

**EPA Superfund  
Record of Decision:**

**BROWN'S BATTERY BREAKING  
EPA ID: PAD980831812  
OU 01  
HAMBURG, PA  
09/28/1990**

Text:

00PM WITH PRESENTATIONS BY EPA OFFICIALS AND WAS FOLLOWED BY A QUESTION AND ANSWER SESSION. THE MEETING ENDED AT APPROXIMATELY 9:45PM. FOLLOWING THE MEETING, STAFF MEMBERS FROM EPA AND USACE REMAINED TO ANSWER ADDITIONAL QUESTIONS.

THE COMMUNITY RELATIONS COORDINATOR (CRC) BEGAN THE MEETING BY WELCOMING THE AUDIENCE, INTRODUCING THE OTHER EPA, DER AND USACE STAFF, AND GIVING A BRIEF OVERVIEW OF THE PUBLIC'S ROLE IN THE SUPERFUND REMEDIAL PROCESS. SHE EXPLAINED THAT THE MEETING WAS TO CONSIDER THE VARIOUS ALTERNATIVES FOR THE NEXT PHASE OF THE CLEANUP. MEMBERS OF THE COMMUNITY WERE ENCOURAGED TO VOICE THEIR OPINIONS AT THE MEETING AND/OR SUBMIT THEIR COMMENTS IN WRITING AS PART OF THE OFFICIAL RECORD. COPIES OF THE PROPOSED PLAN WERE MADE AVAILABLE TO ALL ATTENDEES TO ASSIST THEM IN CONSIDERING THE VARIOUS ALTERNATIVES.

THE REMEDIAL PROJECT MANAGER (RPM) PROVIDED A BRIEF HISTORY OF THE SITE, WHICH WAS ACTIVE FROM 1961 TO 1971. HE EXPLAINED THAT THERE HAD BEEN A REMOVAL ACTION CONDUCTED BETWEEN OCTOBER, 1983 AND JULY, 1984. THIS ACTION MOVED MUCH OF THE VISIBLE BATTERY CASINGS AND CONTAMINATED SOIL TO A RESTRICTED CONTAINMENT AREA WHICH WAS LATER COVERED WITH A LOW PERMEABILITY CAP AND FENCED.

THREE ALTERNATIVE PROPOSALS, INCLUDING NO ACTION, WERE PRESENTED. ALTERNATIVE 3 (PERMANENT RELOCATION) WAS IDENTIFIED AS EPA'S PREFERRED ALTERNATIVE BECAUSE EPA VIEWS THIS AS THE BEST WAY TO ELIMINATE THE THREAT OF HIGH LEVEL LEAD CONTAMINATION TO THE PUBLIC, PRIMARILY RESIDENTS AND WORKERS ONSITE. CONCERNS ABOUT THE SOIL AND GROUNDWATER CONTAMINATION WILL BE ADDRESSED IN THE SECOND AND THIRD OPERABLE UNITS. THE THREE ALTERNATIVES WERE;

1. NO ACTION - THE SUPERFUND PROGRAM REQUIRES THAT THE "NO ACTION" ALTERNATIVE BE EVALUATED AT EVERY SITE AS A BASELINE FOR COMPARISON WITH OTHER POSSIBILITIES.
2. LIMITED SITE ACCESS - THE SITE WOULD BE FENCED WITH BARBED WIRE, SIGNS WOULD BE POSTED AND DEED RESTRICTIONS WOULD BE PLACED IN EFFECT. THE BUSINESS WOULD CONTINUE TO OPERATE AND EMPLOYEES AS WELL AS ANY RESIDENTS REFUSING RELOCATION DURING THE REMOVAL ACTION WOULD RETAIN ACCESS RIGHTS TO THE SITE.
3. PERMANENT RELOCATION - THIS WOULD INVOLVE THE RELOCATION OF RESIDENTS AND THE BUSINESS TO REPLACEMENT PROPERTIES COMPARABLE TO THEIR PRESENT LOCATIONS. AFTER THE RELOCATION, THE SITE WOULD BE RESTRICTED BY FENCING, SIGNS AND DEED RESTRICTIONS. NO ONE WOULD BE ALLOWED TO RETURN TO THE SITE UNTIL A DETERMINATION IS MADE REGARDING FUTURE SITE USAGE.

