

December 23, 2022

Mr. George Minosis  
5627-41 Hegerman Street, LLC  
2209 North American St.  
Philadelphia, PA 19133

Re: Disapproval of Remedial Investigation Report and Cleanup Plan  
Former Gryphin Coatings, Inc.  
eFACTS PF No. 817323  
3501 Richmond Street  
City of Philadelphia  
Philadelphia County

Dear Mr. Minosis:

The Department of Environmental Protection (DEP) has reviewed the September 2022 document titled “Remedial Investigation Report, Continued Groundwater Monitoring Plan and Proposed Generalized Cleanup Plan” for the property referenced above, which was received by DEP on September 29, 2022. The Report was prepared by Bison Environmental, LLC and submitted to DEP in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2), and it constitutes a Remedial Investigation Report and Cleanup Plan as defined in Chapter 3.

DEP notes the following deficiencies in Remedial Investigation Report (RIR) and Cleanup Plan (CP) and disapproves it in accordance with the provisions of Act 2:

1. Contrary to the requirements of 25 Pa. Code § 250.408(c), copies of soil and geologic boring descriptions and as-built construction drawings used in the site characterization were not included in the report. Based upon information in the previously submitted reports a total of twenty-one (21) soil borings were installed at the Site. A total of eleven (11) permanent monitoring wells designated as MWs 1 through 11 have been installed at the Site between March and April 2019. The total depths and lithology of the borings (boring logs for the soil borings and monitoring wells) were not included in the RIR/CP. Boring logs for all current and future soil boring and monitoring well installation must be included in the future RIR/CP report submittal.
2. Although additional soil borings were installed on May 20, 2020 to delineate soil impact identified during the soil investigation conducted on October 24, 2019 in the area of the former solvent tanks, the results of the May 28, 2020 soil investigation also reported exceedances in soil. Based upon these results, and contrary to the requirements of 25 Pa. Code § 250.408(b)(2) and (d), the horizontal extent of contamination above the selected standard within soil has not been delineated.

3. The City of Philadelphia Department of Public Health responded to the Notice of Intent to Remediate and on May 8, 2017 requested a Public Involvement Plan (PIP) for the Site. Contrary to the requirements of 25 Pa. Code § 250.6(d), the Public Involvement Plan (PIP) was not submitted prior to the submittal of the RIR and a copy of the PIP was not included in the RIR/CP submission. The PIP must be sent to both DEP and the Philadelphia Department of Public Health prior to resubmittal of the RIR.
4. No documentation of public involvement activities was included in the report. Public comments and responses to comments were also not included. This is contrary to 25 Pa. Code §§ 250.6(b), 250.408(f), and 250.410(b)(4).
5. The Cleanup Plan presented in Section 4.0 of the RIR/CP does not meet the requirements of 25 Pa. Code § 250.410(b)(3) because adequate design plans and specifications sufficient to evaluate the proposed pathway elimination remedy were not included in the Cleanup Plan. Criteria for defining the extent of the cap and a figure depicting the cap area were not provided.
6. Because Fate and Transport (F&T) analysis for groundwater contamination was not conducted, the predicted extent of plume migration could not be evaluated. Title 25 Pa. Code § 250.408(a) requires the remediator to sufficiently define the rate of movement and the present and future extent and fate of contaminants, to ensure continued attainment of the remediation standard. This information was not included in the report.
7. Groundwater contamination was not delineated to the selected cleanup standard, as required by 25 Pa. Code § 250.408(b)(2) and (e). In addition, potentially complete exposure pathways above site-specific standard risk thresholds were not adequately evaluated for groundwater contamination as required by 25 Pa. Code §§ 250.402(b) and 250.404(a).
8. Title 25 Pa. Code § 250.404(a) requires that the remediator use DEP-approved EPA or ASTM guidance to identify any potential current or future exposure pathways for both human receptors and environmental receptors. Based upon the proposed development at the Site, the report failed to evaluate potential vapor intrusion associated with soil and groundwater contamination and the presence of separate phase hydrocarbons contrary to the requirements of 25 Pa. Code § 250.404(a).
9. As presented in Section 3.0 of the RIR/CP, three (3) additional monitoring wells designated as MWs 14, 15 and 16 were proposed to be installed on nearby, downgradient properties. The Site groundwater contamination has not been completely characterized because these monitoring wells have not been installed and sampled. The horizontal extent of contamination above the selected standard within groundwater has not been adequately characterized, contrary to 25 Pa. Code § 250.408(b)(2) and (e).
10. Since the site-specific standard via pathway elimination is proposed for attainment for soil and groundwater, an evaluation of ecological receptors is required. An ecological evaluation,

which may include a Pennsylvania Natural Diversity Inventory (PNDI), was not included in the report. The lack of an evaluation of ecological receptors and potential impact by regulated substances is contrary to the requirements of 25 Pa. Code § 250.402(c) and (d).

11. Contrary to 25 Pa. Code § 250.410(b)(5), documentation of proposed post-remediation care requirements was not included in the report. Although cap maintenance is proposed as a remedy to eliminate the future exposure pathway for soil contamination, no inspection frequency to ensure the integrity of the cap was presented in the Cleanup Plan.

In order for your site to be in compliance with applicable requirements of Act 2, these items must be addressed. DEP is willing to work with you to develop an approvable submittal. ***Please note that the required fee(s) must be repaid and public notification must be repeated for all new submittals.***

Please feel free to contact John M. Zatyyczyc, P.G. by email at [jzatyyczyc@pa.gov](mailto:jzatyyczyc@pa.gov) or by telephone at 484.250.5793 if you have any questions regarding this correspondence.

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.

Sincerely,

*Ragesh R Patel*

Ragesh R. Patel  
Regional Manager  
Environmental Cleanup and Brownfields

cc: Mr. Guzdek - Bison Environmental, LLC (via email)  
Ms. Carrero - EPA (via email)  
Philadelphia Department of Health (via email)  
City of Philadelphia (via email)  
Ms. Thomas, Esq. (via email)  
Mr. Brown, P.G. (via email)  
Mr. Zatyczyc, P.G. (via email)  
Ms. McClennen (via email)  
Ms. Bass (via email)