

FRANKLIN & MARSHALL

September 22, 2008

Mr. Gary R. Brown
President
RT Environmental Services, Inc.
215 West Church Road
King of Prussia, PA 19406

Dear Mr. Brown:

I am writing in response to your letter of August 27, 2008 concerning the Remedial Investigation Report and Cleanup Plan (RICP) for the Lancaster County Solid Waste Management Authority's parcel in Manheim Township. For ease of reference, I have organized my response to correspond to the sections contained in your letter. However, a number of comments repeat throughout your letter so I have provided a response at the first location only.

FRIABLE ASBESTOS FINDINGS

1. Page 1 COMMENT: Opinion that *older sheet and/or tile flooring material be managed as potentially friable material.*

RESPONSE: Under applicable regulations, friable asbestos containing material (ACM) is defined as any material containing more than 1% asbestos as determined by polarized light microscopy (PLM), that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure. Of the samples of "older sheet and tile flooring material" that were collected, described and submitted to the testing laboratory for PLM analyses, only two samples (2 of 12) contained asbestos, and in both cases, the laboratory classified the ACMs as non-friable, organically-bound (NOB). Moreover, of the large amount of sampling conducted in association with installation of 42 test borings and 14 test pits at the site, none of the "older sheet and tile flooring material" could be "crumbled, pulverized or reduced to powder by hand pressure." On this basis, there is no evidence from the extensive site investigations to indicate the presence of "potentially friable material."

2. Page 1 COMMENT: Request for *documentation "that...a licensed asbestos inspector or project planner" has specifically determined..."that the Armstrong waste material is non-friable and will remain unfriable during loading and transport."*

RESPONSE: Under applicable regulations, the "Armstrong waste material" that contains asbestos (>1%) is classified as Category I ACMs – defined as "asbestos-containing resilient flooring", etc. Category I ACMs are not "Regulated Asbestos-Containing Material (RACM)" except in the case where

Category I non-friable ACM has become friable or where Category I ACMs will be or have been subjected to sanding, grinding, cutting or abrading. Since samples of "older sheet and tile flooring material" found to contain asbestos were determined via the laboratory analysis to be NOB, and based on visual inspection of the materials (by one of our consultant's licensed asbestos inspectors) and guidance provided by USEPA ("Demolition Practices Under The Asbestos NESHAP"), these materials are not an RACM per applicable regulations. Moreover, per the cited USEPA guidance, "waste load out activities generally do not cause Category 1 non-friable ACM to become RACM". Similarly, from the same guidance document, the following: "If Category 1 non-friable ACM is transported across a site in the bucket of a loader, backhoe, hydraulic excavator or other similar vehicle, it is not considered to be RACM since it is not subject to sanding, grinding, cutting or abrading during this activity." The same guidance also states: "...if the bulldozer is moving the debris or picking it up to be put into a vehicle and inadvertently runs over Category 1 material, then it is not" RACM. Finally, the guidance states: "the moving of debris by bulldozers, whether by carrying it in a bucket or pushing it along the ground does not in itself cause Category I ACM to become RACM."

Based upon this guidance and available information, there is no evidence to suggest that RACM is or will be present in association with this project. This opinion has been independently corroborated by a project sub-consultant - Cocciardi Associates, Inc. of Mechanicsburg, Pennsylvania. Cocciardi employs licensed asbestos inspectors and asbestos project planners.

3. Page 1 COMMENT: Statement that *"your consultant's laboratory determinations of non-friable from an 'in the ground' sample is not a determinative finding."*

RESPONSE: Applicable EPA guidance (Please see Comment Response No. 2 above) taken in conjunction with the findings of the analytical laboratory that the ACMs are "non-friable, organically bound (NOB)" supports the determinative conclusion that the ACMs are non-friable.

4. Page 1 COMMENT: Statement that *"Armstrong's sheet products with Hydrocord backing that were disposed of are friable or will become friable."*

RESPONSE: From the samples and direct observations made by a licensed asbestos inspector in association with the extensive site investigations, supported by the results of laboratory testing, there is no site-specific evidence that site waste materials such as the referenced Armstrong sheet products are friable or will become friable, and the project team has therefore relied upon applicable regulations and guidance such as cited in Comment Response No. 2 above.

