pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 26, 2021

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

Re: Letter of Technical Deficiency
Final Report
eFACTS PF ID No. 850105
Philadelphia Energy Solutions
Refinery Units 136/137
3144 West Passyunk Ave
City of Philadelphia
Philadelphia County

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has received and reviewed the June 2021 document titled "Combined Remedial Investigation and Final Act 2 Report for the 2019 Light Naphtha Release Area" (report), received on June 29, 2021, for the property referenced above. The report was prepared by Langan Engineering and Environmental Services, 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.

The procedures and regulations set forth in Act 2 must be followed in order for your site to qualify for the liability protection provided by the Act. Upon initial review, DEP finds the submission is technically deficient and the following items are needed to complete your submission:

1. The release location is not clearly identified as required by 25 Pa. Code Section 250.204(b) and (d), as referenced by 25 Pa. Code Section 250.312(a). The text of the Final Report indicates there were two release locations along the product line, however the Philadelphia Energy Solutions Investigation Report indicates "there are a total of 3 blown out portions of the line within 20 feet of each other in the old 6 Still lot and four other blown out gaskets on flanges throughout the line." Clarification to the release location relative to the area investigated is needed.

2. Soil characterization is incomplete as exceedances of benzene and toluene were present in four locations in proximity to the release and the closest 2010 and 2012 historical samples to the 2019 Naphtha release samples were below Statewide health standard medium specific concentrations. This contradicts the suggestion that the exceedances in this area are a result of historical activities. Complete soil delineation

is required by 25 Pa. Code Section 250.204(b) and (d), as referenced by 25 Pa. Code Section 250.312(a).

3. All environmental media impacted by the release were not addressed as required by 25 Pa. Code Section 250.204(b), as referenced by 25 Pa. Code Section 250.312(a). The Final Report states that "soil and groundwater conditions outside of the naphtha discharge area are being addressed by Evergreen." If groundwater is not being addressed by Hilco, then documentation of Evergreen's agreement to address this release's impact on groundwater is required.

4. Documentation regarding remedial activities was not included as required by 25 Pa. Code Section 250.204(f)(1), as referenced by 25 Pa. Code Section 250.312(c). Documentation for the liquid recovery via vacuum trucks and treatment, locations of the test pits where recovery took place, and supporting documentation regarding the extent of the release supporting the basis that characterization and remedial efforts were guided by visual observation were all not included in the Final Report.

5. Documentation for the systematic random soil sampling grid design was not included in the report as required by 25 Pa. Code Section 250.703, as referenced by 25 Pa. Code 250.312(d).

In addition to the above deficiencies, DEP is requesting the following items be re-evaluated to provide more clarity in future reporting:

- The ecological assessment documentation related to the habitats of concern provided in Appendix F to the report was not consistent with the statements provided in the text of the report and should be revised for the subsequent submittal.
- Post-excavation soil samples were collected at depths ranging from 2 to 4.5 feet below grade and documentation in the report suggest these samples were collected at saturated soil depths; therefore, the data should be compared to the saturated soil-to-groundwater numeric values.
- The depth of the excavation was not stated in the report.

Please address the above summarized technical deficiencies within 60 days. If the deficiencies noted above are corrected and a report resubmitted to DEP within 60 days, it will not be necessary to resubmit report review fees, resend the municipal notice, or republish the public notice. Please include a copy of this correspondence with any resubmission to confirm to DEP staff that an administrative completeness check is not necessary. If the corrected report is resubmitted later than 60 days from the date of this letter, the resubmitted report will need to include the appropriate fees and proofs of municipal and public notices.

We look forward to assisting you in the remediation of this property and encourage you to contact us throughout this process. If you have any questions or need further information regarding this matter, please contact Lisa Strobridge, PG by email at lstrobridg@pa.gov or by telephone at 484.250.5796.

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, Hilco
Mr. Smith, PG (Langan Engineering and Environmental Services, Inc.)
Mr. Brown, PG
Ms. Strobridge, PG
Mr. Glass, Esq., Office of Chief Counsel
Mr. Dula, Office of Environmental Justice
Ms. Bass
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