



January 14, 2021

Submitted by email to: phillyrefinerycleanup@ghd.com

Evergreen Resources Group
P.O. Box 7275
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Re: Philadelphia Refinery Operations (a Series of Evergreen Resources Group, LLC) Public Comment on Act 2 Process Remedial Investigation Reports (RIRs)

Delaware Riverkeeper Network submits these comments on behalf of the organization and our members, and in defense of the Delaware River, its tributaries and watersheds. The Philadelphia Energy Solutions (PES) site is situated at an especially valuable and vulnerable location where the last stretch of the Schuylkill River, the largest tributary of the Delaware River, flows south to join the main stem Delaware.

The 1400-acre former PES site is the largest contiguous parcel of waterfront land in Philadelphia without a current use. How the former 140-year refinery site will be used, the level of access for the public, and the level of cleanup of pollution that is achieved at the site will redefine the entire city. For neighborhoods and communities located adjacent and in proximity to the sprawling complex, the quality of life and the health of the people who live and work there will be transformed as these areas emerge from being burdened with air quality that was among the worst in a city that is rated as the 25th worst air quality in the nation. That's because when the PES refinery was operating it was the largest single source of air pollution in the city. That means local residents were bombarded perpetually for decades. The 140 years of operation also polluted the groundwater and soil at the site and nearby communities.

This has led to the requirement by the U.S. Environmental Protection Agency and the PA Department of Environmental Protection (PADEP) that Sunoco clean up the site, which they have engaged Evergreen to plan, for the pollution that built up prior to PES's formation in 2012. This effort is crucial. However, it also can be difficult for people to engage meaningfully in the all-important decision making process, which, from Delaware Riverkeeper Network's experience, has been top-heavy and overly structured without much exchange of information. The virtual community outreach meeting, for instance, was hard to hear and simply not participant-friendly. In addition, groups from the community were apparently not heavily recruited to attend. The entire cleanup process can also become mired in bureaucracy that limits what ends up being

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accomplished in terms of pollution cleanup. In this case, the state is using the voluntary cleanup mechanism under Act 2 to carry out the remediation of the site. This, in itself, puts limits on the remediation in some ways. However, Delaware Riverkeeper Network considers the cleanup of this property to be of such importance that even if there are flaws in the process, working for an effective and community-driven cleanup of the property is unquestionably worthy of the work required by all parties.

How thoroughly the site is cleaned up and its reconnection to the City's neighborhoods will define the future of the property, the environmental quality of the region, and the hydrologically connected groundwater and tributaries, as well as the Schuylkill and Delaware Rivers. Currently the City has 10,000 acres of parks; converting the PES site to open space or parkland could increase that by about 14%, the largest single increase possible in today's cityscape, which would be an historic achievement. Philadelphia holds in its hands a moment in time when transformative change can occur with the execution of the highest quality vision for the remediation of this property. Alternatively, halfway measures, boxed in by predetermined weak standards, cumbersome bureaucratic processes, and lack of robust public participation from impacted communities could result in wasting this moment in time and condemning the property to a forever-polluted condition. Overly restricted spending and timid planning can lock this site into forever being a source of contamination for the city and the rivers that flow through it. Delaware Riverkeeper Network advocates for the former action, to restore this site with a big vision founded on public good and environmental quality.

We realize Evergreen's cleanup process is ongoing and there will be more opportunities for public input. Delaware Riverkeeper Network plans to take part as opportunities continue to open up. We note that we were gravely concerned and participated through the Green Justice Philly coalition to push for Evergreen to be required to back up and revise its earlier grossly inadequate community outreach program to require a robust public involvement plan (PIP) for the Act 2 remediation process.

There had been a nonexistent public process under Philadelphia's early handling of the remediation process. The City and PADEP allowed Evergreen to proceed with important decisionmaking about the site without involving the public in any meaningful manner. As a result, no one knew or grasped the significance of the decision to not use health-based cleanup standards for some toxic substances, such as lead, so it wasn't contested. Unfortunately, many of the poor decisions from that time are still imbedded in the plan.

