

# Warrington



# Township

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May 7, 2015

**VIA ELECTRONIC MAIL**

Richard P. McCoy, P.E.  
Branch Chief, Environmental Restoration  
NGB/A7OR  
Shepperd Hall  
3501 Fetchet Avenue  
Joint Base Andrews, MD 20762-5157

**RE: Warrington Township Water & Sewer Department (WTWSD)  
Management and Remediation of PFCS in Township Ground Waters  
Former Willow Grove Naval Air Station – Montgomery County, PA**

Dear Mr. McCoy:

Thank you for contacting me in response to my several inquiries of the Air Force, and offering me the opportunity to speak with you in connection with the treatment and remediation of perfluorocarbons (PFCs) in groundwater in Warrington Township, PA. As you may now know, the WTWSD provides water and sewer service to almost 22,000 residents. We estimate that there are 996 additional households within the Township, which are not served by our public water system and which continue to rely on private wells (and local groundwater) for their potable water. We rely on ground waters within the Township's boundaries as our sole source of supply for our entire Eastern District, which is supported by 9 water supply wells.

**Some Important Background for Context**

Our wells are strategically located, either to allow WTWSD to meet demand within the system in certain of its reaches, or because the formations accessed at those well locations are productive water bearing zones. Our water supply system is permitted under federal and Pennsylvania Safe Drinking Water Acts -- each well has its own place in the system, and each is permitted. As you can imagine, we have a significant investment in each of these wells. Locating and permitting a new water supply well in this area of the State (a special groundwater protection zone under the jurisdiction of the Delaware River Basin Commission) costs in excess of \$850,000. Therefore, maintaining our wells is of vital importance to our residents, and the quality of the Township's groundwater no less so.

Partly because of the expense associated with locating and permitting new wells, but also due to growth pressures faced by suburban Philadelphia communities like ours, we do not have excess capacity, and the security of our water supply system depends on our being able to keep and maintain the wells we have.

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As you also may now know, small community water supply systems like ours were required by federal law to expand the list of substances sampled for in drinking water supply wells. To comply with these new EPA requirements, last year we sampled our wells for certain perfluorocarbons (PFCs), which are considered an “emerging” contaminant of concern, particularly, we have now learned, for communities located in the vicinity of former military bases, particularly air fields. This is because firefighting foams used at these bases are a known source of PFCs. This, of course, has been confirmed for the Willow Grove Naval Air Station, but also at the nearby Johnsville Naval Air Station. It has been established that PFC-containing foams were widely used on these bases, not just to fight the occasional fire associated with an aircraft crash, but perhaps even more frequently during “fire school” or firefighting training. We also understand there was an explosion in one of the warehouses or hangars at the Willow Grove Base involving large volumes of stored foams. Reports say the foams were cleaned up by hosing them into local waterways, which would have quickly carried them from the Base and into neighboring communities, like ours. The presence of PFCs in Base groundwater also is well established and we understand the Base continues to supply water for sinks and showers that exceeds the provisional Health Advisory Level (HAL). Like the former Johnsville Naval Air Station, the Willow Grove Base is a significant source of these emerging contaminants to area groundwater.

On October 30, 2014, the WTWSD shut down three of its crucial supply wells, designated Well Nos. 1, 2, and 6, due to the presence of PFCs at or in excess of EPA’s HAL. These three wells alone are permitted to supply 395 GPM or almost 570,000 GPD of water, and they also charge a large water tank at that location which assist us in maintaining pressure and balance in our system. Our consultants advise us that all three wells are located hydrologically downgradient of areas of the Willow Grove Base that are known to have had significant releases of PFCs, and/or along the Little Neshaminy Creek, downstream of discharges of PFC-containing surface and ground waters from the Base. In particular, I would note that the two Base wells which we discussed continue to pump PFC-containing groundwater for Base use. The wastewater travels to a treatment plant operated by the Horsham Water & Sewer Authority, and then discharges to Park Creek, a tributary of the Little Neshaminy Creek. We are advised by PaDEP and others that conventional treatment provided at sewage treatment plants does not remove PFCs, so they are, in effect, passing through the Horsham Plant and into Park Creek and then into the Little Neshaminy Creek. Both Park Creek and the Little Neshaminy Creek in the downstream reaches from the Base, and in the vicinity of our now out-of-service supply wells, are most often “gaining” streams, meaning they are generally recharged by flow from the groundwater below. Because these waterways and surrounding groundwater have PFCs from the Base, there is a continuing circulation of PFCs between surface waters and ground waters along the Little Neshaminy Creek, which recharge our supply wells.

