

June 24, 2019

DK & DK, LLC
c/o Tricia Lorenzetti, Manager
244 N. Main Street
Archbald, PA 18403-1945



Re: ECB-Storage Tanks Program
RAP Approval with Modifications Letter
QUINNS CAFE STOP
Facility ID #:35-20617
Incident#: 49806
244 N. Main Street, Archbald, PA 18403-1945
Archbald Borough, Lackawanna County

Dear Ms. Lorenzetti:

The Department of Environmental Protection (DEP) has reviewed the May 1, 2019 document titled Remedial Action Plan for the release incident referenced above. This document was prepared by LaBella Associates, P.C. and submitted as a Remedial Action Plan (RAP) as required by 25 Pa. Code § 245.311. You selected the residential statewide health standard as the remediation standard for groundwater and the non-residential statewide health standard as the remediation standard for soil.

DEP approves the RAP in accordance with Section 245.311(c)(2) with the following modifications:

1. Pursuant to 25 Pa. Code § 250.302(a), for attainment of the Statewide health standard for groundwater, the point of compliance is the property boundary that existed at the time the contamination was discovered. Statewide health standards shall be attained at and beyond the point of compliance.
Labella has indicated that groundwater samples will be collected from MW-1 through MW-13 and from MP-2 and MP-3. When compared to Figure 2, MW-4 and MW-5 do not appear to be located on the subject property. Please be reminded that only those wells which fall on the subject property will be considered as a point of compliance well for attainment.

2. Pursuant to 25 Pa. Code § 245.312(c)(5), each remedial action progress report (RAPR) shall provide the data generated during the reporting period and shall show the progress to date toward attainment of the selected remediation standard. Each report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release: Maps for all media and all phases at specified times that indicate the distribution of concentrations of regulated substances.
Please include the locations and contaminant results for MP-2 and MP-3 on future maps for compounds which exceed statewide health standards.
3. As required by 25 Pa. Code § 245.311(a)(7)(i), a Project Schedule for Proposed Soil and Groundwater Remediation was included as Table 5-1 in the proposed RAP. A general timeframe for each task was listed. Please update this table with actual dates now that the RAP has been approved and incorporate into your first RAPR.

25 Pa. Code § 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 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 to be submitted as part of the Remedial Action Completion Report. Your first RAPR is due no later than July 30, 2019 and should address the modifications noted above.

Please ensure that your RAPRs are submitted timely and address the elements described within Section 245.312(c), specifically including a discussion of the progress to date toward attainment of the selected remediation standard(s). A copy of Section 245.312 is enclosed for your reference.

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 Section 245.312(e).

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.

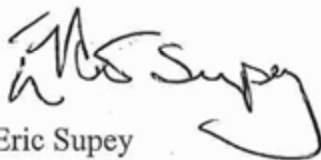
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to 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 Albert Mabus who can be reached either by telephone at 570-826-5434 or through e-mail to amabus@pa.gov.

Sincerely,



Eric Supey
Environmental Program Manager
Environmental Cleanup & Brownfields Program

cc: Archbald Borough
Labella Associates, P.C.
USTIF

Enclosure: Chapter 245.312

bcc: E. Supey, PM
A. Mabus, PO
S. Thomas EPCS
T. Coar , EGM (scanned copy)
Closure/Remediation File

ES:jvl
WP: U2-1853.doc
H/T: 6/24/19

LABELLA ASSOCIATES, P.C.
1000 DUNHAM DRIVE, SUITE B
DUNMORE, PA 18512

PA UNDERGROUND STORAGE TANK
INDEMNIFICATION FUND (USTIF)
901 N SEVENTH STREET
CAPITAL ASSOCIATES BLDG
HARRISBURG PA 17102