However, the lack of any public awareness was corrected in response to demands from the public insisting the City ensure the required public input process, particularly from neighborhood groups who had been demanding changes at the refinery for years. The public and lawmakers became very engaged after the June 2019 enormous explosion at PES, which led to the already financially ailing refinery to close. The explosive event was horrific; it released over 5,000 pounds of toxic hydrofluoric acid and 6,700 pounds of hydrocarbons into the air, and, according to federal investigators, no one measured or accounted for where exactly these dangerous pollutants ended

up.¹ However, apparently by a stroke of luck, this was a near miss of a greater catastrophic event if the shrapnel had landed elsewhere or the hydrogen fluoride alkylation unit exploded, which could have taken out most of the city. The fortunate dodging of loss of life and monumental destruction of property is a part of this remarkable story that now present the once-in-a-generation opportunity to replace more than a hundred years of environmental injustices with a truly clean site that turns a legacy of pollution into a public amenity.

Specific comments:

Delaware Riverkeeper Network comments on a few of the Remedial Investigation Reports (RIR) for the Areas of Interest (AOI). We organize our comments by issue below:

1. We object to the use of the proposed site-specific standard for lead in surface soil at the site. The proposed standard will not be protective of public health. It is more than twice the statewide health-based maximum standard for lead – the direct contact numeric value in state regulations is 1,000 mg/kg. The correct calculations should be done based on the current science to set a site-specific standard for this site. Current health-based standards must be used and the site-specific standard revised to be protective of public health. The only advantage to using the weaker standard is for Sunoco and Evergreen, as less of the site would have to be cleaned up if the lower standard is used. This decision must be made using science and prioritizing public health without consideration of minimizing costs for the responsible party.
2. We advocate that a site specific standard be set for PFAS compounds based on the latest science. These highly toxic compounds are known to occur in the site. Pennsylvania proposed that new statewide health standard medium-specific concentrations (MSCs) in soil and groundwater be adopted into the Act 2 cleanup program for three PFAS contaminants: Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonate (PFOS), and Perfluorobutane Sulfonate (PFBS). Evergreen and PADEP need to take further action due to the inadequacy to date in addressing PFAS at the site. First, more PFAS should be sampled for and then included in the standards, based on the results of the sampling of soil and groundwater at the site. Second, the state MSC standards proposed to use EPA's analysis that resulted in the federal health advisory level (HAL) of 70 ppt for PFOA and PFOS (lifetime PFOA and PFOS health advisory level (HAL) of 70 ppt when found singly or a combined total of 70 ppt when both are found)² which is not protective of human health³.

¹ "Philadelphia dodged several potential catastrophes during a [dramatic June 21 refinery blast](#), which released about 5,239 pounds of a deadly chemical and launched pieces of shrapnel as large as a truck hurtling across the 1,300-acre refinery complex, according to federal findings released Wednesday", from Philadelphia Inquirer, [Andrew Maykuth](#), Updated: October 16, 2019. <https://www.inquirer.com/business/deadly-chemicals-philly-refinery-explosion-fire-new-findings-20191016.html>

² "DEP has directly incorporated the EPA's 2016 health advisory levels (HALs) regarding PFOS and PFOA as groundwater MSCs and has used the data developed by the EPA for those HALs to calculate soil MSCs for both compounds. With respect to PFBS, the DEP is proposing soil and groundwater standards based on a 2014 EPA Provisional Peer-Reviewed Toxicity Value.", <https://www.jdsupra.com/legalnews/pennsylvania-proposes-pfas-cleanup-37933/>, page 1.

