



## **National Ground Water Association Comments on Environmental Protection Agency (EPA) Proposed Deletion From the National Priorities List of 10 Superfund Sites**

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### **EPA Summary**

EPA reissued a Notice of Intent to delete four sites and partially delete six sites from the National Priorities List (NPL) and requested public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the state, through its designated state agency, have determined that all appropriate response actions under CERCLA, other than operations and maintenance of the remedy, monitoring and five-year reviews, where applicable, have been completed. Deletion does not preclude future actions under Superfund.

Electronic link to Notice: <https://www.federalregister.gov/documents/2022/03/31/2022-06774/proposed-deletion-from-the-national-priorities-list>

Comment Submission Date: May 2, 2022

### **National Ground Water Association Comments on 10 Superfund Sites Proposed for Deletion**

The ten Superfund sites proposed for deletion or partial deletion and their status are:

McKin Co, Gray, ME, Full Deletion EPA-HQ-OLEM-2021-09221 - contaminated groundwater had reached many local private wells that were disconnected from use and structures connected to the public water system

Tybouts Corner Landfill, New Castle County, DE, Partial Deletion, EPA-HQ-OLEM-2021-07971 – Landfill contaminated groundwater; land and groundwater use restrictions for the site

C&R Battery Co., Inc Chesterfield County, VA, Full Deletion, EPA-HQ-OLEM-2021-07981 - Excavation of lead-contaminated soil and sediment

Chem-Solv, Inc, Cheswold, DE, Full Deletion, EPA-HQ-OLEM-2021-09341 – Groundwater contaminated with VOCs; treatment results below cleanup levels; use controls in place indefinitely

Koppers Co., Inc (Charleston Plant), Charleston, SC, Partial Deletion, EPA-HQ-SFUND-1994-0001 – Groundwater contaminated; institutional controls in place

Brantley Landfill Island, KY, Full Deletion, EPA-HQ-OLEM-2022-0111 – Landfill contaminated groundwater

Summit National Deerfield Township, OH, Partial Deletion, EPA-HQ-OLEM-2021-0815 – land and soil remediated; groundwater contamination remains on NPL

Himco Dump Elkhart, IN, Partial Deletion, EPA-HQ-SFUND-1990-0010 – Landfill and land/soil remediated; groundwater contamination remains on NPL with use restrictions

Omaha Lead Omaha, NE, Partial Deletion, EPA-HQ-SFUND-2003-0010 – Lead-contaminated soil remediated

Libby Asbestos Libby, MT, Partial Deletion, EPA-HQ-SFUND-2002-0008 – Soil and contaminated structures remediated; groundwater still on NPL

The information above listed after the EPA site number is summarized from a search of EPA documents online and was not presented in the delisting proposal.

NGWA presents comments on this group of Superfund sites as exemplary of NGWA's broader concerns about EPA's Superfund site delisting protocols. In NGWA's view, the notice of proposed deletion and delisting of Superfund sites from the NPL should be presented as its own substantive summary statement of the remedial activity and monitoring results for each site. The public should not have to search EPA's website for information and read every document to glean and compile site information and figure out, or worse, speculate, how EPA arrived at its decisions for deleting Superfund sites. Superfund site deletion is a technical policy process that deserves more than superficial statements of decision processes being completed. Listing all the documents that EPA and others associated with site produced is not helpful, is not transparent and does not sufficiently reflect the decision process and determinations made. Like all science-based decision-making documents, the data and analytic methodologies that served as the basis for decision-making should be transparently, comprehensively, and clearly communicated to the public. In this specific case, the deletion notice for these sites is inadequate.

NGWA asks that the deletion notice for these ten sites be a substantive and comprehensive summary of methodologies and decisions made that includes summary data (e.g., summary of contaminant concentrations, using averages, medians and ranges and other statistical and descriptive summarization techniques) to inform the public more clearly as to actions regarding the sites now and in the future. The notice should also include the schedule adopted to accomplish groundwater treatment and monitoring at the sites post-deletion. Based on the information in the proposed deletion notice to support the early closure and deletion of these sites, it is not transparent or clear that deletion should occur. Importantly, NGWA requests that the EPA review its internal protocols and quality assurance processes and make appropriate revisions in its methodologies for proposed deletion and delisting of Superfund sites from the National Priorities List. Such revisions should ensure that delisting notices stand on their

own, and transparently, comprehensively, and clearly communicate to the public the data and analytic methodologies that served as the basis for decision-making.

