



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

June 21, 2017

Ms. Tiffani Doerr
Evergreen Resources Management Operations
2 Righter Parkway, Suite 200
Wilmington, DE 19803

Re: Disapproval of Remedial Investigation Report
Philadelphia Energy Solutions Refinery, AOI 4
eFACTS PF No. 770318
3144 West Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Ms. Doerr:

The Department of Environmental Protection (DEP) has reviewed the March 4, 2017 document titled "Remedial Investigation Report, Area of Interest 4," for the property referenced above. The AOI 4 site is also known as the Point Breeze No. 4 Tank Farm Area, a portion of the former Sunoco Philadelphia Refinery. The report was prepared by Stantec Consulting Services, Inc., and it was submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). The report constitutes a remedial investigation report as defined in Chapter 3.

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

Offsite groundwater contamination at the southeast property boundary of AOI 4 has not been delineated as required by Title 25 Pa. Code Sections 250.408(a), (b), and (e). The plume is inferred to extend a significant distance offsite, but no offsite wells were installed. Evergreen used fate-and-transport modeling to estimate the plume extent; however, insufficient data on downgradient groundwater elevations and contaminant concentrations are available to support the analysis. The modeling involves excessive extrapolation from the source area.

In order for your site to be in compliance with applicable requirements of Act 2, this item must be addressed. The 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.***

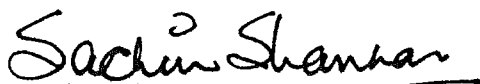
Please feel free to contact C. David Brown by email at cdbrown@pa.gov or by telephone at 484.250.5796 if you have any questions regarding this correspondence.

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.

Sincerely,



Sachin Shankar, P.E.
Assistant Regional Director

cc: Mr. Barksdale - PES
Mr. McKeever - Langan
Mr. Bilash - EPA Region III
Philadelphia Department of Health
Mr. Brown, P.G.
Ms. Kennedy, P.G.
Mr. Glass, Esq. - OCC
Ms. Warren
Ms. Bass
Regional File
Re 30 (rc17ecb) 172.5