



Pennsylvania
Department of Environmental Protection

February 28, 2025

Mr. Max Ryan
Alliance 51st Street, LLC
40 Morris Avenue, Suite 230
Bryn Mawr, PA 19010

Re: Letter of Technical Deficiency
Alliance 51st Street
eFACTS PF No. 855927
eFACTS Activity No. 60376
1646 South 51st Street
City and County of Philadelphia

Dear Mr. Ryan:

The Department of Environmental Protection (DEP) has received and reviewed the February 2025 document titled “Act 2 Remedial Investigation Report and Cleanup Plan” (report), received on February 14, 2025, for the property referenced above. The report was prepared by Arcadis U.S., Inc. 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.

The procedures and regulations set forth in Act 2 must be followed in order for your site to qualify for the liability protection provided by the Act. Upon initial review, DEP finds the submission is technically deficient and the following items are needed to complete your submission:

1. A professional seal is missing from the signature page of the report. The report must include a professional seal in accordance with 25 Pa. Code Section 250.12.
2. The procedures outlined in the Public Involvement Plan dated January 21, 2025 were not followed for this submission. The public notifications consisting of the newspaper ad and municipal letter do not include information for where or how the public can access the report for review. 25 Pa. Code Section 250.6(c); 35 P.S. Section 6026.304(o)
3. On February 20, 2025 Arcadis informed DEP that the online document repository referenced in the Public Involvement Plan did not yet exist. Therefore, the reports are not readily accessible by the public for review and comment. 25 Pa. Code Section 250.6(c); 35 P.S. Section 6026.304(o)
4. The report does not include documentation of appropriate public outreach in accordance with the Public Involvement Plan. The report needs to include, at a minimum, information documenting the outreach to the individuals and groups listed in Section 2.1

of the Public Involvement Plan dated January 21, 2025. 25 Pa. Code Section 250.6(c); 35 P.S. Section 6026.304(o).

Note that because of the above deficiencies, DEP has not performed a technical review of the report.

The following items are comments on the submission and are not considered deficiencies. Each one should be addressed in your response.

- i. The transmittal sheet for the report does not have the correct report categories checked.
- ii. The municipal notification for the city should have been sent to City of Philadelphia Health Department and included information for how they can access the report.
- iii. Section 2 of the January 21, 2025 Public Involvement Plan states that comments from the public “will be submitted to the PADEP no later than 45 days after the close of the public comment period.” This timeframe does not seem to allow the Department enough time to thoroughly review all comments and their responses. Comments and responses must be submitted to the Department no later than four weeks (28 days) prior to the end of the 90-day regulatory review period to allow enough time for review. Please revise the Public Involvement Plan to account for this change.
- iv. Provide the date that the report was made available to the public at the Walnut Street West Library.

Please address the above summarized technical deficiencies within 60 days. If the deficiencies noted above are corrected and a report resubmitted to DEP within 60 days, it will not be necessary to resubmit report review fees, resend the municipal notice, or republish the public notice. Please include a copy of this correspondence with any resubmission to confirm to DEP staff that an administrative completeness check is not necessary. If the corrected report is resubmitted later than 60 days from the date of this letter, the resubmitted report will need to include the appropriate fees and proofs of municipal and public notices.

We look forward to assisting you in the remediation of this property and encourage you to contact us throughout this process. If you have any questions or need further information regarding this matter, please contact Matthew Sabetta by email at msabetta@pa.gov or by telephone at 484.250.5788.

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://www.ehb.pa.gov> 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,

C. David Brown, P.G.
Regional Manager
Environmental Cleanup and Brownfields

cc: Mr. Brunt, P.E. (Arcadis U.S., Inc.)
City of Philadelphia
Mr. Reitano, Esq. (Herald Law)
Ms. Costello, Esq.
Mr. Sabetta, P.G.
Ms. Henderson