



September 15, 2022

Ms. Anne Garr
Philadelphia Energy Solutions Refining and Marketing LLC
111 S. Acker Drive, Suite 3000
Chicago, IL 60606

Re: Disapproval of Final Report
eFACTS PF No. 854903
Philadelphia Energy Solutions
860 Unit Cooling Tower and Hartranft Street - Point Breeze
3144 West Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has reviewed the July 19, 2022 document titled "Revised Final Report" for the property referenced above and supplemental information received on September 9, 2022. The Revised Final Report, as amended, was prepared by Terraphase Engineering, Inc. and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2), and it constitutes a Final Report as defined in Chapter 3.

DEP notes the following deficiencies in the Final Report and disapproves it in accordance with the provisions of Act 2:

1. The demonstration of attainment for soil did not meet the requirements of 25 Pa. Code Sections 250.312(d) and 250.703(b). Soil attainment samples were collected from intervals deeper than the base of the excavation.
2. Documentation describing the visual extent of the soil impacts or field screening results supporting the selected locations of attainment samples was not included in the report as required by 25 Pa. Code Section 250.707(b)(1)(iii)(B).
3. The vapor intrusion assessment was not properly completed as required by 25 Pa. Code Section 250.312(a). Exceedances of the non-residential vapor intrusion screening level for benzene were present and vapor intrusion was not evaluated.

In order for your site to be in compliance with applicable requirements of Act 2, these items must be addressed. DEP is willing to work with you to develop an approvable submittal. ***Please note that the required fee(s) must be repaid and public notification must be repeated for all new submittals.***

Please feel free to contact Lisa Strobridge, P.G. by email at lstrobridg@pa.gov or by telephone at 484.250.5796 if you have any questions regarding this correspondence.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,

Ragesh R Patel

Ragesh R. Patel
Regional Manager
Environmental Cleanup and Brownfields

cc: Philadelphia Department of Health
City of Philadelphia
Ms. Connolly, HRP
Mr. Jeray, HRP
Mr. Long, Terraphase
Mr. Glass, Esq., Office of Chief Counsel
Mr. Serrat, Office of Environmental Justice
Mr. Brown, P.G.
Ms. Strobridge, P.G.
Ms. Bass