

# Alliance 51<sup>st</sup> Street LLC

August 29, 2024

## Re: Alliance 51<sup>st</sup> Street LLC, Minor modification application for NPDES Construction Stormwater Permit No. PAD510225

Alliance 51<sup>st</sup> Street LLC (“Alliance”) submitted a minor modification application to Pennsylvania Department of Environmental Protection (PADEP) for its Individual NPDES Permit No. PAD510225. As a minor modification, the application is not subject to public notice and comment. Nevertheless, members of the public have submitted comments to PADEP via e-mail and Alliance has been asked by PADEP to respond to the comments. Sixteen e-mails have been submitted to the PADEP SE Regional Director, all with the same comments. The comments generally summarize information obtained concerning the history of the site and draw conclusions which we address below. Alliance has cooperated with PADEP regarding this matter and in the spirit of continued cooperation, provides the response to these comments below. We have attempted to separate the comments into individual sections and respond to each as shown below.

The e-mail comments were submitted by the following individuals.

- Flora Cardoni, [REDACTED], Deputy Director, PennEnvironment, 236 Buckingham Pl, Philadelphia, PA 19104
- Ella Israeli, [REDACTED], 4218 Spruce St, Philadelphia, PA 19104
- Robert DuPlessis, [REDACTED], 413 S 24th St, Philadelphia, PA 19146
- Thomas Nelson, [REDACTED], 105 Drexel Ave, Lansdowne, PA 19050 [REDACTED]
- Steven Vena, [REDACTED], 4622 Hazel Ave Philadelphia, PA 19143 [REDACTED]
- Leeannah McNew, [REDACTED], 2004 S Opal St, Philadelphia, PA 19145
- Hazel Elsbach, [REDACTED], 430 E 23rd St, New York, NY 10010
- D-N Morinich, [REDACTED], 1017 Kimball St, Philadelphia, PA 19147
- Tooth Dudney, [REDACTED], 2028 S OPAL ST, Philadelphia, PA 19145
- Bruce Dorpalen, [REDACTED], 4716 Springfield Av., Philadelphia, PA 19143
- E Drott, [REDACTED], 4410 Locust St, Philadelphia, PA 19104
- Tom Reber, [REDACTED], 5400 Lindbergh Blvd, Philadelphia, PA 19143
- Maitreyi Roy, [REDACTED], 5400 Lindbergh Boulevard, Philadelphia, PA 19143
- Leeannah McNew, [REDACTED], 004 S Opal St, Philadelphia, PA 19145
- Melba Bingham, [REDACTED], 9031 convent Ave Phiu, PA 19136
- Zoe JasperZ, [REDACTED], 4534 Osage Ave, Philadelphia, PA 19143

### Background

It is important to note at the onset, that the presence of chromium is not from a current release on the property. It is from historical filling at the site before it was developed as described below. Alliance will be remediating this property and addressing historical contamination issues and is committed to assuring the process is completed. Alliance is a redeveloper of former

industrial properties, commonly referred to as Brownfields, in multiple states including the Commonwealth of Pennsylvania. Prior to acquiring a former industrial property, on behalf of Alliance, extensive investigations and testing is performed by Arcadis US, Inc., an international well regarded environmental consulting firm, to allow an assessment of potential environmental costs for the redevelopment projects. If the decision is made to acquire the property, after closing, in Pennsylvania, Alliance promptly enters the PADEP voluntary cleanup program, referred to as Act 2, to complete investigations and remediation of the property with PADEP oversight in conjunction with the redevelopment of the property. This allows a contaminated site to go through the remediation process, be returned to active use creating employment for the area and to generate revenue for the local government through real estate and other taxes. The property located at 1645 S. 51<sup>st</sup> Street went through the same pre-closing investigations and entry into the Act 2 process promptly after closing.

Alliance closed on the purchase of this property in December 2021. Prior to the purchase, the property was a petroleum bulk storage terminal which was not used for a number of years. From the Phase I Environmental Site Assessment prepared by Arcadis, the property was turned into a petroleum bulk storage terminal back in the 1950s. Between 1951 and 1975, ten aboveground storage tanks (ASTs) were constructed for operations as a fuel oil terminal. Prior to that, between 1923 and 1945, a 45,000 square foot building was constructed in the northeast portion of the property for the manufacture of cardboard containers. For some period of time prior to 1923 the property was used for the storage of lumber by a neighboring cabinet manufacturer.

