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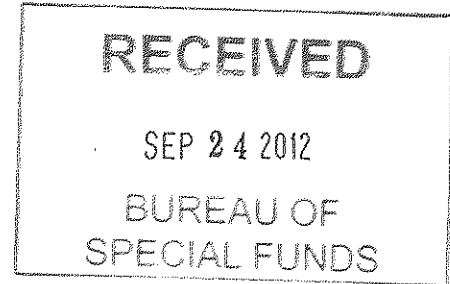
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHWEST REGIONAL OFFICE

02-0135

CERTIFIED MAIL NO. 7011 3500 0000 8608 4070

September 21, 2012

Mr. James Doleski
Leo's Car Wash
2938 West 26th Street
Erie, PA 16506



Re: ECP - Storage Tanks
Leo's Car Wash
Facility No. 25-90615
Millcreek Township, Erie County

Dear Mr. Doleski:

Your Revised Remedial Action Plan (RRAP) submitted on July 25, 2012, is hereby disapproved as provided for in 25 Pa. Code §245.311(b)(4) of the Department's Corrective Action regulations. The deficiencies subject to this disapproval are as follows:

- * Further downgradient characterization of groundwater has not been completed as required in the Department's approval of the Remedial Action Plan in July 2003. The expansion of the remediation system proposed in the RRAP fails to include the area of soil impact noted in the UST Closure Report submitted to the Department in December 2006. 25 Pa. Code §245.311(a)(4) requires a discussion of how the remediation will attain the selected standard. However, the RRAP does not adequately explain how the proposed remediation will address off-property contamination and the above-mentioned area of impacted soil.

The following comments are provided as guidance, but are not cited as a basis for RRAP disapproval:

1. Vapor intrusion has not been assessed for this site and will be required for future demonstration of the Act 2 Statewide Health Standard in accordance with 25 Pa. Code §250.312(a). Therefore, vapor intrusion should be assessed for the resubmittal.
2. 25 Pa. Code §245.311(a)(1) requires a brief summary of the Site Characterization Report conclusions. While this summary was provided, more detail should be provided in the resubmittal. Please feel free to contact the Department for further information on this matter.

In accordance with 25 Pa. Code §245.311(c)(4), you should submit a revised Remedial Action Plan addressing the above items by December 20, 2012.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. §7514, and the Administrative Agency Law, 2 Pa. C.S.A. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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.

Thank you for your cooperation in working with the Department in the remediation of this site. If you have any questions or need further information regarding this matter, please contact the Environmental Cleanup and Brownfields Program.

Sincerely,



Eric A. Gustafson
Regional Manager
Environmental Cleanup and Brownfields Program

cc: American Environmental
USTIF
J. O'Hara
J. Ashton
Case File

EAG:JOH:lsf