

September 28, 2023

Mr. Rich Wark  
300 Montgomery LP  
300 Montgomery Ave  
Merion Station, PA 19066  
via email: [warksliberty@comcast.net](mailto:warksliberty@comcast.net)

Re: Site Characterization Report and Remedial Action Plan Disapproval  
Storage Tank System Release 07/21/2021  
Facility ID No. 46-22635  
Incident No. 56569  
Bob Warks Liberty  
300 Montgomery Avenue  
Lower Merion Township  
Montgomery County

Dear Mr. Wark:

The Department of Environmental Protection (DEP) has reviewed the July 2023 document titled “Site Characterization Report” for the release referenced above. This document was prepared by Center Point Tank Services and submitted as a Site Characterization Report (SCR) and Remedial Action Plan (RAP) as required by 25 Pa. Code Sections 245.310(a) and 245.311. You selected the site-specific standard as the remediation standard for soil and groundwater.

In accordance with 25 Pa. Code Sections 245.310(c) and 245.311(c), DEP disapproves the SCR and RAP based on the following:

1. The extent of soil contamination has not been determined in accordance with 25 Pa. Code Section 245.309(c)(9) as required by 25 Pa. Code Section 245.310(a). Additional samples are required to delineate the extent of soil contamination.
2. With the information provided in the report, it is unclear whether the extent of groundwater contamination has been determined in accordance with 25 Pa. Code Section 245.309(c)(10) as required by 25 Pa. Code section 245.310(a).
3. Free product in the subsurface was not fully evaluated in accordance with 25 Pa. Code Section 245.309(c)(10)(iii). The horizontal and vertical extent of the product, as well as product thickness data must be included.
4. The vapor intrusion pathway was not properly evaluated in accordance with 25 Pa. Code Sections 245.309(c)(12) and 245.310(a)(32). Insufficient proximity distances exist between contamination and the on-site and off-site buildings. Due to the presence of free product within the minimum proximity distances, further vapor intrusion evaluation is required.

5. The impacts to all ecological receptors were not evaluated in accordance with 25 Pa. Code Section 250.402(d) as required by 25 Pa. Code Section 245.310(a)(28). The report did not provide a PNDI or wetlands survey. An ecological evaluation in keeping with the site-specific standard must be included.
6. Contaminant distribution maps were not provided in accordance with 25 Pa. Code Section 245.310(a)(22).
7. Groundwater contour maps depicting the groundwater flow direction were not provided in accordance with 25 Pa. Code Section 245.310(a)(16).
8. The results of a survey used to identify public and private wells were not provided in accordance with 25 Pa. Code Section 245.310(a)(19).
9. The locations, construction details, and depth to groundwater for one or more monitoring wells were not provided in accordance with 25 Pa. Code Section 245.310(a)(15).
10. The locations of utility lines were not provided in accordance with 25 Pa. Code Section 245.310(a)(2).

DEP cannot fully evaluate the RAP until and approvable SCR is submitted. However, the following deficiencies were noted in the RAP.

1. A discussion of how the remedial action will attain the selected remediation standard for the site was not provided in accordance with 25 Pa. Code Section 245.311(a)(4).
2. A description of proposed postremediation care requirements, including proposed activity and use limitations to be implemented under an environmental covenant was not provided in accordance with 25 Pa. Code Section 245.311(a)(12).

Based on this disapproval, you should correct the deficiencies and submit a revised SCR and RAP in keeping with 25 Pa. Code Sections 245.310(c)(4) and 245.311(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 Chelsea Fazzino by email at [cfazzino@pa.gov](mailto:cfazzino@pa.gov) or by telephone at 484.250.5791.

Sincerely,

*Ragesh R. Patel*

Ragesh R. Patel  
Regional Manager  
Environmental Cleanup and Brownfields

cc: Montgomery County Health Department  
Lower Merion Township  
USTIF  
Mr. Burke, ICF, Inc.  
Ms. Atkinson, CPTS  
Mr. Staron  
Ms. Fazzino