



June 14, 2017

Mr. Matthew Gojmerac
Herr Foods Inc
20 Herr Drive
Nottingham, PA 19362

Re: Remedial Action Plan Approval
Storage Tank System Release October 28, 2014
Facility ID No. 15-24418
Incident No. 47318
Herr Foods Inc
273 Old Baltimore Pike
West Nottingham Township
Chester County

Dear Mr. Gojmerac:

The Department of Environmental Protection (DEP) has reviewed the March 16, 2017 document titled Remedial Action Plan for the release referenced above. This document was prepared by Rettew and submitted as a Remedial Action Plan (RAP) as required by 25 Pa. Code Section 245.311. You selected the site-specific standard as the remediation standard for soil and groundwater.

DEP approves the RAP in accordance with 25 PA Code Section 245.311(c)(1).

25 Pa. Code Section 245.312(a) requires that remedial action shall be implemented upon approval of the RAP according to the schedule contained in the RAP. Remedial action should, therefore, commence immediately upon receipt of this letter and proceed in accordance with the schedule in the RAP until the selected remediation standard is attained.

Remedial Action Progress Reports (RAPRs) must be submitted to DEP in accordance with 25 Pa. Code Section 245.312(b-d) by the 30th day of the month following the end of each quarter (April 30, July 30, October 30 and January 30). The final RAPR is submitted as part of the Remedial Action Completion Report. Your first RAPR should be submitted no later than October 13, 2017.

Failure to implement remedial action or submit complete progress reports in accordance with the schedule outlined above may result in enforcement action by DEP.

If you wish to modify any part of this Remedial Action Plan or select a new remediation standard, you must prepare and submit a new or modified Remedial Action Plan to DEP in accordance with 25 Pa. Code Section 245.312(e).

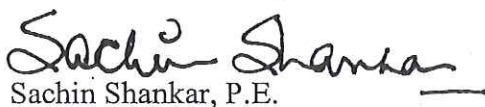
Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 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 have any questions, please contact Jessica Kasmari by email at jkasmari@pa.gov or by telephone at 484.250.5724.

Sincerely,


Sachin Shankar, P.E.

Assistant Regional Director

cc: Chester County Health Department
West Nottingham Township
Mr. Burgan - USTIF
Mr. Youndt - ICF, Inc.
Mr. Dziedzic - RETTEW
Ms. Kennedy, P.G.
Ms. Kasmari, P.G.
Mr. Jones
Ms. Warren
Re 30 (rc17ecb) 165.11