At the time of the purchase, Alliance was aware the property had known contamination from its use as a petroleum products terminal for seventy years. The prior owner, PBF Logistics Terminals LLC, closed and removed all the ASTs from the property prior to the purchase by Alliance. As part of the closure activities, PBF Logistics performed soil sampling around the tanks and associated piping. Alliance through Arcadis also did its own soil and groundwater testing prior to the purchase. As is typical for prepurchase investigations, the Arcadis testing focused on the prior uses of the property which did not indicate the use of chromium at the property. As such, no testing for chromium was conducted. At most, the Arcadis testing identified a slight yellowish color in two groundwater monitoring wells at the property. It was after the notice from PADEP in April of 2024 of the colored material offsite that Alliance began investigation of the source of the colored material which led to finding at depth the presence of historic fill containing chromium waste and compounds.

### **Response to Public Comments:**

Below is the text of the public comments, with Alliance's response. The public comments are in *italics* and Alliance responses are in **bold**.

*Public comment - Alliance 51st St. LLC (Alliance) is currently moving soil contaminated with lead and the carcinogens benzene and hexavalent chromium as well as polyaromatic hydrocarbons (PAH), which also include several known carcinogens. This soil movement is being done to support the construction of a 162,401 square foot warehouse, 272 parking spaces and 41 truck loading spaces at 1646 S 51st St., adjacent to Bartram's Garden and the Bartram's Mile Trail. Please*

*suspend Alliance's active Chapter 102 construction stormwater permit until dangerous contaminants currently present in the site's soil and groundwater are removed to ensure that recreators can safely use the nearby Bartram's Mile Trail.*

**Alliance response – As per the initial Notice of Intent to Remediate (“NIR”) provided to the PADEP, petroleum hydrocarbons including benzene and polycyclic aromatic hydrocarbons (PAHs) and lead associated with the past use of the property as a petroleum storage facility have been identified at the site. As previously described in the “Background” section above, the PADEP Act 2 process is voluntary. After identification of runoff in April 2024 and the subsequent identification of chromium on the site from ongoing testing, an updated NIR was submitted to PADEP along with the appropriate public notice. Alliance and PADEP have discussed the appropriate remediation techniques for the contaminants described in the initial and updated NIR. The appropriate remediation does not require the offsite disposal of contaminants and will be addressed by capping with engineering controls such as, the construction of the building, paving, and other surface cover. If PADEP suspends the NPDES permit, all efforts to complete the site remediation would need to come to a halt. That would not serve any purpose. The remediation and redevelopment will not be able to proceed and PADEP will not have regulatory control mechanism for stormwater at the property.**

**Regarding stormwater, PADEP issued an Individual NPDES permit to Alliance on September 5, 2023. Alliance began an initial scope of work in June 2024 to demolish existing buildings, demolish and crush concrete, mill asphalt, and expose the building pad in anticipation of starting ground improvements necessary to secure the structural integrity of the future warehouse building. Earth movement occurred only to the extent necessary to accomplish the goals of the initial scope. All disturbed areas have or are in the process of being stabilized as required.**

*Public comment - The Pennsylvania Department of Environmental Protection (DEP) granted Alliance a permit (PAD510225) to construct a warehouse and parking lot in September 2023 and Alliance published a Notice of Intent to Remediate (NIR) contaminated soil and groundwater at the site in February 2022. In late 2023 and early 2024, Alliance specifically asked DEP whether it was appropriate to move contaminated soil at the site, without remediation or removal, in order to support construction of the planned warehouse. DEP allowed Alliance to move contaminated soil and on April 5th, 2024 a trail user reported a greenish liquid leaving 1646 S 51st St. and migrating onto the Bartram's Mile Trail. DEP's investigation verified this discharge at an April 12th inspection and issued Alliance several violations for discharging water pollution from its property on July 18th. The discharged liquid was found to contain the known carcinogen hexavalent chromium. DEP has allowed Alliance to continue to move contaminated soil at the site and nearby recreators continue to observe chemical sheens coming from 1646 S 51st St. and reaching the Bartram's Mile Trail.*

