



Pennsylvania
Department of Environmental Protection

February 3, 2026

Ms. Elizabeth Clapp
MIPC, LLC
4101 Post Road
Trainer, PA 19061

Re: Letter of Deficiency for the Remedial Action Implementation &
Target Completion Schedule
MIPC Chelsea Facility
eFACTS PF No. 634737
eFACTS Activity No. 61956 and 61957
920 Cherry Tree Road
Bethel Township, Aston Township, and Upper Chichester Township
Delaware County

Dear Ms. Clapp:

The Department of Environmental Protection (DEP) has received and reviewed the January 20, 2026, document containing your proposed implementation schedule for the MIPC Chelsea Facility aboveground storage tank (AST) release response. The implementation schedule was submitted in accordance with DEP's December 23, 2025, administrative order (order).

Upon initial review, DEP finds the submission is deficient and offers the following comments:

1. MIPC, LLC (MIPC) stated that "As the remedial action advances and new information and data are compiled, any necessary updates or modifications to the schedule will be communicated to the Department and included in weekly and quarterly progress reports issued under the Order."

DEP response: Any modifications to the schedule must be requested and are subject to DEP approval under Paragraph 5 of the order.

2. MIPC proposes submitting the Supply Well Sampling & Analysis Plan by February 6, 2026, the Site Characterization Work Plan by February 21, 2026 and the Interim Site Characterization Report (Interim SCR) by June 21, 2026.

DEP response: DEP accepts the schedule for the submittal of these documents.

3. MIPC uses the term "target date" for the implementation schedule.

DEP response: These deadlines need to be certain and enforceable, per paragraph 2.c of the order and should be labeled as "deadlines."

4. MIPC proposes submitting the Remedial Action Plan (RAP) by November 18, 2026, which is indicated to be 60 days after approval of the Interim SCR and assumes that DEP will complete review of the Interim SCR in 90 days.

DEP response: The Interim SCR is not a statutory or regulatory Act 2 submission, and DEP is not limited to a 90-day review of the Interim SCR. The Interim SCR will also have public and municipal reviews. If the report contains deficiencies, revisions and further review will be required. The RAP should be submitted within 60 days of DEP's written approval of the Interim SCR.

5. MIPC proposes to submit the Remedial Investigation Report (RIR) by May 17, 2027.

DEP response: Based on the current status of the characterization of the release, DEP believes that full characterization and delineation can be completed before that date. DEP requests that MIPC submit the RIR within 180 days of DEP's written approval of the Interim SCR.

6. MIPC proposes to submit the Risk Assessment Report (RAR) by November 13, 2027.

DEP response: The RAR should be submitted within 90 days of DEP's written approval of the RIR.

7. MIPC proposes to submit the Cleanup Plan (CP) by May 11, 2028.

DEP response: The CP should be submitted within 90 days of DEP's written approval of the RAR.

8. MIPC proposes starting 90-day status reports after approval of the RAP.

DEP response: The first quarterly status report must be submitted by March 23, 2026, and quarterly progress reports must continue to be submitted until an Act 2 Final Report is submitted and approved.

9. MIPC stated that the frequency of progress reports will reduce from weekly to monthly in April 2026.

DEP response: It is unknown what the conditions of the release, investigation, and remediation will be at that time. MIPC must submit a request for frequency change subject to DEP approval prior to implementing that change.

Under DEP's order, MIPC has 45 days to respond to the above deficiencies. However, given the small changes requested and the importance of implementing this schedule promptly, DEP encourages a response within 15 days. We are willing to work with you to develop an approvable submittal. If you have any questions or would like to meet regarding this matter, please contact me by email at cdbrown@pa.gov or by telephone at 484.250.5792.

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. Smith, P.G., Langan
Mr. Johnston, P.E., Langan
Aston Township
Bethel Township
Upper Chichester Township
Delaware County Health Department
Mr. Langan, Esq.
Mr. Devan, P.G.
Mr. Mullen, P.G.
Ms. Gallagher
Mr. Magge