



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

January 15, 2014

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

Re: Disapproval of Remedial Investigation Report
Disapproval of Site Characterization Report
Philadelphia Refinery AOI 4
eFACTS PF No. 770318
Tank Facility ID No. 51-19781
Incident Nos. 6227, 6229, 35654, 37107, 37501, 45998
3144 Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Mr. Oppenheim:

The Department of Environmental Protection (DEP) has reviewed the October 16, 2013 document titled "Site Characterization/Remedial Investigation Report" for Area of Interest 4 (also known as the Point Breeze Process Area No. 4 Tank Farm) located at the Philadelphia Refinery. The report was prepared by Langan Engineering and Environmental Services, Inc. and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) as well as the Storage Tank and Spill Prevention Act (Act 32). It constitutes a remedial investigation report (RIR) as defined in Chapter 3 of Act 2 and a site characterization report (SCR) as defined in the storage tank corrective action regulations.

DEP notes the following deficiencies in the RIR/SCR and disapproves it in accordance with the provisions of Acts 2 and 32:

1. The report was submitted only as an Act 2 remedial investigation report (RIR). However, it includes a risk assessment (§9.0 and Appendix L). A risk assessment report (RAR) is required when developing site-specific standards (Title 25 Pa. Code Sections 250.405, 250.409, and 250.601). Submission of a RAR must be noted on the transmittal sheet, include payment of the \$250 review fee, and include municipal and public notifications.
2. Based on knowledge of past releases and the existence of LNAPL in AOI 4, there should be additional soil investigation (Title 25 Pa. Code Section 250.408(b)).

3. Soil boring logs were not included in the report (Title 25 Pa. Code Section 250.408(c)).
4. The horizontal extent of LNAPL and groundwater contamination at the southeast boundary of AOI 4 was not delineated. An investigation is required beyond the property line (Title 25 Pa. Code Section 250.408(e)).
5. The extent of LNAPL around well S-369 was not delineated (Title 25 Pa. Code Section 250.408).
6. Five regulated tanks have open incidents that were not addressed in the RIR/SCR (Title 25 Pa. Code Sections 245.309(a) and 245.310(a)).

Sunoco Tank	DEP Tank	Incident Date	Incident ID	Material
823	097A	3/26/1993	45961	hydrocracker gas oil
842	110A	10/10/1996	6226	crude oil
253	056A	8/27/1998	45966	diesel
848	116A	6/25/2007	38093	crude oil
252	055A	6/28/2007	38094	No. 2 fuel oil

7. Information was provided on the closure of Tank 843, but the March 16, 2000 crude oil release at this tank was not addressed (Incident No. 6229) (Title 25 Pa. Code Section 245.309).
8. Closure sampling at Tank 844 in 2006 revealed a benzene exceedence in soil. This was a reportable release and corrective action is required for this tank (Title 25 Pa. Code Section 245.309(a)).
9. There was a recovered oil release at Tank 846 on May 29, 2002 (Incident No. 6227). Additional information is required on remedial actions that were performed (Title 25 Pa. Code Section 245.310(a)(4)). Sunoco has not demonstrated attainment of an Act 2 standard for this tank.
10. There was a crude oil release at Tank 847 on September 3, 2006 (Incident No. 37051). Additional information is required on interim remedial actions that were performed (Title 25 Pa. Code Section 245.310(b)(5)).
11. There was a crude oil release at Tank 881 on September 3, 2005 (Incident No. 35654). Additional information is required on interim remedial actions that were performed (Title 25 Pa. Code Sections 245.310(a)(4) and 245.310(b)(5)).
12. Soil sampling at Tank 881 indicated that the Statewide Health Standard was achieved. The report must demonstrate that the Act 2 attainment sampling requirements were satisfied (Title 25 Pa. Code Sections 250.703 and 250.707(b)).

13. There was a crude oil release at Tank 885 on October 15, 2006 (Incident No. 37107). Additional information is required on interim remedial actions that were performed (Title 25 Pa. Code Sections 245.310(a)(4) and 245.310(b)(5)).
14. The fate-and-transport analysis requires a fuller consideration of input parameter values (such as source concentrations, hydraulic conductivity, dispersivity and first-order decay rates). Model calibration is necessary for the plume at the southeast AOI 4 boundary (Title 25 Pa. Code Section 250.408(a)).
15. Sunoco must document how refinery health and safety procedures eliminate worker exposure to contaminated soil and LNAPL (Title 25 Pa. Code Section 250.404).

In order for your site to be in compliance with applicable requirements of Acts 2 and 32, 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.

Mr. James Oppenheim

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January 15, 2014

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephan Sinding". The signature is fluid and cursive, with a large loop at the end.

Stephan Sinding
Regional Manager
Environmental Cleanup

cc: Mr. Barksdale, PES
Mr. Hanna, Langan
Mr. Gotthold, EPA Region 3
Philadelphia Department of Health
Mr. Brown, P.G.
Ms. Warren
Ms. Bass
Regional File
Re 30 (rw14ecb) 015.4