



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

September 12, 2013

CERTIFIED MAIL NO. 7012 3460 0003 0866 3061

Ms. Ruth Lewis
3 Hunts Court
Clarks Summit, PA 18411

Re: Closure/Remediation File
Chapter 245 SCR Disapproval Letter
Lewis Bothers Garage
Incident I.D.#8473 and #37784
Facility I.D.# 35-10233
Route 347
Olyphant, PA 18447
Scott Township, Lackawanna County

Dear Ms. Lewis:

The DEP has reviewed the *Final Site Characterization Report (SCR)* dated June 2013, prepared and submitted by PA Tectonics, Inc., regarding contamination resulting from a release(s) of regulated substance(s) at the above referenced facility. The technical review of this document was conducted under the responsible charge of a Pennsylvania Licensed Professional Geologist. The aforementioned report is disapproved for the following reasons/comments:

- 1) Soils have not been fully delineated as required per §245.309(b)(4). Specifically, further delineation of soil contamination is needed relative to the “vadose” zone in areas west/southwest side of the site along Route 347. Also, further soils delineation is needed in the “smear zone” south/southeast of TB-18; along Route 347 to define impacts at TBs 14 and 2; as well as north/northeast of TB-23 and north/northeast of TB-14.
- 2) Details of the steps that have been or are being taken to restore or replace affected or diminished water supplies is required per §245.310(a)(5). The sampling and maintenance status of all of the POET systems installed at the twenty-seven (27) impacted water supply wells is needed. Also, the documentation that supports approval for ceasing sampling at the locations no longer being sampled is necessary.
- 3) Page 4-4 of the report indicates that there are vapor standards. Please note that the numerical values associated with the DEP’s Technical Guidance Manual-Section IV.A.4. *Vapor Intrusion into Buildings from Groundwater and Soil Under the Act 2 Statewide Health Standard - Effective January 24, 2004*, are screening criteria and not cleanup standards.

- 4) Page 4-5 and elsewhere within the aforementioned report indicates that vapor modeling results pass with regard to the "subject property". The subject property may not be the only locations that need to be evaluated for vapor intrusion issues. Therefore, all potential receptors and source areas need to be fully evaluated and described within the site characterization report.
- 5) Section 5.5 of Page 5-2 evaluates the exposure pathway incorrectly. Specifically, the direct contact cleanup standards are not the only standards to be evaluated. The soil to groundwater standards also need to be evaluated to determine if an exposure pathway may exist.
- 6) The presence and use of POETS as an engineering control to eliminate an exposure pathway may be viable. However, they need to be properly maintained, sampled and included in a post remedial care plan. They may also need to be included in a covenant(s).
- 7) Results and an explanation of the results is needed pertaining to why the provided report contains no sampling data from both the monitoring wells and supply wells after June of 2012. Note: the lack of this data is critical since continued maintenance and operation of treatment systems is being proposed as a remedy for the impacted deep aquifer being evaluated at this site.
- 8) Page 6-1 indicates that the site specific standard is being proposed for soils at this site via the installation and maintenance of an asphalt cap as an institutional control. This proposed remedy does not address the full area of identified impact to the soils within the "smear zone", which is in partly off property. Furthermore, some of the impacted area within the "vadose zone" is also off property. This needs to be explained. Also, the corresponding plot maps depicting the impact to each of the specific soil zones should only include the specific sampling locations associated with that zone.
- 9) On Page 7-6 it indicates that twelve (12) attainment soil samples were collected from the source area removal activities. A plot map drawn to a scale and including all pertinent features is needed including but not limited to the sampling locations and depths. Also, an explanation is needed regarding why additional source removal was not completed, since nine (9) of the twelve (12) samples collected still exceed the applicable cleanup standards.
- 10) On Page 7-7 it indicates that the attainment sampling completed was done in a systematic random manner. First, the soils impact has not been delineated as noted above. Second, the area being remediated was not the complete area of soil impact. Thus, the DEP views these samples as characterization samples to show what remained after the partial source area removal and not as attainment samples. Finally, statistics for attainment cannot be applied to an area of excavation, which still remains within the overall larger area of soils impact, especially when it is the same source.
- 11) The 1,000 gallon used motor oil tank which was removed needs to be noted on all applicable plot maps.
- 12) Table 9-1 indicates some increasing trends for contaminants in groundwater. Specifically, this includes increases in contaminants within the bedrock aquifer. Therefore, the DEP recommends that you re-evaluate the proposal to conduct monitored natural attenuation with regard to this aquifer. Also, all data needs to be provided in tabular format regardless of results or presumed relevance to the investigation. Finally,