DURING THE QUESTION AND ANSWER PERIOD THAT FOLLOWED, THE RPM RESPONDED TO CONCERNS ABOUT THE FIRST REMOVAL ACTION, THE CURRENT REMOVAL ACTION, HEALTH AND SAFETY CONCERNS ARISING FROM THE LEAD ON SITE AS WELL AS FEATURES OF THE PROPOSED RELOCATION PACKAGE.

THE ON SCENE COORDINATOR (OSC) FOR THE CURRENT REMOVAL ACTION ANSWERED QUESTIONS ABOUT HIS AUTHORIZATION FOR THE REMOVAL AND TEMPORARY RELOCATION FIRST DISCUSSED WITH RESIDENTS AT THE JULY 24, 1990 MEETING.

THE CRC CLOSED THE MEETING BY URGING THE ATTENDEES TO RESPOND TO THE PROPOSAL DURING THE COMMENT PERIOD SO THEIR REMARKS WOULD BECOME PART OF THE OFFICIAL RECORD OF DECISION.

## 2.0 SUMMARY OF COMMUNITY INVOLVEMENT

### PRIOR COMMUNITY RELATIONS ACTIVITIES

IN MARCH, 1980, THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES (DER) WAS ASKED TO EXAMINE THE CATTLE AND WATER SUPPLIES OF A FARM NEAR THE SITE. THIS WAS THE FIRST OFFICIAL ACTION IN REGARD TO THE SITE, BRINGING IT TO WIDER PUBLIC ATTENTION. WHEN THE FARM OWNER IDENTIFIED THE BROWN'S SITE AS THE SOURCE OF BATTERY CASINGS WITH WHICH THE NEARBY ROAD WAS PAVED, FURTHER INVESTIGATION WAS PURSUED AT THE SITE.

PARENTS WHOSE CHILDREN HAD BEEN TESTED BY THE PENNSYLVANIA DEPARTMENT OF HEALTH (DOH) FOR LEAD IN THEIR BLOOD AND FOUND TO BE ABOVE THE ACTION LIMIT IN EFFECT AT THE TIME (1983), WERE INSTRUCTED ABOUT PROPER CLEANING PROCEDURES AND LIMITING THE CHILDREN'S ACTIVITIES IN THE CONTAMINATED AREA.

THE TWO CHILDREN WHO CURRENTLY LIVE ON SITE HAD THEIR BLOOD LEVEL TESTED IN NOVEMBER, 1989 AND AUGUST, 1990. THEIR PARENTS HAVE BEEN INFORMED THAT THEIR LEVELS ARE BELOW THE CURRENT ACTION LEVEL.

SIX OF THE SEVEN ONSITE RESIDENTIAL ADULTS HAD THEIR BLOOD LEAD LEVELS TESTED IN AUGUST, 1990. THREE OF THE SIX ADULTS TESTED HAD BLOOD LEAD LEVELS EQUAL TO OR GREATER THAN THE CURRENT ACCEPTABLE LEVEL OF 10 MICROGRAMS PER DECILITER.

DURING THE 1983-1984 REMOVAL ACTION, RESIDENTS WERE TEMPORARILY RELOCATED TO NEARBY MOTELS.

DURING THE CONDUCT OF THE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY AND THE OFFERING OF THE PROPOSED PLAN, THE ONSITE RESIDENTS AND WORKERS HAVE BEEN KEPT WELL INFORMED THROUGH A VARIETY OF MEANS;

- \* ONSITE INTERVIEWS
- \* COMMUNITY RELATIONS PLAN DEVELOPMENT
- \* PROPOSED PLAN DEVELOPMENT
- \* PUBLIC NOTICES REGARDING;
- \* PUBLIC MEETINGS
- \* AVAILABILITY OF PROPOSED PLAN
- \* PUBLIC MEETINGS
- \* MEDIA INTERVIEWS
- \* PUBLIC COMMENT PERIOD
- \* OFFICIAL MEETING TRANSCRIPT
- \* RESPONSIVENESS SUMMARY

### 3.0 SUMMARY OF MAJOR QUESTIONS AND COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD AND EPA'S RESPONSES

DURING THE COMMENT PERIOD, ONE RESIDENT AND ONE OF THE POTENTIALLY RESPONSIBLE PARTIES (PRP) SUBMITTED WRITTEN COMMENTS TO THE REGION III EPA OFFICE THROUGH THE COMMUNITY RELATIONS NOT MOVE "BECAUSE OF PUBLIC RESPONSE AND LOW BLOOD LEVELS". REGION III STAFF ACKNOWLEDGED HIS REMARKS IN WRITING. REGION III RECEIVED CALLS FROM THE READING EAGLE AND FROM ELECTED AND APPOINTED OFFICIALS IN THE AREA NEAR THE SITE. ALSO, CHANNEL 69, AND INDEPENDENT STATION IN ALLENTOWN, CALLED FOR BACKGROUND INFORMATION AFTER BEING CONTACTED BY ONE OF THE ONSITE RESIDENTS. THERE WAS ONE CONGRESSIONAL QUERY FROM CONGRESSMAN O'PAKE, WHICH WAS ANSWERED BY THE EPA REGION III ADMINISTRATOR.