5. Page 1 COMMENT: Statement that the RICP *"failed to adequately investigate or disclose that large quantities of one or more Armstrong floor products as follows were received by LCSWMA and are obviously present in the landfill."*

RESPONSE: The RICP describes in more than a dozen places throughout the report the existence of significant quantities of flooring tile materials. As an example, appearing on page 5 of the report is the following description of the non-media solids (waste materials): "flooring tile stacked in layers of up to 2 feet thick with no intervening soil". Similar descriptions appear throughout the Executive Summary of the report and extensively elsewhere such as on pages 24 through page 31, and described in detail by the various sample logs contained in Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E of the report.

6. Page 2 COMMENT: Statement that *"the Notice of Intent to Remediate sent to DEP and Manheim Township does not mention asbestos containing material."*

RESPONSE: The Notice of Intent to Remediate (NIR) is a form filed with DEP and used to provide public notice via a newspaper advertisement. It is used by a Remediator to describe: 1) the site contamination and primary contaminants; 2) the proposed future use of the site; 3) the proposed method of site remediation; and 4) the cleanup standards being selected for respective environmental media. The NIR that was filed and advertised for the Project thoroughly provided the information that DEP requires to be described by an NIR.

RIR/CLEANUP PLAN COMMENTS

7. Page 3 COMMENT: Statement that *"the RIR does not contain an adequate characterization and disclosure that there are apparent Hydrocord-backed friable sheet floor waste products at the site and in the landfill."*

RESPONSE: Please see RESPONSES 1, 2, 3, 4 and 5 above.

8. Page 3 COMMENT: Statement that *"separation of friable and non-friable materials in a codisposal landfill could prove infeasible and not cost-effective."*

RESPONSE: Waste materials removed from the site will be transported to and disposed at the Frey Farm Landfill – a site that routinely handles friable and non-friable materials in a cost-effective manner.

9. Page 3 COMMENT: Statement that *"the issue of ACM excavation and loadout is broader than being only an OSHA issue."*

RESPONSE: Please see RESPONSE No. 2 above with regard to applicable EPA guidance. There are numerous sets of applicable regulations including those of OSHA, EPA and DEP. This Project is subject to and will comply with all applicable local, state and federal regulations.

10. Page 3 COMMENT: Statement that *"the Cleanup Plan does not adequately describe the presence of this material nor the detailed means and methods to properly*

manage friable ACM waste materials and procedures to avoid exposure, as would normally be required as part of a site-specific standard cleanup plan."

RESPONSE: The Cleanup Plan adequately describes the presence of this material (Please see RESPONSE No. 5 above). Moreover, given the fact that the extensive characterization of the site did not identify any friable asbestos, the chances appear reasonable that none or little will be found. If any friable asbestos is discovered, the RICP plan calls for "appropriate bagging / double bagging procedures...to segregate these materials and to manage them according to applicable regulations" (page 73, Section 6.1.2, Waste Removal Plan, Special Wastes Handling / Contingency Procedures). The RICP (page 70, Section 6.1.1., Site Preparation, Engineering Controls) also prescribes procedures such as "perimeter and work zone mister and soaker systems to be employed, as necessary, to control and eliminate work zone dust exposures and to prevent off-site migration of dust originating from the excavation, backfilling, compaction and waste hauling activities."

Section 6.1.5.2 of the RICP (Dust Inhalation) prescribes the applicable OSHA regulations (29CFR1926.1101) concerning content of asbestos fibers in air. The specified engineering controls have been developed to allow the Project to meet the applicable air quality regulations.

Moreover, page 79 of the RICP also specifies additional controls that "will be implemented to minimize dust generation, to control dust that is produced, and to minimize or eliminate potential exposures", as may be needed.

11. Page 4 COMMENT: Statement that *"I did not find any reference (in the RIR) that licensed ACM inspectors...would be employed to handle friable materials (if encountered) at the time of excavation."*

RESPONSE: The Waste Removal and Site Restoration project specifications (bid specifications and Project Manual) and Site-Specific Health & Safety Plan (HASP) will describe such requirements with respect to the circumstance when and if friable ACMs are encountered during the waste removal project and related excavations, etc. These specifications are routinely included in the (HASP) and not in the RIR.

12. Page 4 COMMENT: Statement that *"the ARM report cites planned attainment of the non-use aquifer standard (Page VI)."*

RESPONSE: Your statement is incorrect. Your comment refers to text appearing on page vi that remarks simply that "none of the laboratory analyses of any groundwater samples exceeded a non-use aquifer standard". The subject remark was not made in reference to the selection or attainment of "the non-use aquifer standard" and was provided only for comparative purposes.

13. Page 4 COMMENT: Statement that *"the Cleanup Plan should be revised to reflect that the closure could be interrupted and materials closed in place by economic*

necessity if large quantities of friable ACM prove to be difficult and/or costly to separate and properly manage."

