

# KIMBERTON SUPERFUND MONITORING-WELL RECORD

Documented Monitoring Gap, EPA's 2024 Abandonment Refusal, and the April 14, 2025 Grouting of MW-020, MW-021, MW-026, and MW-033

**Briefing packet for counsel and independent agency review**

Prepared July 24, 2026

## **IMPORTANT EVIDENCE STANDARD**

This packet separates documented EPA/consultant records, client-held records, and open questions. The shared April 14, 2025 date is a documented chronology point. It does not, by itself, prove coordination, retaliation, motive, or misconduct. The purpose of this brief is to identify the missing authorization, technical, scheduling, and preservation records needed for an independent review.

## 1. Executive Summary

The reviewed Kimberton Superfund record shows a long-running distinction between hydraulic monitoring and chemical sampling at four northern monitoring wells: MW-020, MW-021, MW-026, and MW-033. The wells remained part of the physical monitoring network for years after routine VOC sampling at them became limited or absent. Later EPA figures continued to plot the wells while identifying them as historically below the MCL or non-detect but not sampled in the mapped year.

The 2018 Explanation of Significant Differences (ESD) expressly protected groundwater monitoring wells as components of the selected remedy and stated that the Site could not be used in a way that interfered with their integrity and protectiveness without prior written EPA approval.

In the 2024 Seventh Five-Year Review, the potentially responsible parties (PRPs) sought to reduce the monitoring network and abandon 21 wells. EPA reported that it had previously denied that abandonment request and, on February 8, 2024, again declined to approve abandonment of any monitoring wells. EPA cited the need for a Headquarters optimization review and evaluation of potential PFAS contamination before approving those changes.

The same 2024 review formally identified a groundwater remedy-performance issue: two plume areas remained above cleanup levels after decades of pumping, VOC recovery had declined substantially, and EPA stated that the existing treatment system alone might not achieve cleanup in a reasonable timeframe. EPA set an April 30, 2025 milestone for the optimization-related recommendation.

Client-held records document that on April 14, 2025 - sixteen days before that milestone - contractors began grouting MW-020, MW-021, MW-026, and MW-033. Client-held Township records also place pond/grading and animal zoning-enforcement notices on April 14, 2025.

### THE PRESENT RECORD GAP

Among the post-1990s Superfund materials reviewed to date, no intervening primary record has been located that identifies these four wells for abandonment, shows the final EPA written approval to grout them, provides a pre-abandonment chemical sampling event, resolves EPA's PFAS concern, explains the Headquarters optimization conclusion, or documents who authorized and scheduled the April 14, 2025 work. The absence of a located record is not proof that no record exists; it is the central document-retrieval question.

## 2. What Is Documented vs. What Is Not Yet Proven

| DOCUMENTED / SOURCE-SUPPORTED                                                                                                | NOT YET ESTABLISHED                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| EPA twice declined the proposed monitoring-well abandonment by February 8, 2024.                                             | Why EPA later permitted or did not prevent the grouting of these four wells.                              |
| EPA required an optimization review and PFAS evaluation before approving monitoring/pumping reductions and well abandonment. | Whether the optimization and PFAS work was completed before April 14, 2025.                               |
| The 2018 ESD protected monitoring wells from interference without prior written EPA approval.                                | Whether a well-specific EPA written approval exists for MW-020, MW-021, MW-026, and MW-033.               |
| MW-020, MW-021, MW-026, and MW-033 remained mapped as monitoring wells long after routine chemistry became limited/absent.   | Whether the last known historical chemistry accurately represented conditions at the time of abandonment. |
| Client records place grouting and Township zoning-enforcement notices on April 14, 2025.                                     | Whether the two actions were coordinated, retaliatory, or related in motive.                              |

