



June 29, 2021

Ms. Tiffani L. Doerr, PG  
Evergreen Resource Management Operations  
2 Righter Parkway, Suite 120  
Wilmington, DE 19083

Re: Letter of Technical Deficiency  
Public Involvement Remedial Investigation Report  
eFACTS PF No. 780190  
PESRM - Evergreen  
3144 Passyunk Avenue  
City of Philadelphia  
Philadelphia County

Dear Ms. Doerr:

The Department of Environmental Protection (DEP) has received and reviewed the March 31, 2021 document titled "Public Comment Remedial Investigation Report" (report), received on March 31, 2021 for the property referenced above. The report was prepared by Sanborn Head and Associates, Inc. and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2), and it constitutes a Remedial Investigation Report as defined in Chapter 3.

The subject report consists of public comments and responses by the remediator, Evergreen Resources Management Operations, concerning various Act 2 remedial investigation and risk assessment reports submitted between 2011 and 2017.

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. There were multiple public inquiries regarding potential impacts to drinking water supplies, including a question about drinking water intake portals downstream from the site (pages 5, 31, 28-31 42-43, and 76). Evergreen's response indicated that Pennsylvania Groundwater Information System (PaGWIS) and eMapPA were evaluated for identification of potable supply wells within a one-mile radius of the site. Inquiries with DEP's Safe Drinking Water Program and New Jersey Department of Environmental Protection (NJDEP) are also needed. On page 29, Evergreen states "The groundwater beneath the site is not allowed to be used for any potable (human consumption) or industrial use..." Evergreen should include reference to the source material to support this statement.

The response on pages 30-31 includes reference to two USGS reports without summarizing the findings, details on how these reports were used to develop the site conceptual model, or how they will be used in the fate and transport model.

The response on page 31, 43, and 76 should be moved to Section 2 of the report, and “low probability for potable water supply wells in the area,” “not expected to impact local drinking water supplies,” and “concentrations found in the deep aquifer do not indicate a potential risk to communities in New Jersey...” should be qualified with documentation.

Exposure pathway evaluation is a requirement of 25 Pa. Code Section 250.404.

2. Inquiries related to the adequacy of groundwater delineation were not sufficiently addressed (pages 7 and 8). Evergreen’s response did not directly address the concern that groundwater contamination was not delineated. Although the commentators did not specify examples of inadequate delineation, Evergreen should provide a more in-depth narrative and figures documenting the completeness of the groundwater characterization. Contaminant delineation is required by 25 Pa. Code Sections 250.408(b)(2) and 250.408(e).
3. There were a group of comments regarding lead delineation in soil (pages 10 and 15). Given the level of interest and number of comments regarding lead, a more detailed response is warranted for the public. Evergreen did not present a sufficient narrative explaining how lead in soil has been adequately delineated at the site boundaries and summary figures showing where lead results meet the Statewide health standard medium specific concentration (SHS MSC), as well as figures that show where concentrations are present at or above the soil to groundwater SHS numeric value, the direct contact SHS numeric value, and the site-specific standard across the site. Contaminant delineation is required by 25 Pa. Code Sections 250.408(b)(2) and 250.408(d).
4. Comments regarding benzene concentrations near the Verizon South District Work Center (SDWC) property and Maiden Lane and concern about potential offsite migration were included on pages 15 and 16. These questions were specific to the adequacy of the delineation of groundwater contamination in this area of the site. Evergreen’s response did not adequately explain and document (with figures and tables) that the extent of the benzene plume was determined in the remedial investigation. Contaminant delineation is required by 25 Pa. Code Sections 250.408(b)(2) and 250.408(e).
5. Comments were also received regarding benzene concentrations at the property boundary (pages 27 and 43). One commentator contended that benzene groundwater contamination beyond the fence line had not been mapped. Evergreen did not document in their response that the extent of benzene contamination in groundwater at and beyond the property boundary has been determined in the remedial investigations. This

documentation should include an expanded narrative and maps. Contaminant delineation is required by 25 Pa. Code Sections 250.408(b)(2) and 250.408(e).

6. A question regarding the condition of land along the waterfront following ship fires was included on page 77. Evergreen's response stated waterfront investigations are presented in remedial investigation reports for Areas of Interest (AOIs) 2, 3, 5, 6, 7, 8, 9, and 10. Evergreen did not provide a detailed summary with specific information to answer the question. Soil characterization is required by 25 Pa. Code Sections 250.408(b)(2) and 250.408(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 Lisa Strobridge by email at [lstrobridg@pa.gov](mailto: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:

Ms. Costello (Sanborn, Head & Associates, Inc.)  
Philadelphia Department of Health  
City of Philadelphia  
Mr. Brown, P.G.  
Ms. Strobridge, PG  
Mr. Glass, Esq.  
Mr. Bilash, U.S. EPA  
Ms. Bass