



Evergreen Resources Management

2 Righter Parkway, Suite 120
Wilmington, DE 19803

March 30, 2021

Leigh-Anne Rainford, Director
Environmental Health Services
Philadelphia Department of Public Health
321 University Avenue
Philadelphia, PA 19104

RE: Submission of Public Comment Remedial Investigation Report
Former Philadelphia Refinery
PADEP Primary Facility ID # 780190 (Site-wide)
3144 Passyunk Ave, Philadelphia, PA, Philadelphia County, PA

Dear Ms. Rainford:

This letter is to provide notice that Philadelphia Refinery Operations, a series of Evergreen Resources Group, LLC (Evergreen) is submitting a Public Comment Remedial Investigation Report (RIR) to the Department of Environmental Protection Southeast Regional Office for the former Philadelphia Refinery located at 3144 Passyunk Avenue in Philadelphia, Pennsylvania (Site). The Public Comment RIR addresses public comments that have been submitted for the Site in relation to past reports completed under Pennsylvania's Land Recycling and Environmental Remediation Standards Act, the Act of May 19, 1995, P.L. #4, No. 2 (Act 2), as well as the joint Pennsylvania Department of Environmental Protection (PADEP) and U.S. Environmental Protection Agency (EPA) One Cleanup Program. Evergreen is an affiliate of Sunoco (R&M), LLC, a former operator of the refinery, and both companies are indirect subsidiaries of Energy Transfer L.P. In November 2013, Evergreen was formed to manage Sunoco's legacy environmental cleanup at the Philadelphia Refinery.

Evergreen submitted a Notice of Intent to Remediate (NIR) to the PADEP in 2006, formally entering the Site into the Act 2 Program. At the request of the City of Philadelphia (City), Evergreen developed a Public Involvement Plan (PIP) in 2006 and updated it in 2019. The PADEP requested that Evergreen prepare the Public Comment RIR to complete the public involvement process for the Act 2 Reports that were previously submitted to the PADEP. The City requested a 120-day comment period to allow the public time to review the past reports and provide their comments. Evergreen held a virtual Public Information Session on Aug. 27, 2021 which began the comment period. Jan. 14, 2021, marked the end of the "120-day" comment period, when another virtual Public Information Session was conducted. While the purpose of the public comment period was to engage the public in reviewing previously submitted Act 2 including mostly RIRs, many comments collected to date do not relate specifically to the past reports, but rather to other topics that may be addressed in future Act 2 submittals. All comments received between November 2019 and Jan. 14, 2021, are addressed in the Public Comment RIR, regardless of topic and method of submittal (e.g. written, live during public meetings, telephone, or other methods). The comments and responses included in the text of the Public Comment RIR are also included

on Evergreen's website for the Site (<https://phillyrefinerycleanup.info>). An electronic copy of the Public Comment RIR will also be posted to the website and provided to two local library branches. A hard copy will be made available to you upon request. PADEP and EPA will review the report and provide comment within 90 days.

We have appreciated the opportunity to work closely with the City in the development of the Public Comment RIR as part of the implementation of our Public Involvement Plan and we look forward to continuing to collaborate with the City and the community at the former Philadelphia Refinery.

Regards,
Evergreen Resources Management Operations



Tiffani L. Doerr, PG

Cc:

Scott Cullinan, PE, Evergreen
C. David Brown, PG, PADEP (via email and online submittal)
Lisa Strobridge, PG, PADEP (via email)
Kevin Bilash, EPA (via email)
Patrick O'Neill, City of Philadelphia (via email)
Dennis Yeun, City of Philadelphia (via email)

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NEWS

Councilmember Johnson: CSX indicated 25th street viaduct restoration project "is dead"

By Tom Beck
SOUTH PHILLY REVIEW

During a February meeting with city officials, CSX indicated that its project to restore the elevated railroad viaduct above 25th Street "is dead," according to Philadelphia City Councilmember Kenyatta Johnson.

"It is outrageous for CSX to renege on its public promise to the City of Philadelphia and its people," Johnson wrote in a letter to CSX CEO James Foote dated March 12.

Despite Johnson's claim, CSX spokesperson Sheriee Bowman told SPR that the company "continue[s] to work with the city to achieve an agreeable resolution" to the issues surrounding the viaduct.