### 3. Evidence Chronology

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1990s-2003</b>         | <p><b>Chemical history becomes sparse on the north side</b></p> <p>The reviewed record shows limited post-1990s chemistry for the four wells. MW-021 appears in the 1998 TCE record and is included on the 2003 sampled-well figure. For MW-020, MW-026, and MW-033, no post-1990s chemical result has been located in the records reviewed to date. Exact last-sample dates must be established from the underlying annual tables, laboratory reports, and chains of custody.</p> |
| <b>September 9, 2010</b>  | <p><b>All four wells remain hydraulically active</b></p> <p>The official potentiometric-surface map includes MW-020, MW-021, MW-026, and MW-033 with groundwater elevations. This confirms the wells remained useful for hydraulic monitoring; it does not supply contemporaneous chemistry.</p>                                                                                                                                                                                   |
| <b>2012</b>               | <p><b>EPA plume figure distinguishes historical status from current sampling</b></p> <p>The 2012 TCE plume figure uses a separate symbol for wells historically below the MCL or non-detect but not sampled in 2012. The four northern wells remained part of the mapped network.</p>                                                                                                                                                                                              |
| <b>2013</b>               | <p><b>Annual monitoring schedule shows water-level use without VOC sampling</b></p> <p>The 2013 operational sampling table uses 'D' for depth-to-water and 'S' for VOC sampling. MW-020, MW-021, MW-026, and MW-033 received depth measurements but no listed VOC sampling in that schedule.</p>                                                                                                                                                                                   |
| <b>2017</b>               | <p><b>Same pattern continues</b></p> <p>EPA's 2017 TCE figure again uses an open-circle category for wells historically below the MCL or non-detect but not sampled in 2017. The four northern wells remained physically mapped.</p>                                                                                                                                                                                                                                               |
| <b>March 29, 2018</b>     | <p><b>EPA formally protects monitoring-well integrity</b></p> <p>The ESD states that the Site shall not be used in a way that interferes with the integrity and protectiveness of groundwater monitoring wells or other remedy components without prior written EPA approval.</p>                                                                                                                                                                                                  |
| <b>2022</b>               | <p><b>Same current-sampling gap continues</b></p> <p>EPA's 2022 TCE figure again distinguishes historical below-MCL/non-detect wells that were not sampled in 2022. The four northern wells remained on the monitoring map.</p>                                                                                                                                                                                                                                                    |
| <b>2022-December 2023</b> | <p><b>PRPs seek well abandonment and broad monitoring reductions</b></p> <p>The 2024 Five-Year Review states that the PRPs previously requested abandonment of 21 wells in the 2022 Annual Report and that EPA denied the request. In December 2023 the PRPs again proposed abandonment of the same 21 wells, reduction of monitoring locations from 44 to 13, and major reductions in pumping and analytes.</p>                                                                   |
| <b>February 8, 2024</b>   | <p><b>EPA again refuses well abandonment</b></p> <p>EPA allowed only temporary reductions in sampling frequency and analyte list. It declined to approve a reduction in monitoring locations or pumping wells and 'again declined the request to abandon any monitoring wells.' EPA cited the need for an optimization review and PFAS evaluation.</p>                                                                                                                             |

**2024 Five-Year Review****Remedy performance becomes a formal issue**

EPA concluded that two groundwater areas remained above cleanup levels despite many years of pumping and that the existing system alone might not achieve cleanup goals in a reasonable timeframe. EPA recommended an optimization study, consideration of alternative technologies, and further evaluation of persistent plume areas. Milestone: April 30, 2025.

**April 14, 2025****Four northern wells are permanently grouted; Township notices are issued the same day**

Client-held records document contractors beginning grouting of MW-020, MW-021, MW-026, and MW-033. Client-held Township records place pond/grading and animal enforcement notices on the same date. The same-day timing is a fact to preserve; it does not establish coordination without authorization and scheduling records.

