

March 28, 2016

Mr. James Oppenheim
Evergreen Resources Management Operations
2 Righter Parkway, Suite 200
Wilmington, DE 19803

Re: Disapproval of Remedial Investigation Report
Philadelphia Refinery AOI 9
eFACTS PF No. 778379
Mingo Avenue
City of Philadelphia
Philadelphia County

Dear Mr. Oppenheim:

The Department of Environmental Protection (DEP) has reviewed the December 31, 2015 document titled "Remedial Investigation Report, Area of Interest 9" for the Schuylkill River Tank Farm located on Mingo 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). It constitutes a remedial investigation report as defined in Chapter 3 of Act 2.

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

1. Site characterization data indicate that groundwater concentrations of benzene and other substances are elevated at the western property boundary, along Essington Avenue. There are no wells west of the property line to characterize the offsite extent of contamination. Delineating the horizontal extent of groundwater contamination is required by Title 25 Pa. Code Sections 250.408(a), (b), and (e).
2. Groundwater elevations and flow directions are inadequately determined at the western property boundary. Characterizing groundwater flow is required by Section 250.408(e).
3. A better understanding of groundwater flow and the extent of groundwater contamination is necessary to assess potentially complete offsite exposure pathways as per Section 250.404.
4. The report does not evaluate the inhalation exposure pathway for onsite outdoor workers to vapors from contaminated soil, groundwater, and LNAPL. This pathway must be addressed pursuant to Section 250.404.

In order for your site to be in compliance with applicable requirements of Act 2, these items must be addressed. The department 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.

If you wish to discuss these deficiencies, please contact Mr. C. David Brown at 484.250.5796 or by email at cdbrown@pa.gov.

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,



Stephan Sinding
Regional Manager
Environmental Cleanup and Brownfields

cc: Mr. Barksdale- PES
Mr. McKeever - Langan
Mr. Bilash - EPA Region 3
Philadelphia Health Department
Mr. Brown, P.G.
Ms. Warren
Ms. Bass
Regional File
Re 30 (cm16cb) 088-1