



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

November 27, 2013

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 6
eFACTS PF No. 769099
Tank Facility ID Nos. 51-11554 and 51-36558
Incident Nos. 29122 and 37546
3144 Passyunk Avenue
City and County of Philadelphia

Dear Mr. Oppenheim:

The Department of Environmental Protection (DEP) has reviewed the September 3, 2013, document titled "Site Characterization/Remedial Investigation Report" (report), for Area of Interest 6, also known as the Girard Point Chemicals Processing Area (AOI 6), located at the Philadelphia Refinery, 3144 Passyunk Avenue, Philadelphia. 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 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 as an Act 2 RIR. However, it included a risk assessment (Section 9.0 and Appendix G). A Risk Assessment Report (RAR) is required when performing a baseline risk assessment and for 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, enclose payment of the \$250 review fee, and include proof of municipal and public notifications.

2. There should be additional soil investigation in AOI 6 based on Sunoco's knowledge of past releases and the presence of LNAPL (Title 25 Pa. Code Section 250.408(b)).
3. Contamination in the area of Tank 797 is not delineated to the northwest, north, and northeast (Title 25 Pa. Code Sections 245.309(c)(9), 250.408(d)).
4. Two tanks have open incidents that were not addressed in the RIR/SCR. SCRs are required for these tanks (Title 25 Pa. Code Sections 245.309(a), 245.310(a)):

Sunoco Tank	DEP Tank	Incident Date	Incident ID	Facility ID	Material
T-81	121A	9/12/1993	45692	51-11554	fresh caustic
676	130A	7/19/1998	4844	51-36558	No. 6 fuel oil
676	130A	1/11/2000	6133	51-36558	No. 6 fuel oil

5. Appendix E, Attachment A lacks soil disposal documentation for the 2007 excavation at Tank GP 250 (Title 25 Pa. Code Section 245.310(a)(4)(v)(C)).
6. Additional evaluation is required to determine whether the vapor intrusion pathway is incomplete and what inhalation standards apply to occupied buildings in the refinery (Title 25 Pa. Code Section 250.404(a)).
7. The fate-and-transport analysis requires a fuller consideration of source areas, input parameter values (hydraulic conductivity, hydraulic gradient, and first-order decay rates), and model calibration (Title 25 Pa. Code Section 250.408(a)).

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.

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 Services
Mr. Gotthold - U.S. EPA, Region 3
City of Philadelphia Department of Public Health
Mr. Brown, P.G.
Ms. Warren
Ms. Bass
Regional File
(eh13ecb)331-4