



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

08-122 I

August 30, 2018

**CERTIFIED MAIL NO.: 7017 2620 0000 9807 2805**

LIBERTY OIL COMPANY #38  
C/O NORWOOD KLOTZ  
600 EAST MAIN ST.  
SCHUYLKILL HAVEN, PA 17972-1430

RECEIVED

SEP 01 2018

BUREAU OF  
SPECIAL FUNDS

Re: ECB-Storage Tanks Program  
SCR/RAP Disapproval Letter  
Liberty Oil Company #38  
Facility ID #:54-51586  
Incident#:39381  
700 North Railroad Street  
Tamaqua Borough, Schuylkill County

Dear Mr. Klotz:

The Department of Environmental Protection (Department) has reviewed the document titled Site Characterization Report and Remedial Action Plan, dated May 31, 2018, for the release referenced above. The document was prepared by Centerpoint Tank Services, Inc. and submitted as a Site Characterization Report (SCR) and Remedial Action Plan (RAP) as required by 25 Pa. Code § 245.310 and § 245.311, respectively. You selected the Site Specific standard as the remediation standard for soil and groundwater.

In accordance with 25 Pa. Code § 245.311(b), the Department disapproves the SCR and RAP based on the following:

- 1) The SCR does not include the following basic contextual requirements of a SCR, as described within Chapter 245, Section 310:
  - a) An ecological evaluation was not conducted in accordance with Chapter 250.311.
  - b) Contaminant distribution maps in the media and contaminant phases. A cross-section which defines the vertical extent of impacts to soils should be provided. Figure 2 is too congested as to easily locate borings referred to in the text. Please provide separate drawings of individual sampling events, with a summary drawing identifying the borings which delineate the areal extent of impact (and eliminating borings collected in the permanently saturated zone). Cross-sections of the impacted groundwater plume should be provided, both along the plume center line and perpendicular to the center line.
  - c) A conceptual site model describing the sources of contamination, fate and transport of contaminants and potential receptors. A discussion of soil types encountered in the subsurface, their characteristics, and their influence on fate and transport analysis should be included in your site conceptual model.

- 2) The site characterization activities conducted do not fully delineate the horizontal and vertical extent of groundwater contamination in accordance with 25 Pa. Code § 245.309(c)(10)(iv). Groundwater impacts at the Thorn property are not delineated to the south of MW-13 and the southeast of MW-12. Two additional monitoring wells should be installed in these areas.
- 3) In accordance with Chapter 250.305, the Direct Contact values are options for the Statewide Health Standard; but do not apply to constituents identified at the site. Please see the Department's Technical Guidance Manual posted on our website; Section II Remediation Standards; B. Statewide Health Standard; 3. Selection of MSCs. The Department previously indicated in our letter dated November 9, 2015 that it is not appropriate to collect soil samples below the seasonal low water table and to compare to the Statewide Health Standard (SHS) Direct Contact values. Media impacts below this level are considered a groundwater issue. Additionally, in the Department's letter dated December 8, 2016, you were advised that the non-residential direct contact value cannot be applied to this site and/or for the constituents present. In the Department's letter, you were advised to remove current and future references to direct contact values from Table 1. Table 1 is complicated by the inclusion of analytical results for borings collected below the smear zone, which are a groundwater issue. The separation of these borings into their own section would make it clearer to identify soil impacts.
- 4) In Section 3.1.1 there is an extensive discussion of soil boring delineation and saturation of soil samples collected based on percent solids collected at the laboratory. This discussion does not refer to specific sample points, is very general, and does not add to the characterization.
- 5) On page 6 of the report, paragraph 4, soil boring LO-4 is not identified in the borings included as impacted with lead above the SHS. Moreover, the argument that lead is only identified outside the area of petroleum detection in soils is not valid because of this omission. Also, because EDB and EDC are identified below the laboratory reporting limits, but are above the SHS, impact to soils from these constituents cannot be eliminated from consideration.
- 6) In Section 3.12.3 and 3.12.4, a discussion of pathway identification and elimination is presented to support the proposed Remedial Action Plan. In accordance with 250.404(d) the ingestion pathway cannot be eliminated without an institutional control, for example a local regulation or an Environmental Covenant, which restricts the use of groundwater, even though the site and surrounding properties are supplied with potable water. Similarly, the Direct Contact values cannot be used to eliminate the soil exposure pathway at this site for dermal contact and direct ingestion. Rather, an institutional control, memorialized in an Environmental Covenant, which identifies the area of concern and manages any future disturbance of soil, and/or maintains a cap (ie pavement) over the area could be used.
- 7) In section 3.12.6 Summary of Exposure Scenarios, you indicated that additional assessment will be necessary based on the presence of USTs on the Thorn property and the presence of petroleum hydrocarbons within the building. Please elaborate on these additional assessments.
- 8) Because the SCR is disapproved, the RAP is also disapproved.

In order to ensure that your release(s) is addressed in a prompt and appropriate manner, quarterly groundwater sampling should continue as this corrective action project moves forward. **The**

**Department concurs that sampling in groundwater for EDB, EDC, and lead may be discontinued, as these constituents do not appear to be of concern in groundwater.**

Based on this disapproval, you should correct the deficiencies and submit a revised and complete **SCR/RAP** in keeping with 245.311(b)(4). **The revised and complete SCR/RAP is due by December 30, 2018.**

No extension of the **SCR/RAP** due date will be provided without prior written approval from the Department. All requests for **SCR/RAP** due date extensions shall be submitted to the Department in writing, sent under separate cover, and be clearly identified as "request for alternative timeframe for **SCR/RAP** due date." These requests shall be received by the Department prior to the above due date, should include the reason(s) for the request, should include progress reporting which details the actions undertaken subsequent to this disapproval, and should include a reasonable alternative **SCR/RAP** due date.

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.**

The technical review of this document was conducted under the responsible charge of a Pennsylvania Licensed Professional Geologist. If you have any questions or desire clarification regarding the above, then please contact Sherry Carlo, P.G. who can be reached either by telephone at 570-826-2498 or through e-mail to [shcarlo@pa.gov](mailto:shcarlo@pa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Supey", written over a horizontal line.

Eric Supey  
Environmental Program Manager  
Environmental Cleanup & Brownfields Program

cc: Tamaqua Borough  
Center Point Tank Services  
USTIF