BECAUSE OF THE LEVEL OF PUBLIC CONCERN EXPRESSED DURING THE COMMENT PERIOD, REPRESENTATIVE QUESTIONS ARE GROUPED BELOW BY TOPICAL AREAS OF CONCERN;

#### LEAD CONTAMINATION;

Q. HOW CAN EPA SAY THAT THERE IS A CURRENT DANGER TO RESIDENTS ONSITE IF THE BLOOD LEVELS OF MOST ADULTS AND BOTH CHILDREN ARE BELOW ACTION LEVELS?

A. THE SOIL LEAD AT THIS SITE IS THE MAIN SOURCE OF CONCERN. LEVELS ARE SO HIGH THAT ADVERSE HEALTH IMPACTS ON BOTH CHILDREN AND ADULTS CONSTITUTE A THREAT, EVEN WHEN HEALTH CHECKS AND TESTS TO ASSESS SUCH POSSIBILITIES YIELD NEGATIVE RESULTS. THE STANDARD PROCEDURE FOR THE ASSESSMENT OF SUCH IMPACTS IS ONE THAT MEASURES THE LEVEL OF LEAD IN THE BLOOD. WHILE WE ARE AWARE THAT MUCH OF THE IMPACTED LEAD THAT ENTERS THE HUMAN PHYSIOLOGY IS THAT WHICH IS INCIDENTALLY INGESTED, THIS SOIL CONTAMINANT IS ALSO, TO A RELATIVELY MINOR EXTENT, INHALED AND POSSIBLY ABSORBED THROUGH THE SKIN.

Q. WHAT WILL EPA DO ABOUT DEBRIS AND OPEN DRUMS THAT ARE ON THE SITE?

A. THE DRUMS WILL BE SEALED IMMEDIATELY (THIS ACTION WAS COMPLETED SEPTEMBER 5, 1990 AFTER EPA WAS ADVISED BY A RESIDENT THAT DRUMS CONTAINING CONTAMINATED GARMENTS FROM CLEANUP WORKERS WERE OPEN AND EXPOSED TO THE AIR).

Q. WHY HAVE THERE BEEN SO MANY DELAYS? IS IT BECAUSE THERE ISN'T ENOUGH MONEY?

A. EPA IS FULLY FUNDED FOR THIS SITE CLEANUP. DELAYS HAVE TAKEN PLACE AS WE HAVE TRIED TO GET THE MOST ACCURATE READING OF CONDITIONS ON SITE SO THAT OUR STRATEGY IS SURE TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT. ALSO, ONE OF THE RESPONSIBLE PARTIES HAD BEGUN SOME OF THE REMEDIAL WORK ON THE RI/FS AND LATER PULLED OUT, WHICH MEANT EPA HAD TO BEGIN SOME OF THE WORK AGAIN.

Q. WILL THERE BE OTHER OPPORTUNITIES FOR PUBLIC INVOLVEMENT WITH THE CLEANUP OF THIS SITE?

A. YES. EACH OPERABLE UNIT (SITE ACCESS, SOIL REMEDIATION AND GROUNDWATER REMEDIATION) WILL HAVE PERIODS DURING WHICH WE WILL SOLICIT PUBLIC COMMENTS AND HOLD PUBLIC MEETINGS.

Q. WHAT IF PEOPLE DON'T WANT TO MOVE OR DON'T LIKE THE RELOCATION PACKAGE THEY'RE OFFERED? CAN THEY BE FORCED OUT?

A. EPA HAS CONTRACTED WITH THE UNITED STATES ARMY CORPS OF ENGINEERS THROUGH EPA'S HEADQUARTERS REAL ESTATE STAFF TO FIND COMPARABLE BUILDINGS FOR THE RESIDENTS AND THE BUSINESS. THESE SPECIALISTS WILL CONTINUE WORKING WITH AFFECTED PARTIES TO MAKE SURE THEY CONDUCT A THOROUGH SEARCH OF POSSIBILITIES IN THE AREA. AT THIS TIME, EPA HAS NO PLANS TO CONDUCT A FORCED REMOVAL OF RESIDENTS FROM THE SITE. NEVERTHELESS, EPA HAS THE AUTHORITY TO INSTITUTE A FORCED RELOCATION.