We hope there is no longer a serious question about the source of the PFCS in WTWSD’s three wells – we believe the history of PFC usage and hydrogeology support the conclusion that the PFCs at our wells originate on the Base. These past and on-going releases, and the continuing migration of PFCs from the Base is a public nuisance and a violation of other laws designed to protect surface and ground water resources in this Commonwealth. In the past, the Air Force asserted that the source of PFCs in our Well Nos. 1, 2 & 6 originated from a chemical plant across the Little Neshaminy Creek that had a fire on June 17, 2009. We have confirmed through our own investigations, including conversations with that Company’s personnel, as well as firefighters that attended that fire, that firefighting foams were not used to fight that fire, and that the Company has never used PFCs. We expect these individuals will testify to this fact if called upon to do so.

**The Warminster Model.** We understand from discussions with our neighbors in Warminster, and with representatives of the Navy, that in precisely the same circumstance, EPA issued a Safe Drinking Water Act order to the Navy to compel that agency to provide treatment to Warminster's three impacted supply wells. The Navy embraced the responsibilities imposed under the EPA Order and proposed a Cooperative Agreement as the funding vehicle to enlist Warminster's assistance in treating its water supply wells and extending water to its residents. We also understand that the Navy has now taken the position that its Base Realignment & Closure Authority under the DERP-FUDS provisions of CERCLA do, in fact, provide them with authority to spend DERP-FUDS funding to respond to the release of "contaminants" even if they are not "CERCLA "hazardous substances." We expect the Air Force operates within the same authorizations.

We also have been made aware that Pennsylvania's Superfund statute, known as the Hazardous Sites Cleanup Act, provides municipalities like Warrington with the same type of legal authority to sue persons who have created nuisances through the release of "contaminants" (even if not CERCLA "hazardous substances") to groundwater, as EPA possesses under CERCLA. Although Warminster could have sued the Navy, the parties there were able to quickly recognize what was needed to get the water supplies back into service and, at the same time, extend public water to residents there whose private water supplies also were impacted. Consequently, there was no need for escalation or legal entanglements, which should allow reasonable parties here to see a path to resolution of an identical situation.

And a prompt solution is needed. As we have advised Base representatives from the Air Force and the Navy, and other interested governmental agencies, WTWSD is now backed into a corner. We cannot produce adequate quantities of potable drinking water from our remaining water supply wells to meet the needs of our residents. As well, we are operating our other "clean" wells at full capacity, which is not a sustainable practice and could lead to more catastrophic problems with the operation of those facilities that would exacerbate the current crisis. For the last 6 months, in addition to the stressful operation of our remaining wells, we have been meeting demand through the purchase of water from a neighboring water supplier. That supplier is providing over 1.2 MGD under an emergency authorization, and we cannot rely on them to keep us in water as a long term solution. Indeed, we are not sure we will be able to rely on this source of purchased water through the end of this calendar year, or into next calendar year.

So, we are now at significant risk as we move into our high demand season. Any problem that develops will have a magnified significance, whether it originates in our own system, or in the system of the supplier from whom we are now purchasing water. We stand, literally, on the brink of a water crisis that could leave our residents without potable water. If that were to occur, like the residents of West Virginia whose water supply was taken out of service by a release of pollution, we may be stuck imposing severe water use restrictions, hauling water into the Township in tank trucks, and distributing water to residents in plastic containers, like some third world country. That risk is not acceptable to us, and it should not be acceptable to the Air Force, the Navy, EPA or PaDEP.

