

February 2, 2023

Max Ryan  
Alliance 51<sup>st</sup> Street LLC  
40 Morris Avenue, Suite 230  
Bryn Mawr, PA 19010

Re: Site Characterization Report Disapproval  
Storage Tank System Release 8/17/21  
Facility ID No. 51-10420  
Incident No. 56662  
51<sup>st</sup> Street Terminal  
1630 South 51<sup>st</sup> Street  
City of Philadelphia

Dear Mr. Ryan:

The Department of Environmental Protection (DEP) has reviewed the November 3, 2022 document titled Site Characterization Report for the release referenced above. This document was prepared by Arcadis and submitted as a Site Characterization Report (SCR) as required by 25 Pa. Code Section 245.310(a). You selected the site-specific standard as the remediation standard in soil and groundwater.

In accordance with 25 Pa. Code Section 245.310(c), DEP disapproves the SCR based on the following:

1. The extent of soil contamination was not adequately characterized in accordance with 25 Pa. Code Section 245.309(b)(4) as required by 25 Pa. Code Section 245.310(a). Soil sample PIPE-29 has not been delineated for the benzene exceedance during the AST closure.
2. The extent of groundwater contamination was not adequately characterized in accordance with 25 Pa. Code Section 245.309(b)(4) as required by 25 Pa. Code Section 245.310(a). Lead (Pb) in groundwater has not been fully delineated in the vicinity of MW-9.
3. Results of a public and private well survey were not included in the SCR in accordance with 25 Pa. Code 245.310(a)(19). There was no mention that a public and/or private well survey was performed.
4. An ecological receptor evaluation was not performed in accordance with 25 Pa. Code Section 245.310(a)(28). There were no results included in the SCR which confirmed there was an ecological receptor survey performed.

Based on this disapproval, you should correct the deficiencies and submit a revised SCR in keeping with 25 Pa. Code Section 245.310(c)(4).

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Rebecca Flannery by email at [rflannery@pa.gov](mailto:rflannery@pa.gov) or by telephone at 484.250.5779.

Sincerely,

***Ragesh R. Patel***

Ragesh R. Patel  
Regional Manager  
Environmental Cleanup and Brownfields

cc: Philadelphia Department of Public Health (via email)  
City of Philadelphia L&I(via email)  
Mr. Brunt, Arcadis (via email)  
Mr. Staron (via email)  
Ms. Flannery (via email)  
Mr. Herrick, Esq. (via email)