COMMENTS SUBMITTED BY GENERAL BATTERY CORPORATION TO EPA;

1. THE ENVIRONMENTAL PROBLEM, IF ANY, EXISTS AT THE SITE WAS CAUSED BY THE EPA ITSELF AS A RESULTS OF EPA ACTIVITIES DURING 1983-1984. THE PROPOSED PLAN DOES NOT ADDRESS THE EPA'S PRIOR MISCONDUCT OR ITS OWN LIABILITY IN CONNECTION WITH THE SITE.

THERE IS NO EVIDENCE TO SUPPORT THESE ALLEGATIONS. EPA DID NOT CAUSE THE CONTAMINATION ORIGINALLY FOUND AT THE SITE. THESE COMMENTS ARE SPECULATIVE AND IRRELEVANT TO THE PROPOSED REMEDIAL ACTION PLAN.

2. THERE IS NO IMMINENT AND SUBSTANTIAL ENDANGERMENT AT THE SITE, AND THEREFORE, THE PROPOSED PLAN IS UNNECESSARY AND WASTEFUL. IF SUCH A CONDITION DOES PRESENTED NO PROBLEM, QUITE CONTRARY TO IMMINENT AND SUBSTANTIAL ENDANGERMENT.

PURSUANT TO SECTION 106 OF CERCLA, 42 USC S 9606, THE EPA REGION III REGIONAL ADMINISTRATOR HAS DETERMINED THAT ACTUAL OR THREATENED RELEASES FROM THIS SITE MAY PRESENT AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT.

3. THE PROPOSED PLAN DOES NOT STATE HOW THE SOIL BECAME CONTAMINATED WITH LEAD SUBSEQUENT TO EPA'S INITIAL REMOVAL IN 1983-1984, WHEN THE EPA CERTIFIED THAT IT SUCCESSFULLY ABATED THE ALLEGED IMMINENT HAZARD AT THAT TIME POSED BY LEAD SOIL CONTAMINATION.

THE PROPOSED PLAN ADDRESSES CONDITIONS THAT ARE DOCUMENTED IN THE ADMINISTRATIVE RECORD FOR THE SITE. THE FIRST EPA REMOVAL ACTION MET ITS GOALS ACCORDING TO APPLICABLE REQUIREMENTS.

4. THE PROPOSED PLAN DOES NOT STATE THAT IT IS CONSISTENT WITH THE NATIONAL CONTINGENCY PLAN (NCP) AND, INDEED, IT IS INCONSISTENT WITH THE NCP.

THE DECLARATION OF THE RECORD OF DECISION STATES THE REMEDIAL ACTION PLAN WAS DEVELOPED IN ACCORDANCE WITH CERCLA, AS AMENDED BY SARA, AND, TO THE EXTENT APPLICABLE, THE NCP.

5. THE PROPOSED PLAN FAILS TO STATE THE EPA HAS ORDERED AN ADMINISTRATIVE ORDER PURSUANT TO SECTION 106 OF CERCLA (ORDER), WHICH ADDRESSES THE SAME SUBJECT MATTER OF THE PROPOSED PLAN. NOR DOES THE PROPOSED PLAN STATE HOW THE RECOMMENDED REMEDIAL ALTERNATIVE IS CONSISTENT WITH EPA'S FIRST REMOVAL ACTION, ITS SECOND REMOVAL ACTION, THE ORDER OR PERMANENT REMEDIAL ACTION.

THIS COMMENT IS INCORPORATED IN THE ENFORCEMENT ACTIVITIES PORTION OF THE RECORD OF DECISION.

6. THE PROPOSED PLAN FAILS TO IDENTIFY THE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARAR'S) THAT ARE APPLICABLE TO THIS SITE.

THIS COMMENT IS INCORPORATED IN THE RECORD OF DECISION.