³ "The NJDWQI deviated from some of USEPA's conclusions because the 2005 USEPA draft risk assessment problematically did not develop a cancer slope factor or Reference Dose (Rfd) for PFOA, and it did not address the

Many states have adopted stricter standards for PFAS than EPA's HAL because of the conclusion arrived at through state risk assessments that found the EPA HAL flawed. Third, because the state has not adopted maximum contaminant levels (MCLs) for the PFAS compounds and has not added them as hazardous substances under current law, there is a legal question if there is any means to require the cleanup of PFAS compounds at the site.⁴ This presents the urgent need for the adoption of statewide MCLs for PFAS compounds and their listing as hazardous substances. These are state actions that are far overdue and immediately needed to protect the public from the adverse health effects of these substances through drinking water and other environmental media. This need has been urgent for years but PADEP has not taken action under the state's Safe Drinking Water Act to adopt MCLs for PFAS, leaving Pennsylvanians exposed to contaminated drinking water that is known to be linked to several adverse health effects, including cancer. Delaware Riverkeeper Network has advocated for many years and continues to work for the adoption by PADEP of MCLs for PFAS compounds to require their removal from drinking water supplies and the listing of PFAS as hazardous substances to force their clean up from the environment. The need for MSCs that are site-specific and based on the latest science (which requires removal to "non-detect" levels for PFOA and PFOS), are made all the more urgent in order to require their removal from the soil and groundwater at the former PES site.

3. Delaware Riverkeeper Network is opposed to the site being cleaned up only to industrial use standards. This decision limits the use of the site and the cleanup required. The site is a rare opportunity for public open space and uses that are compatible with residence, mixed community use, and recreational use such as river access for paddling and water sports. The connection of people to the Schuylkill is of great value, as is demonstrated by the historically and economically important river access for rowing and boating upstream. These river friendly activities can be fostered by providing access from this property to the natural riverside on the Schuylkill and the downstream Delaware River. Most importantly, requiring clean up to residential standards and setting cleanup standards based on human health standards and site-specific scientifically-based standards that are protective of human health and the environment will provide maximum benefit and use of the site and not condemn it to always be a source of pollution because those responsible successfully avoided the costs of cleaning up the pollution they caused.

relationship between human body burden and drinking water concentration, as measured by blood serum level. Comparisons between effect levels in human exposures and animal studies were made by the NJDWQI on the basis of serum levels rather than external dose because the half-life of PFOA is much longer in humans (several years) than in the animal species used in the toxicological studies (several hours to 30 days).",

https://www.delawareriverkeeper.org/sites/default/files/Cover_letter_pet_att_combnd.webpdf.pdf Page 16.

⁴ "However, under those statutes DEP probably has limited authority to create the referenced liability for PFOA, PFOS, and PFBS remediation, although DEP, under the Safe Drinking Water Program, could order offline water supply wells when concentrations of PFOA and PFOS are found to exceed the EPA health advisory level for drinking water of 70 ppt. In any event, there is no federal or state enforceable Maximum Contaminant Levels (MCLs). Additionally, under the Solid Waste Management Act, PFAS are not hazardous substances, and therefore, EQB's claim of SWMA-related obligations for PFOA, PFOS, and PFBS remediation are not enforceable until those contaminants are listed as hazardous substances." <https://www.jdsupra.com/legalnews/pennsylvania-proposes-pfas-cleanup-37933/>, page 1.

The value of restored natural areas, parks, and the public's access to open space and water is well documented and supports returning this industrial land to natural open space that is accessible and provides connection to the river. Benefits are accrued to the quality of life, cleaner air and water, and to higher economic value through enhanced property values. Trees, in themselves, when restored to a site, increase the value and quality of the property for the public good.

Some facts on this:

- When comparing visitors to 2019, Pennsylvania state parks saw a 29 percent increase in visitors compared to March 2019, a 13.3 percent increase in visitors over April 2019, and a 36 percent increase in visitors over May 2019.⁵
- According to a report released by GreenSpace Alliance and Delaware Valley Regional Planning Commission in 2011, the protected open space system in southeastern Pennsylvania adds an estimated \$16.3 billion to the value of its housing stock. The value reflects the willingness of homeowners to pay a premium in order to live in proximity to protected open space. Open space also creates indirect cost savings, such as the \$795 million annually in avoided medical costs, thanks to the recreation occurring on protected open space.⁶
- Trees have been shown to contribute to higher housing values. Mature trees on a property are very often seen as an asset when marketing and selling both residential and commercial properties. During the summer, deciduous and evergreen trees provide shade for buildings. This shade contributes to a cooler interior temperature of the building, reducing the costs associated with air conditioning. During the winter, shade trees lose their leaves, allowing the sun to reach into the building and provide a source of natural heat and daylight. This contributes to a lower heating costs and a reduced need for artificial lighting in the winter. In commercial areas, trees can buffer visitors and pedestrians from traffic noise and views, while providing shade in the warmer months. These benefits allow for a more pleasant experience for a visitor, which contributes to more regular foot traffic along commercial corridors and shopping centers.⁷
- Trees help to maintain the natural hydrological cycle by capturing and storing rainfall in the canopy and root zone. Much of the rainwater caught in the tree canopy is released into the atmosphere through evapotranspiration, and stormwater runoff surrounding the tree is infiltrated into the soil, where it is stored as groundwater. The soil, tree roots, and microscopic organisms within the soil filter pollutants out of the water. By slowing and filtering runoff, trees prevent harmful pollutants from reaching local water bodies, significantly decreasing the volume and intensity of streams during storm events. Trees are particularly effective at reducing and filtering runoff from smaller, more frequent storms.⁸

⁵ <https://www.dcnr.pa.gov/GoodNatured/Pages/Article.aspx?post=134>

⁶ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

⁷ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

⁸ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

- Trees improve air quality by removing nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), and particulate matter 10 microns or less in size. Nitrogen dioxide, sulfur dioxide, and carbon monoxide are results of the burning of fossil fuels. Ozone is the primary constituent of smog but is not the direct result of specific sources. It is created by the reaction of sunlight and other pollutants in the atmosphere. Trees work to maintain consistent air quality by breaking down these chemicals into more harmless byproducts through a natural process. The leaves of the tree canopy act as catch points for the pollutants in the air. Small pores on the leaves of trees, called stomata, give trees the ability to absorb carbon monoxide, and other compounds from the air. The tree then handles these compounds in a variety of ways before finally releasing fresh oxygen.⁹
- Trees use carbon dioxide (CO₂) as a source of food and growth by converting it into sugar, cellulose, and other carbohydrates during the process of photosynthesis. The trees store carbon dioxide in the tree trunks, branches, foliage, roots (referred to as biomass) and soil surrounding it. The burning of fossil fuels is a large producer of carbon dioxide, which is naturally present in the atmosphere, but can be harmful at higher levels. Trees work to continuously absorb carbon dioxide and break it down into components useful for its growth.¹⁰
- Economic benefits are accrued through open space protection, and it has been shown that it attracts business, fosters tourism, elevates property values, and fosters a pride of place.¹¹
- Vegetated buffers enhance property market values. For example, Pennypack Park in Philadelphia is credited with a 38% increase in the value of a nearby property. Two regional economic surveys documented that conserving forests on residential and commercial sites enhanced property values by an average of 6 to 15% and increased the rate at which units were sold or leased. And in a survey conducted by the National Association of Home Builders, 43% of home buyers paid a premium of up to \$3,000, 30% paid premiums of \$3,000 to \$5,000, and 27% paid premiums of over \$5,000 for homes with trees.¹²
- In fact, restoring naturally vegetated riparian areas along the Schuylkill River will provide multiple benefits and should be a requirement for any use of the site. Without more effective protection for riparian buffers, ECONorthwest estimated an annualized loss of approximately \$981 thousand to \$2.5 million in the value of monetized ecosystem services. Translated to a single acre, buffers provide over \$10,000 per acre per year in monetized benefits, with additional non-monetized benefits expected to increase this total. Considering these benefits over time, policies that protect riparian corridors represent one of the most efficient investment opportunities facing communities in the

⁹ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

¹⁰ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

¹¹ https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

¹² DRN Fact Sheet (2012). Bigger Buffers Are Definitely Better

Delaware River Basin. Total benefits over time, and with extension to even wider buffers, are clearly in the tens of millions of dollars.¹³

It is imperative that the standards applied allow for public use, open space, and meet residential standards, not limit the site only to industrial operations.

