pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 30, 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 August 12, 2021
Facility ID No. 51-33620
Incident No. 56663
Tank Group 03
PHILA REF POINT BREEZE PROC AREA
3144 West Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has reviewed the June 8, 2022 document titled Site Characterization Report – Tank Group 03 for the release referenced above. This document was 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 nonresidential Statewide health and site-specific standards as the remediation standard 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 Sections 245.310(a)(9) and 245.309(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. Impacts that were observed in soil were not consistently laterally and vertically characterized across the site to the selected standard. Potential impacts to groundwater were also not sufficiently evaluated.

3. 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)(32).
4. The soil characteristics were not adequately evaluated as required by 25 Pa. Code Section 245.309(c)(9), as referenced by 25 Pa. Code Section 245.310(a).
5. Soil boring logs were not provided in accordance with 25 Pa. Code Section 245.310(a)(14).
6. A conceptual site model was not provided in accordance with 25 Pa. Code Section 245.310(a)(23).
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 and their response was not included as part of the PNDI survey provided in the report.
8. The potential for surface water impacts was 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 245.310(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 lstrobridg@pa.gov or by telephone at 484.250.5796.

Sincerely,

Ragesh R. Patel

Ragesh R. Patel
Regional Manager
Environmental Cleanup and Brownfields

cc: Philadelphia DPH
Philadelphia L&I
Ms. Connolly, HRP
Mr. Jeray, HRP
Mr. Long, Terraphase
Mr. Scala, Terraphase
Mr. Glass, Esq.
Mr. Staron
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Mr. Juan Serrat