



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

March 15, 2012

Mr. James Oppenheim
Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061

Re: ECB - Special Projects - Act 2
Remedial Investigation Report/Cleanup Plan Disapproval
Sunoco Philadelphia Refinery
Area of Interest No. 5 (AOI-5)
Sunoco, Inc. (R&M)
eFACTS No. 748141
3144 Passyunk Avenue
City of Philadelphia
Philadelphia County

Dear Mr. Oppenheim:

The Department of Environmental Protection (Department) has received and reviewed the December 13, 2011, document titled "Site Characterization/Remedial Investigation Report/Cleanup Plan" (RIR), for the AOI-5 for the property located at 3144 Passyunk Avenue, Philadelphia, PA. The report was prepared by Langan Engineering and Environmental Services, and submitted to the Department 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, Section 304 of the Act.

The Department notes the following deficiencies in the Remedial Investigation Report and disapproves it in accordance with the provisions of Act 2:

- Regarding the mobility and stability of Light Non Aqueous Phase Liquid (LNAPL) at AOI-5: The Department accepts Sunoco's conclusion that the material appears to be immobile and stable, subject to the following condition: The LNAPL in wells WP-B, WP-A, A-21, SW-4, and SW-1 is located immediately adjacent to the Schuylkill River, and may be prevented from discharging to the river only by virtue of the structural integrity of the sheet pile bulkhead. If new evidence should appear to indicate, or to suggest, that LNAPL has discharged or may be discharging to the Schuylkill River from these areas, Sunoco will be responsible to investigate the circumstances, and to remediate any environmental contamination that may have occurred due to the release of LNAPL from this area.
- The sheet pile bulkhead should be recognized as an engineering control; therefore, a Post Remediation Care Plan (PRCP) must be developed for the sheet pile bulkhead that will include periodic inspection for the structural integrity of the bulkhead. The UECA for AOI-5 will ultimately require compliance with the PRCP for the bulkhead and other areas with engineering controls.

- The LNAPL thickness at the newly installed monitoring wells (A-155 and A-14) is 1.15 ft and 1.6 ft, respectively. Further delineation in the vicinity of the locations of the aforementioned wells is required to determine the extent of the LNAPL. Results of the LNAPL delineation and proposed recovery must be documented in the RIR/Cleanup Plan.
- The depth to groundwater at the AOI-5 is less than five feet below the ground surface. The RIR proposes to further evaluate the vapor intrusion into indoor building pathway for the current occupied buildings via soil gas sampling. Results of additional evaluation and/or mitigation measures, if needed, should have been documented in the RIR/Cleanup Plan.
- Contaminants of concern (COC) found in soil are benzene and lead. Based on the current and future intended nonresidential use, site investigation was conducted for shallow soil only (0–2 ft). Exposure assessment was also conducted for the COC that were above the nonresidential direct contact MSCs found in shallow soil. The potential direct contact pathway for soil greater than two feet is described as incomplete based on Sunoco's existing permitting procedure (OSHA and personal protective equipment, PPE). The PRCP may need to incorporate this internal permit procedure. Please also note that a future termination of the existing Sunoco internal permit procedure may become a reopener of an Act 2 release. In order for site soil to be eligible for a release of liability under Act 2, additional soil investigation will be required for the 2–15 ft interval (or soil to groundwater interface for the current scenario). Please follow the TGM on how to select a Cleanup Standard for soil medium for the nonresidential scenario. Furthermore, the soil-to-groundwater pathway was not evaluated. The release of liability under Act 2 for soil will be granted only for those areas that has been investigated and remediated.
- The RIR proposes additional soil investigation and delineation for Areas 1 and 2 (SWMU-94) and Area 3 (SWMU-101). The proposed soil delineation should have been implemented, and results should have been documented in the RIR.
- Issues regarding investigation and closure of the three SWMUs, Nos. 93, 94 (leaded tank bottom disposal areas), and No. 101 (Bulkhead Seepage Area), must be coordinated with the USEPA.

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.

We are willing to work with you toward developing an acceptable submission. If you have any questions or need further information regarding this matter, please contact Mr. Ayman Ghobrial, P.G., at 484.250.5781.

Sincerely,



Stephan Sinding
Regional Manager
Environmental Cleanup and Brownfields

cc: Mr. Payne
Mr. Ghobrial
Mr. Burke
Ms. Bass
Ms. Fries
Stan Sneath, Esq. - OCC
Ms. Costello, Langan Engineering and Environmental Services
Mr. Gotthold, USEPA
Mr. Bilash, USEPA
Mr. Lee, USEPA
City of Philadelphia Department of Public Health
Regional
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