**Alliance response – The movement of soil has nothing to do with the presence of chromium. As explained in a media article, there is evidence of a yellow material in the onsite drainage swale in 2018 when to best of knowledge, the property was not being used and soil movement was not occurring. The movement of soil as described in the comment began well after the April 5<sup>th</sup> observation and not until June as explained above. The movement of soil was not**

**the cause of the offsite migration of the colored runoff. In fact, Alliance has moved soil onsite to create berms to minimize if not eliminate any offsite migration of colored water.**

*Public comment - In addition to the suspension of permit PAD510225, I also request that DEP require Alliance to engage in a Public Involvement Program (PIP) regarding the current Act 2 cleanup of the site. In its updated NIR, Alliance claims that the hexavalent chromium contamination at the site is from historic fill placed in the early 1900s. This is likely untrue. The contamination is more likely caused by a spill of hexavalent chromium while the substance was being used to coat storage tanks at the site. DEP must give the public an opportunity to submit comments on Alliance's updated NIR.*

**Alliance response – As a result of the submission of the updated NIR, the City of Philadelphia submitted a letter to Alliance requesting the development of Public Involvement Program (PIP). Alliance is in the process of developing the PIP which will be submitted to PADEP for approval and then the City. With prior notice to the public, a public hearing will then be held at which time the public will have an opportunity to ask questions and submit comments for the public meeting.**

**As the comment describes above, it is true that in the past hexavalent chromium was a constituent or additive of paint, similar to lead previously being a constituent of paint. Petroleum ASTs are historically painted with a white paint which for many years has been required by law to reflect heat. For this site, the smaller ASTs were painted green while the terminal was owned by Hess Oil Company since green was the company color. Chromium itself was not a paint or used itself as a material to coat the storage tanks. During the course of research into chromium uses we have determined that chromium was previously used as a paint additive to protect bridges from corrosion.<sup>i</sup> Alliance notes that there is a bridge across Bartram's Trail that could have been coated with a paint containing chromium that long since peeled off, leaving remnants of chromium compounds under the bridge. The bridge is unrelated to the Alliance property.**

**Between May 30 and July 3, 2024, Alliance conducted test pits and borings on the site to identify the locations of colored soil and collected samples for laboratory analysis. This investigation identified layers of chromium approximately 2 to 4 feet below existing grade. The chromium layer itself was between 2 and 11 feet thick in the test pit locations. Alliance further notes this layer of chromium was in some instance found underneath portions of the former tank containment areas. Further historical aerials from 1929 were reviewed indicating a large low spot in the area of the property where the yellow/chromium was found to be located. These findings indicate that chromium was placed on-site as a fill material with soil placed on-top.**

*Public comment - Bartram's Garden is located within Census Tract ID 42101006900 and Census Block Group ID 421010069001, which is in the collective 97th percentile of negative environmental, health, and socioeconomic indicators, according to DEP's PennEnviroScreen. Bartram's Garden is also located in an area in the 96th percentile for land remediation sites. Bartram's Garden is an active agricultural site that uses the aquifer beneath the site for irrigation,*

*entitling the site to additional environmental protections beyond its classification as an Environmental Justice (EJ) area.*

**Alliance response – We acknowledge that the Alliance site and surrounding area historically had a significant range of industrial uses. According to PADEP records, the former M.A. Bruder and Sons site at 5213 Greys Avenue completed the Act 2 process in which it determined groundwater contamination is present. M.A. Bruder manufactured paints and coatings. Further, according to a M.A. Bruder PADEP technical memorandum, ground water is not used in the area and the DEP approved a non-use aquifer designation for 1,000 feet downgradient from the site. Both the Bartram’s Garden and Alliance properties are down gradient of the former M. A. Bruder property. The M.A. Bruder Company and property was purchased by Sherwin Williams and shut down in 2008. From the groundwater monitoring wells and gauging data from the Alliance property, groundwater from the Alliance site does not flow to the Bartram’s Garden property.**

**As noted in the Background section of this response, Alliance redevelops industrial properties and follows the Act 2 process as necessary to address existing contamination. This is a benefit to the community by addressing historical contamination that would otherwise remain exposed to the environment.**

---

<sup>i</sup> OSHA Fact Sheet - Hexavalent Chromium Hazards in Bridge Painting DSG FS-3649 05R 2013