4. AOI 111 – *Deep aquifer beneath the complex* – Delaware Riverkeeper Network brings to your attention that the pollution of the deep aquifer has direct negative impacts on groundwater beneath the site, on the Schuylkill and Delaware River, and on the important Potomac-Raritan-Magothy (PRM) aquifer that flows under the river to New Jersey. The pollution from the refinery is believed by investigators to have traveled as a plume towards New Jersey and caused contamination with hydrocarbons - benzene in particular. This ongoing threat is not being addressed by Evergreen but it cannot be swept under the rug. The migration of the pollution must be tracked through sampling and then cleaned up to protect the PRM aquifer, which is a major source of drinking water for Camden and other South Jersey communities. The PRM aquifer underlies the Pinelands, a federally protected region in New Jersey. New Jersey has planned and regulated the Pinelands region for decades with special protection regulations under New Jersey law. These efforts are undermined by this pollution source.

The path of the groundwater flow from the refinery site and Delaware River has been mapped by the U.S. Geologic Survey (USGS) and examined in the report by Christina Simeone of the Kleinman Center for Energy Policy at the University of Pennsylvania¹⁴. The report states, “There is widespread hydrocarbon contamination of soil and groundwater at the site, including migration outside the property line and potentially into the deep aquifer New Jersey uses as a water source.”¹⁵

The USGS shows the danger of ongoing and uncontrollable migration into the PRM aquifer, as discussed in both the Kleinman Report and in a news investigation by the Philadelphia Inquirer: “I think there’s enough here to be asking questions,” Simeone said in a phone interview. Simeone’s report contained a section on the refinery’s historic impact on the Potomac-Raritan-Magothy underground aquifer system, which holds billions of gallons of fresh water. Known as PRM, the aquifer runs under the refinery complex — and under the Delaware River, eastward into New Jersey. The aquifer’s outcrop — where it is closest to the surface — is at the Delaware River. The aquifer [is a main supply for drinking water in Gloucester and Salem Counties](#). Gloucester County is directly across the river from the refinery. With increased population growth and development in the counties, withdraws are expected to increase, according to the USGS. The PRM aquifer — composed of upper, middle, and lower aquifers separated by rock or earth — is also a source of drinking water in Camden County.”¹⁶ “There is widespread hydrocarbon contamination of soil and

¹³ ECONorthwest (2018). The Economic Value of Riparian Buffers in the Delaware River Basin

¹⁴ <https://kleinmanenergy.upenn.edu/wp-content/uploads/2020/08/Beyond-Bankruptcy-1.pdf>

¹⁵ Ibid. page 44.

¹⁶ “Contamination from Philadelphia refinery that exploded could pollute New Jersey groundwater. Here’s how”, [by Frank Kummer](#), Philadelphia Inquirer. Updated: July 5, 2019

groundwater at the site, including migration outside the property line and potentially into the deep aquifer New Jersey uses as a water source,' Simeone wrote in her report, adding that benzene, lead, the gasoline additive MTBE, toluene, benzo(a)pyrene, and other toxic compounds also pose threats. 'In some areas, contaminants have migrated offsite, and a drinking water aquifer used by the state of New Jersey could potentially be impacted,' Simeone wrote. Simeone noted a joint 1985 U.S. Geological Survey and New Jersey DEP study that looked at contamination near the aquifer's outcrop and found spikes in benzene levels in the area of the refinery. 'You can't say there's a causal relationship,' Simeone said. 'But it raises questions.' [Sunoco's own monitoring wells](#) detected benzene levels in the groundwater, but the company noted that groundwater throughout Philadelphia is contaminated."¹⁷

Of particular concern are impacts to living species in the Schuylkill and Delaware Rivers:

