

Notice of Listing on the Pennsylvania Priority List of Hazardous Sites for Remedial Response; Hazardous Sites Cleanup Act

Bishop Tube Site, East Whiteland Township, Chester County

1. *Background*

The Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of sites in the Commonwealth that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA (35 P.S. § 6020.502) requires that the Department of Environmental Protection (Department) publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants, which present a substantial threat to the public health, safety and environment. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS); (40 CFR Part 300, Appendix A) established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C.A. §§ 9601—9675), is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under the statute.

The HRS was developed by the United States Environmental Protection Agency (EPA) as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological or environmental damage. It is the principal mechanism for placing a site on the National Priorities List, the list of priority releases for long-term remedial evaluation and response under CERCLA. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater, surface water, air and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

- (1) Factors that indicate the presence or likelihood of a release to the environment.
- (2) Factors that indicate the nature and quantity of the substances presenting the potential threat.
- (3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

2. *Summary and Purpose*

Placement of a site on the PAPL is used to identify sites that need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

3. *Technical Evaluation Grants under Act 108*

Under section 510 of HSCA (35 P.S. § 6020.510), the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department's regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

Pennsylvania Priority List of Hazardous Sites for Remedial Response

A. *Effective Date*

The site listed is being placed on the PAPL effective upon publication of this announcement in the *Pennsylvania Bulletin*.

B. *Contact Persons*

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

C. *Statutory Authority*

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under 2 Pa.C.S. § 103 (relating to the Administrative Agency Law) and section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), nor shall it confer a right or duty upon the Department or any person.

D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the site being added with this publication. Comments concerning the placement of the Bishop Tube Site (Site) on the PAPL should be directed to Dustin Armstrong, Environmental Cleanup Program, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, darmstrong@state.pa.us. Comments received by facsimile will not be accepted. Public comments must be received by the Department by October 11, 2010.

The regional office Site file contains all information considered by the Department in placing the Site on the PAPL. Persons interested in reviewing the Site file should contact the Southeast Regional Office at (484) 250-5900. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

All written comments and the Department's responses will be placed into the Site file and will later be incorporated into the Administrative Record.

E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice, its HRS score, municipality, county and Department region. Table 2 lists the nine sites currently on the PAPL, including the site added by this notice. The HRS score, municipality, county and Department region for each site are contained in this table. The sites are listed in decreasing order of HRS score.

F. Site Listing Summaries

Bishop Tube Site

The Site is a former steel tube manufacturing facility located in East Whiteland Township, Chester County. Land uses at the Site include industrial, commercial and residential. Groundwater, soil and surface water at the Site are contaminated with trichloroethylene (TCE), which is classified as a probable human carcinogen by the EPA. TCE has been detected in onsite groundwater at

concentrations exceeding 100,000 parts per billion (ppb). A residential well located approximately 1/3 mile from the Site contains TCE in excess of 5 ppb, the Maximum Contaminant Level for public water supplies and the Statewide Health Standard for groundwater cleanup. TCE contaminated soils on the 13.7-acre former Bishop Tube Company property are the source of the TCE contamination in the groundwater. TCE has also been detected in indoor air in four of five homes selected for indoor air sampling. Volatilization of TCE from groundwater is most likely responsible for these detections. At one home, the concentration of TCE exceeded the Indoor Air Criterion under the Statewide Health Standard of 12 micrograms per cubic meter. TCE attributed to the Site has also been detected in Little Valley Creek, which has been designated as an Exceptional Value stream by the Department.

From 2000-2008, the Department performed surface water, groundwater and soil investigations at the Site. Under the terms of a Consent Order and Agreement with the current Site owner, the Department completed a Prompt Interim Response, installing an air sparging/soil vapor extraction system to address TCE contaminated soil in three source areas at the Site. A former Site owner/operator installed a point of entry treatment system on the residential well that exceeded the MCL for TCE. A group of former Site owners/operators is currently performing a Remedial Investigation to further characterize deep groundwater and offsite contamination, including an assessment of the vapor intrusion pathway. None of the potentially responsible parties have indicated that they are willing to conduct the additional remedial action required at the Site.

G. Additional Information

Bishop Tube Site

The Department of Environmental Protection, Southeast Regional Office, Stephan Sinding, Environmental Cleanup Program Manager; Ragesh Patel, Chief, Hazardous Sites Cleanup Program; Dustin A. Armstrong, Project Manger, 2 East Main Street, Norristown, PA 19401.

Table 1
Sites Being Added by this Notice

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department of Environmental Protection Region</i>
Bishop Tube	40.79	East Whiteland Township	Chester	Southeast

Table 2
Pennsylvania Priority List for Remedial Response

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department of Environmental Protection Region</i>
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
Intercourse TCE	50	Leacock Township	Lancaster	Southcentral
Tomstown TCE	50	Quincy Township	Franklin	Southcentral
Bishop Tube	40.79	East Whiteland Township	Chester	Southeast
Chem Fab HSCA Site	39	Doylestown Borough and Township	Bucks	Southeast
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler, Armstrong	Northwest

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department of Environmental Protection Region</i>
Schiller	24.65	Richmond Township	Crawford	Northwest
Mun. and Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

JOHN HANGER,
Secretary

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Nutrient and Sediment Reduction Credit Trading Program; Notice of Registration

The Department of Environmental Protection (Department) provides notice of the following credit registration recorded under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). The request for registration was submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

This notice relates to the registration of credits through August 20, 2010. For background information related these credits, see the Department's certification published at 38 Pa.B. 1887 (April 19, 2008).

The Department has registered the following credits.

<i>Generator</i>	<i>Location of Use</i>	<i>Credits Registered</i>	<i>Credit Generating Activity</i>	<i>Compliance Year</i>
Red Barn Trading Company, LLC	PPL—Brunner Island Power Plant, York Haven, PA	23,736 Nitrogen and 2,967 Phosphorous	Poultry manure export out of Chesapeake Bay Watershed	October 2009— September 2010

For further information about this registration or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

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DEPARTMENT OF HEALTH

Abstinence Education Program Grant Opportunity

The Department of Health (Department) has submitted part one of a two-part grant application to the Administration for Children and Families in the United States Department of Health and Human Services for the Title V Abstinence Education Program for states for Federal Fiscal Year (FY) 2010. Part one, the Application for Funding, was submitted for the August 30, 2010, deadline, and part two, the Post-Award State Plan, is to be submitted by December 10, 2010.

The Abstinence Education Program (Program) was extended through FY 2014 under the Patient Protection and Affordable Care Act of 2010 (Pub. L. No. 111-148). The purpose of the Program is to enable the state to provide abstinence education, and at the option of the state, when appropriate, mentoring, counseling and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out of wedlock. The Administration for Children and Families in the United States Department of Health and Human Services published the new Program grant guidance for Federal FY 2010, which can be found at <http://www.acf.hhs.gov/grants/open/foa/view/HHS-2010-ACF-ACYF-AEGP-0123>.

www.acf.hhs.gov/grants/open/foa/view/HHS-2010-ACF-ACYF-AEGP-0123. There are several significant changes in the grant guidance published for Federal FY 2010.

The Department plans to issue a Request for Application (RFA) for institutions and organizations in this Commonwealth as part of the Department's application for Abstinence Education grant funds to the United States Department of Health and Human Services. When released, the Department's RFA, along with any supporting documentation, will be posted at <http://www.emarketplace.state.pa.us>. No questions regarding the RFA will be answered outside of the RFA process.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Amy Rothenberger, Public Health Program Manager at (717) 772-2763, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

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