At least four of the ten sites have institutional controls on the use of groundwater. The National Contingency Plan § 300.430 Remedial investigation/feasibility study and selection of remedy (a) (1) (iii) (D) states that “The use of institutional controls shall not substitute for active response measures” and (F) “EPA expects to return usable ground waters to their beneficial uses wherever practicable, within a timeframe that is reasonable”, yet no time frames are given to the public, particularly to the affected communities, relative to the ability to use the remediated water safely. These sites appear to have an indefinite date for returning to beneficial use. Will treatment technological advances be applied to them to achieve return to beneficial use status sooner? The focus should be on remediation to support community resilience in the face of water limitations that these communities may be dealing with. In this latter regard, the lack of a substantive summary for the public to understand the potential risk to communities currently and to future generations may be a violation of the Information Quality Act (section 515(a) of Public Law 106-554) relative to lack of potential timeframes for returning to beneficial use and deficiency of data on potential migration of contaminants in groundwater beyond sites in the future. As the Federal Register notice indicates, deletion does not preclude future actions under Superfund which may be in response to potential future contaminant migration from being left in place and causing actual or potential adverse human health or environmental effects on or beyond the Superfund sites.

Questions addressing transparency that should be responded to in the summary for each site are, at a minimum, are:

What contaminants are at the site?

What contaminants are the focus of the deletion?

What resources/media were impacted by hazardous waste disposal at the site?

What human, flora, fauna and aquatic receptors are affected by contamination at the site, including discharge to streams and groundwater-dependent ecosystems?

What specific uses were the resources at the impacted site being applied to previously?

What resource uses are precluded from use?

Which resources are addressed by the proposed deletion?

What treatments are being applied to which contaminants?

Are some contaminants not being treated?

Is monitored natural attenuation being used as a treatment process?

What remedial cleanup levels have been achieved?

Is a technical impracticability waiver being applied?

Are institutional controls being applied to achieve deletion?

What treatment technological advances have been applied at the site since the last 5-year review?

What risks to future populations at and beyond the site may be expected?

When is the next 5-year review scheduled?

Why is deletion proposed now if resource contamination is being left in place?

What post-deletion treatment, monitoring and reporting are scheduled?

What is the projected schedule for returning the impacted resource(s) to beneficial use?

## **Basis for the Interest of the National Ground Water Association (NGWA) in Proposed Deletion from the National Priorities List**

NGWA, the largest trade association and professional society of groundwater professionals in the world, represents over 10,000 groundwater professionals within the United States and internationally. NGWA represents four key sectors: scientists and engineers, employed by private industry, by the consulting community, by academic institutions, and by local, state, and federal governments, to assess groundwater quality, availability, and sustainability; water-well contractors responsible for developing and constructing water-well infrastructure for residential, commercial, and agricultural use; and the manufacturers and the suppliers responsible for manufacturing and providing the equipment needed to make groundwater development possible. NGWA's mission is to advocate for and support the responsible development, management, and use of groundwater.

Over 34 million people in the United States rely on private wells and 87 million are served by groundwater from public community water systems. Seventy-one percent of groundwater withdrawn is for irrigated agriculture. Additionally, forty percent of baseflow of streams is contributed from groundwater discharge through streambeds.

NGWA sees groundwater and the subsurface as natural infrastructure that should be sustainably managed for current and future use. The subsurface environment should be considered from an integrated resource perspective. The natural infrastructure of the subsurface environment with proper management can provide fresh groundwater for drinking, industrial and manufacturing applications, food production, and ecosystem support.

Thank you for the opportunity to review this notice.

For Further Follow Up, Please Contact:

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