Pennsylvania
Department of Environmental Protection

June 9, 2025

Ms. Anne R. Garr
Bellwether District Holdings, LLC
111 South Wacker Drive, Suite 3000
Chicago, IL 60606

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

Dear Ms. Garr:

The Department of Environmental Protection (DEP) has received and reviewed the April 2025 document titled "Remedial Investigation and Final Report for the 136 Naphtha Release Area (Girard Point)" (report), received on April 17, 2025, 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 2024 post-excavation soil samples do not meet the 75%/10x rule for attainment of the Statewide health standard in accordance with 25 Pa. Code Section 250.707(b)(1)(i). Information was presented to suggest that an area of soil contamination is tied to legacy impacts in the vicinity of the 2019 light naphtha release which is the subject of this Act 2 submittal. However, the information provided was insufficient to determine if the concentrations observed in sample 136N-SB15 and the borings completed to the south in October 2024 are legacy impacts or related to the 2019 release. DEP recommends that you either conduct additional sampling to support a conclusion that remaining contamination to the south is a legacy condition or perform additional remediation and sampling in order to demonstrate attainment.

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://www.ehb.pa.gov 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,

C. David Brown, P.G. Digitally signed by C. David Brown, P.G.
Date: 2025.06.09 15:40:47 -04'00'

C. David Brown, P.G.
Regional Manager
Environmental Cleanup and Brownfields

cc: Mr. Long (Terraphase Engineering, Inc.)
City of Philadelphia
Mr. Glass, Esq.
Mr. Bilash - USEPA
Mr. Devan, P.G.
Mr. Sabetta, P.G.
Ms. Henderson