- Persisting water quality problems stemming from site pollution (including sedimentation) that enters surface water through stormwater runoff and other pathways. These problems include low Dissolved Oxygen that impinges on fish and other aquatic life, hydrocarbons such as benzene and polychlorinated biphenyls (PCBs), along with other legacy pollutants that harm species and their habitats
- Endangered species (i.e., Atlantic Sturgeon and Shortnose Sturgeon, both of which are federally endangered); both of these sturgeon species are greatly imperiled and use this part of the tidal Schuylkill and the tidal Delaware
- Fish and fishlife and other vulnerable species such as mussels and migratory fish, known to live and utilize the river

The evidence points to an ongoing and unaddressed pollution problem that is not going to go away just because it is ignored by the company. The groundwater pollution and migration must be fully investigated, the plumes delineated, and the rate of migration estimated by Evergreen and it must be cleaned up. It is also critical that Evergreen and PADEP notify, consult with, and fully engage the relevant agencies such as NJ Department of Environmental Protection, Delaware River Basin Commission, and counties municipal authorities, as well as water suppliers and other "stakeholders" on both sides of the river and downstream in the receiving waters of Delaware.

5. Evergreen should revise its remedial investigation reports to adequately account for the impacts of climate change on existing soil and water contamination. These impacts could occur before, during, and after remediation. Sea-level rise, storm surges, and the increased frequency and volume of events like super storms could have major implications on the migration of contaminants in the soil and groundwater. In addition, Evergreen completed its remedial investigation reports over three years ago and it is highly questionable that the data underlying the reports are still reliable. New reports have been issued since then that reflect rising seas, storm surges, and greater storm frequencies driven by climate change here in the Delaware River Watershed.

¹⁷ Ibid.

The Delaware River Basin Commission (DRBC) formed a climate change advisory committee in 2020 based on a resolution that called out their own report and several other reports detailing climate impacts that are being felt in some ways more acutely here than in other locations. From the DRBC's resolution: "WHEREAS, evaluations and projects conducted and being conducted by the Commission,¹⁸ United States Army Corps of Engineers,¹⁹ United States Geological Survey²⁰ and others have shown the potential for changes in the seasonality and volume of streamflows, as well as the potential for sea level rise to impact the location of the salt front and the availability of storage to manage salinity in the Delaware River Estuary." Other recent reports document climate change impacts in the Delaware River estuary such as the Delaware Valley Regional Planning Commission (DVRPC) (2019) that stated "...water levels of the tidal section of the Delaware River will rise as sea level rises along the Atlantic Coast. These rising water levels will be a permanent change to the landscape and will introduce new flooding vulnerabilities along the Delaware that communities will need to address."²¹ It is clear that there are new studies and data available and Evergreen needs to update their climate analysis.

Analyzing climate change impacts, including sea level rise and storm surge, on the site is key to recognizing that and providing for changes to the surface of the property that will minimize effects such as flooding. Flooding in locations such as the confluence of the Schuylkill and the Delaware Rivers regularly threatens residential, industrial, and business owners, as well as public amenities, with property damage and personal injury. How the site is remediated and repurposed can improve the current conditions that contribute to river flooding. Converting the site to open space can allow natural vegetation and riparian buffer areas to be used to store runoff, helping to reduce stormwater runoff and urban flooding downstream and locally.²²

6. It is unclear to us which entity will be responsible for cleanup of the site after PES purchased it, which includes a very active refinery site, old equipment and site infrastructure that was used by PES, one of the largest crude oil rail yards in the nation, and the horrendous fire and explosion that was the straw that broke PES' back. If Hilco will be working with Evergreen or another company, we feel it is important to share information we have about Hilco. Delaware Riverkeeper Network has concerns related to the history and reputation of Hilco and its past efforts at "remediation." It was very recently involved in a notorious cleanup effort that took place in Chicago, IL at the former Crawford Coal Power Plant. It first required the company to obtain a Planned Development zoning change from

¹⁸ Shallcross, Amy. (2017). Analyzing Climate Change Impacts to Water Resources in the Delaware River Basin - Big Picture Risks. https://www.nj.gov/drbc/library/documents/Shallcross_climate-change-wrm_WRADRBnov2018.pdf

¹⁹ Johnson, Billy H., (2010). Report prepared for U.S. Army Engineer District, Philadelphia: Application of The Delaware Bay and River 3d Hydrodynamic Model to Assess the Impact of Sea Level Rise on Salinity. Available from U.S. Army Engineer District, Philadelphia or Delaware River Basin Commission.

