



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

September 26, 2013

Mr. James Oppenheim
Sunoco, Inc.
10 Industrial Highway
MS4
Lester, PA 19029

Re: Disapproval of Final Report
Philadelphia Refinery AOI 11
eFACTS PF No. 745291
3144 Passyunk Avenue
City and County of Philadelphia

Dear Mr. Oppenheim:

The Department of Environmental Protection (DEP) has reviewed the June 21, 2013, document titled "Final Report AOI 11" (final report), for the former Sunoco Philadelphia Refinery, presently the Philadelphia Energy Solutions facility. The final report was prepared by Langan Engineering and Environmental Services and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) and constitutes a final report as defined in Chapter 3. Technical review of this final report was conducted under the responsible charge of a Pennsylvania Licensed Professional Geologist.

DEP notes the following deficiencies in the final report and disapproves it in accordance with the provisions of Act 2:

1. There are no point-of-compliance monitoring wells at the western, downgradient edge of AOI 9. This is required by Title 25 Pa. Code Section 250.704(b).
2. The evaluation of groundwater exposure pathways for potential human receptors was insufficient. Sunoco should examine an unidentified well downgradient of AOI 9 and water supply wells in New Jersey. The receptor evaluation is required by Section 250.404(a).
3. The groundwater fate-and-transport modeling was deficient. The selection of certain input parameters was inadequately justified, such as the source concentrations, the dispersivity values, the first-order decay rates, and the hydraulic conductivity. The models were not calibrated. Fate-and-transport analysis provisions are given in Sections 250.411(c) and 250.204(f)(5)(iii).
4. No fate-and-transport analysis was provided for inorganic substances in the deep aquifer to estimate the extent of the offsite contamination. Sections 250.411(c) and 250.204(f)(5).

5. The post-remediation care plan did not clearly describe how the institutional controls would be implemented. They are required to attain the site-specific pathway elimination standard pursuant to Sections 250.411(d) and 250.204(g).

In order for your site to be in compliance with applicable requirements of Act 2, these items must be addressed. DEP is willing to work with you to develop an approvable submittal. ***Please note that the required fee(s) must be repaid and public notification must be repeated for all new submittals.***

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO 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 (717.787.3483) FOR MORE INFORMATION.

If you wish to discuss these deficiencies, please contact Mr. C. David Brown, P.G., at 484.250.5796.

Sincerely,



Stephan Sinding
Regional Manager
Environmental Cleanup and Brownfields

cc: Mr. Barksdale - Philadelphia Energy Solutions
Mr. Hanna - Langan Engineering and Environmental Solutions
Mr. Gotthold - U.S. EPA, Region 3
Mr. Brown, P.G.
Ms. Warren
Ms. Bass
Regional File
(eh13ecb)269