pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

May 20, 2022

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 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 received and reviewed the March 2022 document titled "Final Report" (report), received on March 22, 2022 for the property referenced above. The report 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.

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 report did not include all site characterization activities as required by 25 Pa. Code Section 250.204(c), as referenced by 25 Pa. Code Section 250.312(a). The soil texture of the impacted soil was not described.

2. The demonstration of attainment for soil did not meet the requirements of 25 Pa. Code Section 250.312(d). Soil attainment results exceeded the non-residential Statewide health standard medium specific concentrations (MSC) (specifically the soil to groundwater numeric value) for 1,2-dibromoethane (EDB).

3. 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).

4. The vapor intrusion assessment was not properly completed as required by 25 Pa. Code Section 250.312(a). Exceedances of non-residential vapor intrusion screening levels for EDB and 1,2-dichloroethane (EDC) were present and vapor intrusion was not evaluated.

5. 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 disposal was not provided. In addition, supporting documentation regarding the extent of the release supporting the basis that remedial efforts were guided by visual observation were not included in the Final 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, P.G. 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
Ms. Connolly, HRP
Mr. Jeray, HRP
Mr. Long, Terraphase
Mr. Glass, Esq., Office of Chief Counsel
Mr. Dula, Office of Environmental Justice
Mr. Brown, P.G.
Ms. Strobridge, P.G.
Ms. Bass