

SUMMARY STATEMENT

ITEM NO.: DRPA-16-119

SUBJECT: Extension of Consent to Access Agreement with the Environmental Protection Agency-Welsbach Superfund Site

COMMITTEE:

Operations and Maintenance

COMMITTEE MEETING DATE:

November 1, 2016

BOARD ACTION DATE:

November 16, 2016

PROPOSAL: That the Board authorizes staff to negotiate an extension of the Consent to Access Agreement with The United States Environmental Protection Agency (“EPA”) to enter DRPA property locations for the purpose of conducting environmental testing and remediation activities.

PURPOSE: To negotiate an extension of the Consent to Access Agreement with EPA and related Agencies and Contractors to enter onto DRPA Property for the purpose of continuing environmental testing and conducting remediation activities.

BACKGROUND: There are four (4) DRPA Property locations in New Jersey (Block 2.01, Lot 4; Block 3, Lot 7; Block 209, Lot 1; and Block 212, Lot 2) that were previously identified as one of the EPA Superfund’s hazardous waste sites. The site is contaminated with Radium and Thorium from the Welsbach Gas Mantle Manufacturing plant. Contaminated soils were identified by the EPA in the early 1980s, and placed on the Superfund site list in 1996. Since the EPA Record of Decision was issued in June 1999, this agency and its related Federal Agency, the Army Corps of Engineers, along with EPA’s Consultants and Contractors, have conducted studies on DRPA property. Pursuant to DRPA-14-110, for the continuing investigation and design phase of work, there is a Consent to Access Agreement which expires on December 31, 2018.

The EPA has conducted surface exposure rate scans to identify areas that may be of concern. The EPA has also conducted downhole gamma logging to identify if the subsurface soils have elevated radiological measurements. A remediation design plan has been completed for the bulk of the subject properties and some investigation and design work remains to be completed.

The work which is the subject of this Proposal includes, but is not limited to excavation of thorium-contaminated soil and its associated support work. EPA will restore these areas to the pre-existing conditions at the completion of the remedial action.

Federal Law prohibits EPA from entering into formal agreements concerning conditions which restrict or impede the manner or extent of an inspection or response action, impose indemnity or compensatory obligations on the EPA or operate as a release of liability. Notwithstanding the above, EPA has agreed to require its consultants/contractors to fully insure their operations, and has submitted Certificates of Insurance to DRPA. In addition EPA shall continue to comply with all necessary health, safety, security, and other requirements for the protection of DRPA.

It is recommended that a contract be negotiated to allow right of entry for the purpose of completing soil testing and performing radium and thorium-contaminated soil remediation activities at four (4) locations by the EPA, the Army Corps of Engineers and EPA's retained Consultants and Contractors.

SUMMARY:	Amount:	N/A
	Source of Funds:	N/A
	Capital Project #:	N/A
	Operating Budget:	N/A
	Master Plan Status:	N/A
	Other Fund Sources:	N/A
	Duration of Contract:	December 31, 2021
	Other Parties Involved:	N/A

DRPA-16-119
Operations and Maintenance: November 1, 2016
Board Date: November 16, 2016
Extension of Consent to Access Agreement with the
Environmental Protection Agency-
Welsbach Superfund Site

RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority authorizes staff to negotiate an Agreement with EPA (individually and on behalf of its related Federal Agencies, Consultants and Contractors) extending the current Consent to Access Agreement with EPA to enter DRPA property for the purpose of conducting additional testing and remediation of contaminated soil; and be it further

RESOLVED: That the Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive officer. If both the Chairman and Vice Chairman are absent or unavailable and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

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