RESPONSE: As stated in RESPONSE No. 1 above, based upon the large amount of sampling conducted in association with installation of 42 test borings, 10 monitoring wells, 14 test pits and sampling and analysis of 12 floor tile samples for ACM analyses, there is no evidence to indicate the presence of "potentially friable material – certainly none to imply the potential need for project interruption and in-place closure.

14. Page 4 COMMENT: Statement that "*the Clean-up Plan says HAZMAT teams...will not typically assist with this type of planned excavation and removal project.*"

RESPONSE: Your reference is to a statement in the subject report that would involve a call to county HAZMAT teams only in the event that special wastes (other than ACMs) are encountered which exceed the immediate response capabilities of the Contractor and the project team (engineering and site safety personnel).

CLEANUP ALTERNATIVE/RAIL YARD ALTERNATIVE

15. Page 4 COMMENT: Statement that "*the landfill can be adequately remediated by...clearing the trees, providing a soil cover and re-vegetating the site.*"

RESPONSE: Based upon the results of a remedy evaluation (alternatives analysis) conducted for this project, the proposed cleanup plan (i.e., removal of the waste materials, backfilling, compaction, and site restoration) represents the only remedial approach that meets all project criteria.

16. Page 5 COMMENT: Statement that "*relocation of the rail yard should be balanced against the risk of excavating an old...codisposal landfill with large quantities of ACM.....whose partially friable ACM composition has not been properly factored into the Cleanup Plan.*"

RESPONSE: Two points need to be made in addressing this comment. First, as provided in RESPONSE No. 13 above, the extensive remedial investigation has not evidenced the presence of significant amounts of potentially friable material. In fact, it has not evidenced the presence of any potentially friable material. Second, the chosen remedy (i.e. proposed Cleanup Plan) represents the only remedial approach that meets all project criteria. In this regard, a remedy evaluation was prepared, as prescribed by Section 304 (j) of Act 2, to consider the following: 1) long term risks of the proposed remedy; 2) degree of post-remediation care that would be needed; 3) potential for future environmental exposures; 4) long-term reliability; 5) future need for repairs and maintenance; 6) timeliness; 7) ability to reduce toxicity associated with the environmental contamination and its source(s); 8) short-term risks of the proposed remedy to the community during its implementation; 9) relative ease or difficulty of implementing the proposed

remedy; 10) approvals required by local, state and federal regulations; 11) cost; 12) value of economic and health-related benefits of the project as compared to costs of the proposed remedy; 13) remedy that would be compatible and feasible with respect to the proposed future use of the site as a rail yard; 14) remedy that would successfully attain selected Act 2 standards, thereby qualifying the site Owner, Remediator and Successors for environmental liability protection under the provisions of Act 2; and 15) remedy that would not be subject to the potential for environmental re-openers to occur with corresponding and uncertain potential liability. Based on the findings of the remedy evaluation, the chosen remedy (i.e. proposed Cleanup Plan) represents the only remedial approach that meets all project criteria.

FINDINGS AND CONCLUSION

17. Page 5 COMMENT: Statement that *"these materials cannot be feasibly excavated and loaded without causing asbestos fiber release."*

RESPONSE: The answers set forth in RESPONSE No. 10, above and the RICP's (page 70, Section 6.1.1., Site Preparation, Engineering Controls) description of procedures such as "perimeter and work zone mister and soaker systems to be employed, as necessary, to control and eliminate work zone dust exposures and to prevent off-site migration of dust originating from the excavation, backfilling, compaction and waste hauling activities..." address this claim. Also Section 6.1.5.2 of the RICP (Dust Inhalation) prescribes the applicable OSHA regulations (29CFR1926.1101) concerning content of asbestos fibers in air.

The specified engineering controls have been developed to allow the Project to meet the applicable air quality regulations. Moreover, page 79 of the RICP also specifies additional controls that "will be implemented to minimize dust generation, to control any dust that is produced, and to minimize or eliminate potential exposures".

Thus, the Project plans provide adequate measures to effectively mitigate the potential circumstance of an asbestos fiber release.

I trust these responses address the comments outlined in your August 27, 2008 correspondence.

Sincerely,



Keith A. Orris

Vice President for Administrative Services
And External Affairs

cc: Kathy Horvath, DEP
Greg Vaughn, PennDot
Bob Desmarais, School Lane Hills Homewowner's Association
Jan Bergen, Lancaster General
Jim Warner, LCSWMA
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