

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Hazardous Sites Cleanup Program
Pool Doctor – Beaver Alkali Products Site
Rochester Borough, Beaver County
Southwest Region

December 5, 2019

STATEMENT OF DECISION

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department) files this statement of the basis for and purpose of its decision to conduct a response action, in accordance with Section 506(e) of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756 No. 108 (HSCA), 35 P.S. Section 6020.506(e).

The Department initiated a Prompt Interim Response to abate the release and threatened release of chlorine and other unknown chemicals from the Pool Doctor - Beaver Alkali Products Site (Site) and to minimize the further risk of dealing with unknown contaminants in the event of a structure fire or building failure.

I. SITE INFORMATION

A. Site Location and Description

The Site is located at one Brewery Place, 25 New York Ave. (more specifically Beaver County, Pennsylvania Tax ID Parcel # 49-001-1909.000) in the Borough of Rochester, Beaver County, Pennsylvania. The Site is immediately adjacent to the Ohio River and residential areas of both Rochester and East Rochester Boroughs.

At the Site, the Department found that many drums of unknown liquids and solids were corroded and leaking. The drums were associated with a swimming pool chemical business and laboratory that operated out of on-site buildings. Strong odors from chemicals could be encountered within 30 feet of the buildings. Heightening Department concerns, access to Site buildings was unrestricted. Generally, the buildings were in a state of dilapidation and disrepair. The roofs of two buildings where the drums were located were collapsing. The roof of one of those buildings collapsed in full in the week of June 24, 2019. That roof collapse, together with the other safety issues described, necessitated the Department's Prompt Interim Response.

B. Site History

The Site's history is still under investigation, but, on information and belief, the Site was the location of a bowling alley operation and, of primary concern to the Department, an unpermitted chemical production and distribution business that included pool maintenance chemicals. Site

operations involving chemicals began in the mid-1960s and were conducted, in the main, by Harold Davidson and his two sons, Brad and Randy. After their father's passing in 2009, the sons continued Site operations through the present. While on-site operations included the bowling alley, the operations of concern centered on the Davidsons' mixing of chemicals to manufacture swimming pool maintenance products but, as well, additional products including laundry detergents, window cleaners, and industrial solvents. During Site operations, the Davidsons routinely purchased chemical materials and stored them, unused, for long periods inside the on-site buildings. As a result, during its response, the Department found the remains of the chemical laboratory used by the Davidsons and large amounts of improperly stored, unknown chemicals they stored at the Site. These conditions constituted a threat to the public and the environment that required an immediate response action by the Department.

C. Release and Threat of Release of Hazardous Substances

The threat from the Site to human health or welfare was the risk of direct contact of the contamination to persons entering the area where the leaking drums were located and encountering the waste material that had leaked from the drums. Access to the Site and its buildings was open and unrestricted. There were indications that at least one trespasser had entered a Site building where chemicals were stored. One of the garage doors in the back of the building was open, and drums had been moved around inside the building. Many windows were broken, and the front door of the laboratory was kicked in.

Besides the threat of direct contact, the Department found a potential threat of inhalation of toxic fumes to the surrounding community and fire fighters in the event of a fire at the Site. The condition and age of the buildings increased the Department's concern over the potential for a fire at the Site. Members of the Rochester Fire Department (RFD) had voiced their concerns to Department staff about the hazards to the surrounding community, and to members of the RFD, should a fire break out in one of the buildings where drums of chemicals were being stored.

The Department's response was intended to address the threat to the environment made for by the ongoing release of hazardous substances posed by the Site's waste materials given the continued worsening condition of the buildings. The collapsed roofs allowed rain and snow to enter the Site's buildings, causing a release of hazardous waste materials into the surrounding soils and, potentially, the Ohio River.

The Department's observations at the Site and its knowledge of past business operations indicated that, at a minimum, there was chlorine present that needed to be removed and disposed of as a hazardous waste. There were many unlabeled containers of unknown chemicals that had to be characterized and disposed of properly. Due to the dilapidated condition of the buildings, not much information was known about the number, condition, or contents of the unlabeled containers. This lack of information exacerbated the difficulty and danger of the Department's response. All these circumstances argued that immediate Department action was needed to address a release and threat of release of hazardous substances at the Site.