Although it may not be the ideal situation, we are willing to use the same type of Cooperative Agreement approach the Defense Department approved for use in Warminster, if it will expedite the provision of treatment to our three wells, and get public water extended to those Warrington Township residents whose private wells are no longer viable. We think in this Township, we can be part of the solution for the Air Force and the Navy, by being the party taking the lead to get these remedial measures implemented. We are not a wealthy township, so would need to assure that reimbursement would be prompt, but we think the Cooperative Agreement approached used in Warminster may be a useful model for a solution here.



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Of course, we are also happy to have the Air Force and/or the Navy and their consultants design and install the right systems for our wells, but we are concerned, as you should be, with the timing of that approach.

**Our Proposal** Outlined below is a basic Statement of Work and a List of Items for which reimbursement is sought. WTWSD proposes to (a) provide treatment capable of reliably treating and restoring public well Nos. 1, 2, & 6 to the Township public water system, and (b) extend public water supply service and residential interconnections to Township residents whose private wells have been impacted by PFCs:

1. Construct well house at Costner Storage Facility to house a reliable and SDWA-permittable granular activated carbon (GAC) treatment system, with associated piping, security features, and controls.
2. Reimbursement for purchase and replacement of GAC and maintenance of GAC system.
3. Design, bid, and install one or more public water main extensions (and associated facilities) to make public water available to two PFC-impacted areas of the Township where residents have private wells, along with associated taps, fire hydrants, private well closures, valves and road/property restoration (could require easement acquisition depending on routes selected).
4. Reimbursement for the published tapping fees and costs of the installation/exterior plumbing of each individual service line.
5. Reimbursement for supplemental water supply purchases (currently from the North Wales Water Authority to replace water well nos. 1, 2 & 6. This cost would be measured from November 2014 until water from these wells is approved for use by regulatory agencies.
6. Reimbursement for associated administrative and legal costs for above PFCs remedial actions (i.e., contracting, public bidding, permit review and support, etc.).

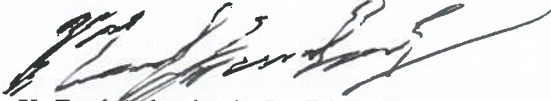
Once again, I want to thank you for your consideration of this suggestion. We are not a litigious municipality, but we have now been backed into a corner and **must** take action quickly to protect the interests of our residents. I hope you and your colleagues at the Navy are like minded. Similar to the approach in neighboring Warminster Township, we think we can be part of your solution and we are anxious to get this process moving forward in a favorable direction.

If at all possible, I would appreciate the courtesy of a response by Friday, May 15th. We are available to meet at your convenience and believe a face to face meeting would help move the matter forward. If you agree, let me know when and where you would like to meet. While we could travel to you, we would prefer to meet locally. Our special environmental counsel, Tim Bergere at Montgomery, McCracken Walker & Rhoads in Philadelphia, can also host a meeting in Philadelphia if that would be a more convenient venue, as it was for the Navy in the Warminster resolution.

If there is anyone else at the Air Force I need to forward my communications to, please provide me with their contact information. We are anxious to get all of the decision-makers to the table. Finally, if for any reason you do not think the Air Force can see its way to a resolution along these lines, please let me know as soon as possible, so we won't lose more time chasing a solution that is not available – naturally, we are hoping that will not be the case. Thank you again.

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Sincerely,



K. Fred Achenbach, Jr., Director  
Warrington Township Water & Sewer Department

cc: Warrington Board of Supervisors  
Col. Howard L Eissler, USAF [Via electronic mail]  
Christian Jones, Warrington Township [Via electronic mail]  
Rick Zeitler, Warrington Township [Via electronic mail]  
Martin Kepner, P.E. Township Engineer [Via electronic mail]  
William Casey, Esq., Township Solicitor [Via electronic mail]  
Timothy Bergere, Esq. [Via electronic mail]