## 4. The Four Northern Wells

The significance of these four wells is not that their historical concentrations prove contamination at the time of abandonment. Their significance is that the wells remained part of the hydraulic/monitoring network while contemporary chemical sampling became limited or absent, and they were later permanently destroyed.

| Well   | Known role                                              | Later hydraulic use                                      | Later chemistry pattern                                                                          | Key unresolved question                                                                                       |
|--------|---------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| MW-020 | Shallow Stockton monitoring well                        | Water levels continued                                   | No post-1990s chemical result located; not sampled in later mapped years reviewed                | What was the last actual VOC sample, and why was chemistry discontinued?                                      |
| MW-021 | Northern Stockton monitoring well                       | Water levels continued                                   | 1998 TCE record; included in 2003 sampled-well figure; later mapped years show no current sample | What was the 2003 result and the final chemical sample date?                                                  |
| MW-026 | Shallow member of MW-026/MW-033 pair                    | Water levels continued                                   | No post-1990s chemical result located; not sampled in later mapped years reviewed                | Why retain the shallow interval hydraulically but not chemically?                                             |
| MW-033 | Deep Stockton interval (~313-333 ft in 2013 well table) | Water levels continued; some contour maps excluded value | No post-1990s chemical result located; not sampled in later mapped years reviewed                | Why permanently destroy the deep interval before the PFAS/optimization questions were documented as resolved? |

## 5. Why the 2024-to-2025 Transition Requires an Independent Record Review

1. EPA's 2024 record did not recommend grouting these four wells. It recommended evaluating whether the remedy was adequate, considering alternative technologies, and further evaluating resistant plume areas.
2. EPA reported that it had denied the 21-well abandonment proposal and again refused abandonment on February 8, 2024.
3. EPA specifically linked its refusal to unresolved PFAS uncertainty and the need for a Headquarters optimization review.
4. The 2018 ESD required prior written EPA approval for actions that would interfere with groundwater monitoring wells as remedy components.
5. The four wells were then grouted on April 14, 2025, before the April 30, 2025 remedy-performance milestone identified in the Five-Year Review.
6. The reviewed post-1990s/public document set does not presently contain the well-specific bridge: final EPA approval, technical rationale, PFAS resolution, optimization conclusion, pre-abandonment sampling, or scheduling/authorization record.

## WHY THIS IS SERIOUS WITHOUT OVERSTATING IT

Permanent grouting destroys the ability to obtain future water samples or water-level measurements from the original screened/open interval. Where EPA had recently refused abandonment pending additional technical review, a later permanent abandonment should be traceable to a clear administrative and technical record. The seriousness lies in the need to locate and test that record - not in presuming an unlawful motive.

## 6. Records That Should Exist or Be Affirmatively Accounted For

- EPA's final written approval, if any, authorizing abandonment of MW-020, MW-021, MW-026, and MW-033.
- The list of the 21 wells proposed for abandonment in the 2022 Annual Report and December 2023 Statistical Evaluation Memorandum.
- EPA's February 8, 2024 response letter in full, including attachments and technical comments.
- The Headquarters optimization review, draft and final recommendations, correspondence, meeting notes, and completion date.
- All PFAS work plans, field records, laboratory reports, validation records, and EPA/PADEP review comments completed before well abandonment.
- The 2023 and 2024 annual groundwater reports and any 2025 monitoring/optimization report.
- A well-specific technical memorandum explaining why each of the four northern wells was no longer needed for chemistry, hydraulics, PFAS, plume delineation, or remedy optimization.
- The final chemical sampling event for each well, including analytes, detection limits, raw laboratory data, chain of custody, and data validation.
- Well-abandonment plans, contractor work orders, mobilization instructions, grout specifications/volumes, field logs, photographs, and completion reports.
- All communications among EPA, PRPs, consultants, PADEP, property owners, and local government concerning access, timing, notice, and scheduling of the April 2025 grouting.
- Township drafts, internal communications, approval chain, service records, and scheduling records for the April 14, 2025 zoning/enforcement notices.
- Any record showing when the grouting date and the enforcement-notice date were independently selected.

