pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

July 1, 2022

Ms. Anne Garr, Esq.
Hilco Redevelopment Partners
111 S. Wacker Drive, Suite 3000
Chicago, IL 60606

Re: Site Characterization Report Disapproval
Storage Tank System Release June 10, 2021
Facility ID No. 51-33620
Incident No. 56377
Tank Group 2
Philadelphia Refinery Point Breeze Processing Area
3144 West Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has reviewed the documents titled "Site Characterization Report – Tank Group 02" dated April 2022, received on April 7, 2022, and amended in a submittal received on May 20, 2022, for the release referenced above. The documents were prepared by Terraphase Engineering and submitted as a Site Characterization Report (SCR) as required by 25 Pa. Code Section 245.310(a). You selected a combination of the non-residential Statewide health standard (SHS) and Site Specific Standards (SSS) as the remediation standards for soil and groundwater.

In accordance with 25 Pa. Code Section 245.310(c), DEP disapproves the SCR based on the following:

1. The sources of contamination could not be determined or confirmed in accordance with 25 Pa. Code Section 245.309(a) and (b)(3), as referenced by 25 Pa. Code Section 245.310(a). AST Closure Reports were not submitted as part of the SCR as agreed upon in the April 23, 2021 Aboveground Storage Tank Closure Workplan. Therefore, observations and activities completed during the AST closure could not be assessed with respect to the potential for additional source areas
2. Sufficient physical data was not presented that determined the extent of migration of regulated substances in soil and groundwater in accordance with 25 Pa. Code Section 245.309(b)(4), as referenced by 25 Pa. Code Section 245.310(a)(12). For example, AST Closure samples were not consistently collected from the appropriate depths, resulting in incomplete soil delineation at the 1-foot and 3-foot intervals in select locations. Potential impacts to groundwater were not sufficiently evaluated, and the extent of LNAPL observed at PB 83 was not

delineated. Since Statewide health standards do not exist for ethanol, a development of a site-specific standard will be need to be developed for this COC and delineated to the standard, if there is evidence of a release.

3. The interim remedial actions associated with product removal at PB 83 were not documented in accordance with 25 Pa. Code Section 245.310(a)(4).
4. The disposition of recovered LNAPL waste from interim remedial actions at PB 83 was not documented in accordance with 25 Pa. Code Section 245.310(a)(4)(iv)(F).
5. The vapor intrusion exposure pathway was not adequately evaluated in accordance with 25 Pa. Code Sections 245.309(c)(12), as referenced by 25 Pa. Code Section 245.310(a), and 245.310(a)(32).
6. Soil boring logs were not provided in accordance with 25 Pa. Code Section 245.310(a)(14). The soil characteristics were therefore not adequately evaluated as required by 25 Pa. Code Section 245.309(c)(9), as referenced by 25 Pa. Code Section 245.310(a).
7. The impacts to ecological receptors were not properly evaluated in accordance with 25 Pa. Code Sections 250.311 or 250.402(d), as referenced by 25 Pa. Code Section 245.310(a)(28). Documentation submitted to the Pennsylvania Fish and Boat Commission was not included as part of the PNDI survey provided in the report.
8. The potential for surface water impacts were not evaluated as part of this report as required by 25 Pa. Code Sections 250.309 or 250.406, as referenced by 25 Pa. Code Section 245.310(a)(29).

Based on this disapproval, you should correct the deficiencies and submit a revised SCR in keeping with 25 Pa. Code Section 245.311(c)(4).

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.

If you have any questions, please contact Lisa Strobridge, PG by email at lstrobridge@pa.gov or by telephone at 484.250.5796.

Sincerely,

Ragesh R. Patel

Ragesh R. Patel
Regional Manager
Environmental Cleanup and Brownfields

cc: Ms. Leigh-Anne Rainford, MPH, Philadelphia DPH
Mr. Ralph DiPietro, Philadelphia L&I
Ms. Julianna Connolly, LSP, HRP
Mr. Joe Jeray, PE, HRP
Mr. Kevin Long, Terraphase
Mr. Nick Scala, Terraphase
Mr. Brian Glass
Mr. Richard Staron
Ms. Lisa Strobridge