Notice of Intent to Remediate the McIntosh Road owned by the Russell Standard Corporation, eFACTS PF No. 678402, remediation No. 37723."

SWAN supports and appreciates your continued vigilance on this matter.

Respectfully submitted,

Eric Epstein, Chairman, SWAN
4100 Hillsdale Road
Harrisburg, Pa 17112
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cc:

William J. Kosmer, Pennsylvania Department of Environmental Protection
Lower Paxton Township Board of Supervisors
Lower Paxton Township Planning Commission
Dauphin County Conservation District
Lauri Lebo, Community Relations Coordinator, Pennsylvania Department of Environmental Protection