



June 4, 2024

Ms. Anne Garr
Philadelphia Energy Solutions Refining and Marketing, LLC
3144 West Passyunk Avenue
Philadelphia, PA 19153

Re: Letter of Technical Deficiency
No. 4 Separator Release
eFACTS PF No. 874442
3144 Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has received and reviewed the April 2024 document titled “Final Report No. 4 Separator Release” (report), received on April 9, 2024, 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:

The full area of the release has not attained the Statewide health standard (SHS). Soil sample SEP4-SB19 exceeds the SHS medium specific concentration (MSC) for benzene, which indicates that the distinct area of contamination impacted by the release has not been completely remediated. Additional remedial actions or sampling for demonstration of attainment is required. 25 Pa. Code Section 250.703(b) and (d) as referenced by 25 Pa. Code Section 250.312(d)

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 Matthew Sabetta by email at msabetta@pa.gov or by telephone at 484.250.5788.

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: Mr. Long (Terraphase)
City of Philadelphia
Mr. Glass, Esq.
Mr. Brown, P.G.
Mr. Sabetta, P.G.
Ms. Bass