part of the interpretation of this table per the report indicates that the increases were due in part to the interim remedial efforts of source removal. However, supporting documentation is needed to support this interpretation.

- 13) Figure 9C needs to be modified because it shows TB-11 within the zone of impact but was not sampled. TB-5 is also shown within the zone of impact and it was not contaminated.
- 14) An explanation is needed regarding the detected level of benzene for the 11/9/11 sampling of MW-12d.
- 15) A pilot study is required at the site for the selected remedial option, which utilizes oxygen injection. The pilot study is needed to verify if it will be effective. Also, further potential effects of this remedial technology need to be evaluated, especially how it may impact the nearby stream and or water supplies in the area. However, it is recommended that the pilot study be performed after the site has been fully characterized.
- 16) The evaluation of remedial options needs to be modified to address removing free product to the maximum extent practicable.
- 17) DEP noted that some of the screens for shallow monitoring wells 4, 11 and 14 are "drowned" or completely submerged under water. This is viewed as a result of the extremely high water table. Therefore, when collecting samples for laboratory analyses the water level must be within the screened portion of the well, so a more accurate sample can be collected.
- 18) An explanation is needed regarding the figure associated with MTBE for the November 2011 groundwater sampling event. Specifically, how the 5ppb isopleth line was determined and verified without wells to the extent of the projected 5 ppb concentration extent line.
- 19) The Remedial Action Plan was not reviewed in its entirety and the draft environmental covenant was not evaluated due to the incompleteness of the site characterization, as well as the fact that all offsite impacts were not evaluated.

In order to ensure that releases are addressed in a prompt and appropriate manner, quarterly groundwater sampling should continue as this site characterization project continues to move forward, with the findings and interpretations from the quarterly events provided to the Department in a report format.

Therefore, the DEP has determined that additional data is necessary in order to verify that the site has been evaluated and remediated regarding all impacted media of concern in order to satisfy the Corrective Action Process contained in 25 Pa. Code Chapter 245 of the Department's Rules and Regulations. In order to ensure that the releases are addressed in a prompt and appropriate manner, you should provide a progress report to this office within thirty (30) days of receipt of this letter. You're complete and revised SCR is due on or before March 19, 2014. No extension of the site characterization due date will be provided without prior written approval from the DEP. All requests for deadline extensions shall be submitted to the DEP in writing, sent under separate cover, and be clearly identified as "extension requests." These requests shall be received by the DEP prior to the above site characterization due date, and shall include a reasonable alternate due date as well as the reason(s) for the extension request.

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, Rachael 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 from 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.

This letter does not waive any rights of the Commonwealth of Pennsylvania to take enforcement action under applicable law for the conditions discussed in this letter.

Should you have any questions or desire clarification of the above, please contact the Project Officer, Kevin Walker, at (570) 820-4856. Otherwise, we expect to receive the required documents as designated by the applicable rules and regulations.

Sincerely,



Eric Supey
Environmental Program Manager
Environmental Cleanup & Brownfields Program

cc: Underground Storage Tank Indemnification Fund
Mr. Martin Gilgallon, P.G./PA Tectonics, Inc.
Scott Township

bcc: E. Supey
T. Thompson (scanned)
T. Coar (scanned)
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K. Walker
File

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