



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

December 18, 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 7
eFACTS PF No. 750870
Tank Facility ID Nos. 51-11554 and 51-36558
Incident Nos. 29142 and 40386
3144 Passyunk Avenue
City and County of Philadelphia

Dear Mr. Oppenheim:

The Department of Environmental Protection (DEP) has reviewed the February 29, 2012, document titled "Site Characterization/Remedial Investigation Report" and the September 19, 2013, Addendum for Area of Interest 7 (also known as the Girard Point Fuels Processing Area), located at the Philadelphia Refinery. The reports were 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). They constitute 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 (Section 5.0 and Appendix F of the Addendum). 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, 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 7, there should be additional soil investigation (Title 25 Pa. Code Section 250.408(b)).
3. All historical soil data should be included in the RIR (Title 25 Pa. Code Section 250.408(c)).
4. There was an insufficient characterization of the horizontal extent of soil contamination in certain areas, including BH-12-48 (SWMU-87), C-142 (SWMU-89), BH-12-87 (SWMU-90), and BH-12-94 (SWMU-91) (Title 25 Pa. Code Section 250.408(d)).
5. More than one round of groundwater sampling is required to adequately characterize the site (Title 25 Pa. Code Section 250.408(e)).
6. The extent of LNAPL around wells C-106 and C-168 is not sufficiently delineated (Title 25 Pa. Code Section 250.408).
7. Twelve 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	Facility ID	Material
UST	002?	8/5/1989	5825	51-11554	Petroleum
UST	003?	8/5/1989	5915	51-11554	Petroleum
M-5	005	1/31/1991	45686	51-11554	Diesel
275	057A	9/16/1991	45689	51-11554	Cat charge stock
272	054A	11/11/1993	45694	51-11554	Crude oil
273	035A	6/6/1995	45697	51-36558	Vacuum gas oil
M-4	001	5/6/1998	6134	51-36558	Gasoline
M-5	002	5/6/1998	45699	51-36558	Diesel
1108	149A	9/6/1998	45700	51-36558	No. 6 fuel oil
281	043A	9/18/1999	30777	51-36558	Gas oil
281	043A	11/24/2001	5913	51-36558	Gas oil
1002	139A	5/2/2006	36456	51-36558	Decanted oil
1100	140A	5/30/2006	36578	51-36558	Slop oil
277	039A	6/25/2007	38132	51-36558	Heavy gas oil
272	034A	3/8/2011	42279	51-36558	Crude oil

8. A groundwater investigation is required in the area of the former underground storage tanks M-4 and M-5 (Title 25 Pa. Code Section 245.309(c)(10)).
9. Additional evaluation is required to determine if 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)).
10. The fate-and-transport analysis requires a fuller consideration of source areas and input parameter values (such as source concentrations, hydraulic conductivity, dispersivity, and first-order decay rates) (Title 25 Pa. Code Section 250.408(a)).
11. Sunoco must document how refinery health and safety procedures eliminate worker exposure to contaminated soil and LNAPL (Title 25 Pa. Code Section 250.404).
12. Further documentation of the ecological assessment is required (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.***

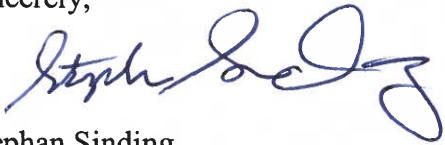
Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 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.

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 & 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)352-7