7. BY WAY OF FURTHER RESPONSE, GBC INCORPORATED BY REFERENCE A NUMBER OF DOCUMENTS. AMONG THOSE WAS GBC'S MEMORANDUM OF LAW IN OPPOSITION TO THE UNITED STATES' MOTION FOR PARTIAL SUMMARY JUDGMENT, ETC., IN UNITED STATES V. GENERAL BATTERY CORPORATION, ET AL. V. DIMENICHI, E.S.D.C., E.D. PA. NO. 85-1372.

SINCE GBC SUBMITTED THE ABOVE-REFERENCED MEMORANDUM, THE COURT FOUND GBC LIABLE TO THE UNITED STATES AS A MATTER OF LAW ON JUNE 1, 1990. THE COURT'S OPINION IS INCORPORATED HEREIN BY REFERENCE.

#TA

TABLES AND ATTACHMENTS

TABLE 2  
SCHUYLKILL RIVER SURFACE WATER

STATION (UNFILTERED)	APPROXIMATE LOCATION	LEAD CONCENTRATIONS MICROGRAMS/LITER (UG/L)
1SR	BACKGROUND; 100' UPRIVER OF FISHER DAM BRIDGE	4J
2SR	AT BOAT RAMP	3.9J
3SR	900' DOWNRIVER OF FISHER DAM BRIDGE	17.3J
4SR	1,400' DOWNRIVER OF FISHER DAM BRIDGE	3.0J
5SR	NORTH OF SMALL ISLAND	12.7J

TABLE 3  
NONCARCINOGENIC EFFECTS OF LEAD

SYSTEM OR ORGAN	EFFECT
HEMATOPOIETIC SYSTEM	ANEMIA, STIPPLED CELLS
NERVOUS SYSTEM	ENCEPHALOPATHY ( A BRAIN DISEASE CAUSING CONVULSIONS DELIRIUM, HALLUCINATION AND CEREBRAL EDEMA), PERIPHERAL NEUROPATHY (CAUSING WEAKNESS, PALSY, AND WRIST DROP), OTIC ATROPHY (CAUSING AUDITORY DEFECTS AND VERTIGO)
KIDNEY	LOSS OF KIDNEY FUNCTION, AZOTEMIA, KIDNEY FAILURE, AMINOACIDURIA
GASTROINTESTINAL SYSTEM	ABDOMINAL DISCOMFORT OR PAIN, COLIC, CONSTIPATION AND/OR DIARRHEA, LOSS OF APPETITE, METALLIC TASTE, NAUSEA AND VOMITING, LOSS OF WEIGHT
BONE MARROW CELLS	CHROMOSOME CHANGES
REPRODUCTIVE SYSTEM	OFFSPRING SHOW DECREASED REPRODUCTIVE FITNESS, RETARDATION OF EMBRYONIC GROWTH, RETARDATION OF FETAL DEVELOPMENT, IMPAIRED POSTNATAL DEVELOPMENT
ENDOCRINE SYSTEM	CHANGE IN ADRENAL STEROID EXCRETION, DEPRESSION OF ALDOSTERONE SECRETION RATE, DEPRESSED THYROID FUNCTION
HEART	DEGENERATION OF HEART MUSCLE IN CHILDREN
IMMUNE SYSTEM	GREATER SUSCEPTIBILITY TO INFECTIOUS DISEASE

TABLE 4  
DOCUMENTED NONCARCINOGENIC EFFECTS FOR CHILDREN

NEUROLOGIC EFFECTS	HEME SYNTHESIS EFFECTS	OTHER EFFECTS	LOWEST LEVEL LEAD BLOOD (UG/DL) EFFECTS SEEN
DEFICITS IN NEURO-BEHAVIORAL DEVELOPMENT (BAYLEY & MCCARTHY SCALES) ELECTROPHYSIOLOGICAL CHANGES	INHIBITION OF BLOOD FORMING ENZYME (ALAD)	REDUCED GESTATIONAL AGE AND WEIGHT AT BIRTH; REDUCE SIZE UP TO AGE 7-8 YEARS	10-15 (PRENATAL AND POSTNATAL)
	ELEVATED PRECURSORS TO HEMOGLOBIN FORMATION	IMPAIRED VITAMIN D METABOLISM	15-20
LOWER IQ, SLOWER REACTION TIME			LT 25
SLOWED NERVE CONDUCTION VELOCITY			30
	REDUCED HEMOGLOBIN		40
PERIPHERAL NEUROPATHIES	FRANK ANEMIA		70
ENCEPHALOPATHY		COLIC, OTHER GI EFFECTS, KIDNEY EFFECTS	80-100