## 7. Questions for the Reviewing Attorney or Agency

- Were MW-020, MW-021, MW-026, and MW-033 among the 21 wells EPA had refused to allow the PRPs to abandon in February 2024?
- What changed after February 8, 2024?
- Did EPA's Headquarters optimization team recommend abandonment of these four wells? If so, when and on what technical basis?
- Were the four wells sampled for PFAS before destruction? If not, how was the PFAS concern resolved for those intervals?
- Were the wells chemically sampled immediately before abandonment? If not, why was historical below-MCL/non-detect status considered sufficient?
- Who signed or issued the final written EPA approval required by the 2018 ESD?
- Why were a shallow/deep Stockton pair (MW-026/MW-033) both permanently eliminated?
- Was replacement monitoring installed or planned to preserve comparable shallow and deep information?
- Who selected April 14, 2025 for the field work, and on what date was that work scheduled?
- Who selected April 14, 2025 for the Township enforcement notices, and on what date were those notices drafted and approved?
- Did either decision-maker know of the other action when scheduling occurred?

## 8. Recommended Routing - Who Should Receive This

### FIRST: YOUR COUNSEL

Because the environmental record overlaps with zoning, civil/property, and criminal/ARD matters, this packet should first go to counsel. Ask counsel to treat the well-abandonment and same-day enforcement chronology as an evidence-preservation and discovery issue, not as a concluded motive theory.

### A. U.S. EPA Region 3 - Kimberton Site Team

Purpose: obtain the missing administrative and technical bridge in writing and request preservation of all records concerning the four wells.

- Remedial Project Manager: Sean Carney - carney.sean@epa.gov - (215) 814-2359.
- Community Involvement Coordinator: Lisa Trakis - Trakis.Lisa@epa.gov - (215) 814-5433.
- Ask for: the full 2022/2023 abandonment proposal, February 8, 2024 response, Headquarters optimization review, PFAS records, final abandonment approval, well-specific technical rationale, and field/completion records.

Current contact information verified against EPA's Kimberton Superfund Site Profile in July 2026.

### B. EPA Office of Inspector General (OIG)

Purpose: use this channel if the concern is possible EPA-related misconduct, mismanagement, improper process, destruction of monitoring assets without the required approval record, or failure to preserve/produce records. The OIG is not the forum for a purely local zoning dispute.

- EPA OIG Hotline: OIG\_Hotline@epa.gov - 1-888-546-8740 - online complaint form available through EPA OIG.

Present the chronology and missing-record questions; do not state coordination or retaliation as established fact.

### C. Pennsylvania DEP - Southeast Regional Office

Purpose: request an independent state technical review of the monitoring-well abandonment, PFAS/optimization sequence, and whether PADEP concurred in the April 2025 abandonment.

- Environmental Cleanup and Brownfields, Southeast Regional Office: 2 East Main Street, Norristown, PA 19401; program line (484) 250-5960.
- Southeast Regional Office main line: (484) 250-5900.

Chester County is served by the Southeast Regional Office.

### D. State Legislative Oversight / Constituent Assistance

Purpose: ask a state legislative office to obtain agency answers and preserve the record, rather than asking it to decide guilt or motive.

- State Senator Katie Muth, 44th District: District Office, 338 Main Street, Royersford, PA 19468; (610) 792-2137; SenatorMuth@pasenate.com.

East Pikeland Township is within the 44th Senate District according to current district materials.

### E. Why I Would Not Lead With a Direct Accusation to the Township

The same-day timing is important, but the missing records are what can prove or disprove coordination. Given the overlap with ongoing legal matters, the strongest sequence is: preserve evidence, obtain the EPA/PRP authorization and scheduling record, obtain the Township drafting/scheduling record, then compare them through counsel.