II. RESPONSE CATEGORY

A prompt interim response was necessary at the Site because the condition of the buildings housing the chemicals was deteriorating, with one already collapsed. The increased exposure of the chemicals to an uncontrolled environment warranted a response that could not be delayed for the length of time that it would take to develop and then close an administrative record (3-6 months) preparatory to a long-term remedial response.

When the decision was made to proceed with a prompt interim response under HSCA, it was believed that the response would cost less than two million dollars and take less than one year to complete. Due to the unforeseen chemical reactions and ensuing fires that occurred at the Site, it became apparent that continued response action was needed to mitigate emergency conditions, without which there would result an immediate risk to public health and safety and the environment. For these reasons, while of less than one-year duration, total costs for the Department's prompt interim response will exceed the statutory cost parameter of two million dollars.

III. CLEANUP STANDARDS

This proposed response is not a final remedial response pursuant to Section 504 of HSCA and therefore is not required to meet the cleanup standards which apply to final remedial responses. Additional response action may be required to achieve a complete and final cleanup for the site.

IV. APPLICABLE, RELEVANT and APPROPRIATE REQUIREMENTS (ARARs)

The following standards, requirements, criteria or limitations are legally applicable, or relevant and appropriate under the circumstances presented by the site.

The Pennsylvania Hazardous Sites Cleanup Act 108 (35 P.S. §§ 6020.101 et seq.)

The Pennsylvania Solid Waste Management Act (35 P.S. §§ 6018.101-6018.1003)

The Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P.S. §§ 6026.101 et seq.)

The Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 – 691.1001.

V. ANALYSIS OF ALTERNATIVES

Alternative 1. No Action

Description of Alternative:

This alternative consists of taking no action to characterize, remove, or properly dispose of the chemicals at the Site.

Compliance with ARARs:

This alternative does not comply with Section 501(a) of HSCA because the chemicals would remain on-site and the release of hazardous substances would continue to be a threat to human health and the environment.

Cost-Effectiveness:

There is no cost associated with this alternative; however, it will not address relevant ARARs.

Alternative 2. Remove and properly dispose of chemicals remaining at the Site.

Description of Alternative:

The buildings storing the chemicals will be demolished or otherwise made safe for entry. The chemicals within the buildings will be sampled and categorized for proper waste disposal. All chemicals and containers will be disposed of at a Department-approved facility. Once all the chemicals have been removed and disposed of, the Department will return the Site to pre-existing conditions to the extent practical, leaving it in a safe and acceptable condition.

Compliance with ARARs:

This alternative will comply with Section 501(a) of HSCA because the Department will remove and properly dispose of hazardous substances at the Site to protect public health, safety, and the environment.

This alternative will comply with all relevant ARARs because all waste will be properly handled according to those ARARs and associated regulations.

Cost Effectiveness:

While the costs of the Department's prompt interim response will exceed the statutory \$2 million limit, the Department found that exceedance necessary and cost-effective in addressing the emergency conditions posing an immediate threat to the community and environment. Continuation of the response to address the threat in full preempts any risk that might remain and makes unnecessary any additional costs for remobilization.

VI. SELECTED RESPONSE

The proposed selected alternative is Alternative 2: Remove and properly dispose of chemicals at the Site, while ensuring the buildings storing chemicals were made safe by demolition or other methods necessary. This alternative was selected because it was the only alternative that met the ARARs and, therefore, was protective of human health and the environment.

The Department has categorized and prepared chemicals at the Site for proper disposal, and the effort is still ongoing as of December 4, 2019.

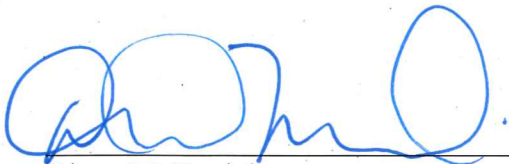
VII. MAJOR CHANGES FROM PROPOSED RESPONSE

The Department and its contractor were tasked with addressing a fire that occurred because of chemical reactions at the site. Tasks associated with addressing the fire and subsequent handling of highly reactive chemicals have led to unexpected but justifiable increases in manpower and costs for the response.

VIII. RESPONSE TO PUBLIC COMMENTS

The Department's response to public comments concerning the selection of this response action is filed in the administrative record.

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Diane McDaniel
Regional ECB Manager

12/5/19

Date