

January 13, 2017

CERTIFIED MAIL NO. 91 7199 9991 7033 9651 5188

Scott Wonsettler, P.G.
United Refining Company of Pennsylvania
814 Lexington Avenue
Warren, PA 16365

Re: Site Characterization Report and Remedial Action Plan Disapproval
Storage Tank System Release April 15, 2015
Facility ID No. 61-23779
Incident No. 47773
Kwik Fill M-209
5574 Route 8
Barkeyville, Venango County

Dear Mr. Wonsettler:

The Department of Environmental Protection (Department) has reviewed the November 15, 2016, document titled, "Site Characterization Report Addendum/Remedial Action Plan" for the release referenced above (Report). The Report was prepared by Groundwater and Environmental Services, Inc. and submitted as a Site Characterization Report and Remedial Action Plan as required by 25 Pa. Code §§ 245.310 and 245.311. The Report indicates you selected the nonresidential Statewide Health Standard as the remediation standard for soil and groundwater.

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

1. The vapor intrusion evaluation identified in the Report was not performed in accordance with 25 Pa. Code §§245.309(c)(15) and 245.310(a)(23). Maximum soil contaminant concentrations exceed the screening values for both residential and non-residential standards. The Report does not document any further evaluation of soil gas or indoor air at the site.
2. The Report does not provide sufficient information to select a standard as required by 25 Pa. Code §245.309(b)(6). The Report states that the property also houses a motel, but does not specify whether the motel permits extended-length stays. Section 103 of the Land Recycling and Environmental Remediation Standards Act (Act 2) specifically excludes residential facilities within the definition of "Nonresidential property." A motel that allows for extended length stays may meet the Department's definition of "Residential property."
3. The Report did not contain sufficient information to complete a remedial action plan or a design for remedial action as required by 25 Pa. Code §245.309(b)(7). Because the site characterization is incomplete, the Remedial Action Plan does not contain the necessary elements as required by 25 Pa. Code §245.311(a)(4).

Pursuant to 25 Pa. Code §245.311(b)(4), you should correct the deficiencies and submit a revised Site Characterization and Remedial Action Plan by June 31, 2017.


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, 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 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.

If you have questions, please contact Kristie M. Shimko at 814.332.6189 or by email to krshimko@pa.gov.

Sincerely,



Anita M. Stainbrook
Environmental Program Manager
Environmental Cleanup & Brownfields Program

cc: Erin Letrick, P.G. (GES)
USTIF
K. Halterman
J. O'Hara
K. Shimko
P. Smith
NWRO File

AMS:KMS:keb