Since the project was announced in April 2015, only the first of the project's four phases, which was to install a protective netting below the structure to catch falling chunks of concrete, has been completed. The next phase was supposed to include fixing the drainage system, but the city and CSX have sparred over who is responsible for the repair of underground sewer traps.

CSX thinks that because the traps aren't part of the actual structure, it's not the company's responsibility. The city argues that "any property connecting to a city sewer is responsible for the maintenance of the lateral," said streets department spokesperson Keisha McCarty-Skelton in an email to the Review earlier this year. "Property owners are responsible for any repairs to their drainage system and laterals."

The entirety of the project was supposed to be completed last year.

In Johnson's letter, he pointed out that CSX doubled its earnings per share and nearly tripled its price per share from the fourth quarter of 2014 to the fourth quarter of 2020.

"Clearly, CSX can afford to fulfill its commitment and complete the 25th Street Viaduct Improvement Project," Johnson wrote. "It simply does not want to."

In the statement provided to the Review by Bowman, CSX said that it is reviewing the letter Johnson sent to Foote and "will provide a response," but didn't specify when.

"While we acknowledge that there have been delays due to disagreements on areas of responsibility, we continue to work with the city to achieve an agreeable resolution to these issues," wrote Bowman. "We have spent considerable time meeting with key stakeholders and exploring multiple options. Our goal has always been to find a path forward that addresses the community's safety concerns and

the appropriate level of CSX's investment."

In an interview with SPR after the meeting, Johnson said that CSX representatives expressed "budgetary concerns," about the project.

"I stressed that I was disappointed that they're not willing to restore the bridge fully," Johnson told SPR. "They came to the community and made a commitment to restoring the bridge. Obviously, to date, that hasn't happened."

Johnson said that the case is "probably going to arbitration" in his phone call with SPR.

In his letter, he said that he requested the city's legal department to "explore all available options for legal action."

For years, residents have complained that the viaduct had become an eyesore in the community.

"The viaduct in general is just in really bad shape from every perspective, from public safety to cleanliness," West Passyunk Neighbors Association President James Gitto told SPR back in January. "It's resulted in illegal dumping, and you'll see construction debris, tires and abandoned trailers under there. It's been a constant topic every week for our neighborhood association."

In the statement provided by Bowman, CSX said its "top priority" is safety.

"Our primary focus is on maintaining the safety and structural integrity of our infrastructure," said the statement. "CSX began work on the 25th Street viaduct in 2015 and we have completed various phases of the project to ensure the safe operation of rail traffic and the safety of the South Philadelphia community."

However, there was nothing in the statement about improving the quality of life for residents or making the viaduct more presentable from an aesthetic standpoint.

The lone silver lining to the city's meeting with CSX is that, according to Johnson, "preliminary conversations" are being had about restoring the light signals underneath the bridge, which had previously been replaced by stop signs when the netting was installed.

However, "nothing is confirmed yet," said Johnson. ••

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The Philadelphia Inquirer

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Affidavit of Publication

On Behalf of:
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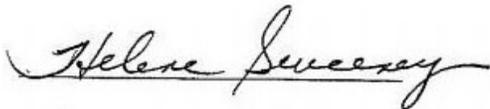
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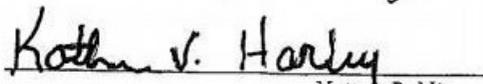
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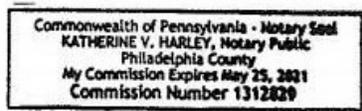
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Pursuant to the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995, P.L. 4, No. 1995-2., notice is hereby given that Evergreen submitted a *Public Comment Remedial Investigation Report (RIR)* to the Pennsylvania Department of Environmental Protection on March 31, 2021 for the former Philadelphia Refinery located at 3144 Passyunk Avenue, Philadelphia, PA Philadelphia County. The *Public Comment RIR* provides all comments and questions received by Evergreen between November 2019 and January 2021 on previously submitted Act 2 Reports for the Site. There is no public comment period associated with the *Public Comment RIR* as it includes only comments on past Act 2 reports, no new data. However, general communications can be sent to Evergreen via the website www.phillyrefinerycleanup.info, PO Box 7275 Wilmington, Delaware, or via email at phillyrefinerycleanup@ghd.com. The report will also be posted to the aforementioned website. PADEP and EPA will provide review of the Act 2 report related comments in this document within 90 days. Many of the

comments and questions included in the report will be addressed in future activities and reports.

Evergreen | PO Box 7275, Wilmington , DE 19803

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