## 9. Suggested Cover Language

### ONE-PARAGRAPH TRANSMITTAL

I am requesting an independent review of the administrative and technical record surrounding the permanent abandonment of monitoring wells MW-020, MW-021, MW-026, and MW-033 at the Kimberton Superfund Site. EPA's 2024 Five-Year Review states that EPA had declined the PRPs' request to abandon monitoring wells pending an optimization review and evaluation of potential PFAS contamination. Client-held records document that these four wells were grouted on April 14, 2025, the same date East Pikeland Township issued zoning/enforcement notices affecting the property. I am not asking you to accept a conclusion about motive or coordination. I am asking for preservation and production of the records showing who authorized the well abandonment, what technical work was completed before the wells were destroyed, when the work was scheduled, and whether the required EPA approvals and PFAS/optimization evaluations were completed.

## 10. Principal Source Documents

### **EPA, Seventh Five-Year Review Report, Kimberton Superfund Site (2024).**

Key points: prior and renewed 21-well abandonment request; EPA's February 8, 2024 refusal; PFAS uncertainty; Headquarters optimization review; remedy-performance issue; April 30, 2025 milestone.

### **EPA, Explanation of Significant Differences, Operable Unit 2, Kimberton Superfund Site (March 29, 2018).**

Key point: the Site may not interfere with the integrity/protectiveness of groundwater monitoring wells or other remedy components without prior written EPA approval.

### **Services Environmental, Inc., Twentieth Annual Ground Water Evaluation Report (June 23, 2014), Table 4-1 and well tables.**

Key point: 2013 operational schedule distinguishes depth-to-water ('D') from VOC sampling ('S'); the four northern wells were retained for water levels without listed VOC sampling in that schedule.

### **EPA, Fifth Five-Year Review Report (2014), Figure 6-10.**

Key point: 2012 TCE plume legend distinguishes wells historically below MCL/non-detect but not sampled in 2012.

### **EPA, Sixth Five-Year Review Report (2019), Figure 7.**

Key point: 2017 TCE figure again distinguishes historically below-MCL/non-detect wells not sampled in 2017.

### **EPA, Seventh Five-Year Review Report (2024), Figure 8.**

Key point: 2022 TCE figure continues the same historical-status/current-sampling distinction.

### **EPA/SEI potentiometric mapping, September 9, 2010.**

Key point: MW-020, MW-021, MW-026, and MW-033 remained part of the hydraulic monitoring network.

### **Client-held April 14, 2025 records.**

Key point: grouting of the four wells and Township zoning/enforcement notices are placed on the same date. These records establish chronology; agency authorization and scheduling records remain to be obtained.

## 11. Exhibit Placeholders

| Exhibit    | Document / Purpose                                                                                                      |
|------------|-------------------------------------------------------------------------------------------------------------------------|
| Exhibit 1  | 2018 ESD, page containing monitoring-well protection / prior written EPA approval requirement.                          |
| Exhibit 2  | 2024 Seventh Five-Year Review, abandonment proposal and EPA February 8, 2024 response summary.                          |
| Exhibit 3  | 2024 Seventh Five-Year Review, Remedy Performance issue and April 30, 2025 milestone.                                   |
| Exhibit 4  | 2010 potentiometric map showing MW-020, MW-021, MW-026, and MW-033.                                                     |
| Exhibit 5  | 2013 operational sampling table showing D versus S entries.                                                             |
| Exhibit 6  | 2012 TCE plume figure and legend.                                                                                       |
| Exhibit 7  | 2017 TCE plume figure and legend.                                                                                       |
| Exhibit 8  | 2022 TCE plume figure and legend.                                                                                       |
| Exhibit 9  | April 14, 2025 well-grouting photographs/field record.                                                                  |
| Exhibit 10 | April 14, 2025 Township zoning/enforcement notices.                                                                     |
| Exhibit 11 | Missing/To Be Obtained: EPA abandonment approval, optimization report, PFAS results, contractor and scheduling records. |

### BOTTOM LINE

The present record supports a serious request for independent review. It does not yet support stating that the same-day events were coordinated or that any individual acted with an unlawful motive. The decisive evidence is likely to be in the missing 2024-2025 authorization, technical, PFAS, optimization, scheduling, and communication records.