²⁰ Williamson, T.N., Lant, J.G., Claggett, P.R., Nystrom, E.A., Milly, P.C.D., Nelson, H.L., Hoffman, S.A., Colarullo, S.J., and Fischer, J.M., 2015, Summary of hydrologic modeling for the Delaware River Basin using the Water Availability Tool for Environmental Resources (WATER): U.S. Geological Survey Scientific Investigations Report 2015-5143, 68 p., <http://dx.doi.org/10.3133/sir20155143>.

²¹ DVRPC, Coastal Effects of Climate Change in Southeastern PA, Introduction and Project Background, November 5, 2019. <https://www.arcgis.com/apps/MapSeries/index.html?appid=8080c91a101d460a9a0246b90d4b4610>

²² https://www.delcopa.gov/planning/pubs/OSRGP/Vol-I_OpenSpaceAndRecreationPlan.pdf

the City Planning Commission, which was granted despite vocal community opposition to change. Under the applicable remediation program in Illinois, Hilco was required to perform and produce a Comprehensive Site Investigation Report to document the nature and extent of contamination on site. After Hilco's original CSIR was disapproved by IL EPA for failing to execute the minimum extent of samples throughout the site, they progressively altered the proposed remedial measures and slowly transitioned to a lower standard of remediation, **one that produces sites approved solely for future industrial uses** (emphasis added). (Cite for technical documents for this information: <https://external.epa.illinois.gov/DocumentExplorer/Documents/Index/170000041238>). They also greatly expanded the proposed cap on site so as to limit the amount of sampling required to be performed.

Beyond that, Hilco was responsible for an appalling failure during remediation that put local residents, an immigrant-heavy, environmental justice community, at risk. As part of the remediation process, they had to demolish the former smoke stack from the Plant. Although they had all of the permits necessary, they still completed it in such a way that sent a cloud of potentially toxic chemicals into the air. Chicago Mayor, Lori Lightfoot, commented that "The city was given repeated assurances that Hilco had a solid plan to contain the dust. Clearly that didn't happen," Lightfoot said. "This is absolutely and utterly unacceptable. It's unsafe, it's unsanitary. I would not tolerate this in my neighborhood and we're not going to tolerate it here either."²³ Ultimately, because of the danger that Hilco created to the community, Hilco agreed to pay \$370,000 to settle a lawsuit filed by the State.²⁴

Delaware Riverkeeper Network appreciates the opportunity to comment on the RIRs through this public process, one that people worked to be established. We consider it essential that the planning and cleanup decisionmaking process involves robust public participation, with special consideration for the local communities that have disproportionately borne the environmental burdens of the refinery complex for so long. We plan to continue to comment and participate as opportunities for input arise. Our goal is to support and advocate for the highest and most beneficial use of the site through a remediation plan that cleans up the pollution in all its forms, applies health-based cleanup standards, investigates and addresses off site migration of pollution, restores natural amenities and benefits, and allows for public access and use as protected parkland and open space with access to the Schuylkill and Delaware Rivers from the property.

Thank you for consideration of our input.

Respectfully submitted,



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the Delaware Riverkeeper

Tracy Carluccio
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²³ <https://news.wttw.com/2020/04/12/city-clampdown-coal-plant-demolition-too-little-too-late>

²⁴ <https://www.chicagotribune.com/business/ct-biz-hilco-little-village-demolition-settlement-health-clinic-20201120-ixkekneboncg3mycgmng5uc54u-story.html>

