



DNREC-Site Investigation and Restoration Branch

LEGAL NOTICE

SECOND AMENDED PROPOSED PLAN OF REMEDIAL ACTION FOR THE 207 A STREET SITE

The Site Investigation and Restoration Branch (SIRB), on behalf of Department of Natural Resources and Environmental Control (DNREC or the Department), announces the second amended proposed plan of remedial action (proposed plan) for 207 A Street (site). The site is located at 207 A Street in Wilmington, New Castle County, Delaware. This second amended proposed plan is issued under the authority of the Hazardous Substance Cleanup Act (HSCA), 7 Del. C. Chapter 91.

The original proposed plan of remedial action (original proposed plan) for the 207 A Street site was issued for public comment on July 22, 2002. The public comment period ended on August 12, 2002. No comments were received by DNREC. Because the owner of the site changed the intended future use of the property after the proposed plan was issued, DNREC determined that it was necessary to issue an amended proposed plan of remedial action (amended proposed plan) to account for this change in the use of the site. The amended proposed plan was issued for public comment on November 25, 2002. The public comment period ended on December 16, 2002, no comments were received by DNREC. The final plan was issued on January 31, 2003. Since the possible design and construction plans for the site requires raising the overall grade of the site from the present elevation, RDC has requested that DNREC revise the final plan to take into account the new construction plans. As a result, DNREC has determined that it is necessary to issue this second amended proposed plan of remedial action (second amended proposed plan).

The site encompasses 1.76 acres and is located along the southern bank of the Christina River in Wilmington, Delaware. The outdoor dining area for the Christina River Club Restaurant is located on the site. The remainder of the site is utilized as a paved parking lot. The surrounding land use is generally light industrial and commercial. Historical maps indicate that the site was used as a planing mill, for coal storage and as a lumberyard owned by the Cold Spring Ice and Coal Company. By the 1920s, the site was occupied by the American Oil Company, and contained an aboveground storage tank farm, several small buildings and railroad sidings. The American Oil Company continued to operate at the property until the 1980s.

In March 2001, Riverfront Development Corporation (RDC) entered into the Department's Voluntary Cleanup Program (VCP) under the provisions of the Delaware HSCA. Through a VCP Agreement, RDC agreed to investigate the potential risks posed to the public health,

welfare, and the environment at the site. RDC contracted EA Engineering, Science and Technology, Inc. (EA) to perform a Remedial Investigation (RI) of the site.

The results of the RI indicated that the site contained elevated concentrations of benzene, arsenic, iron, and polynuclear aromatic hydrocarbons (PAHs) which exceeded the DNREC Uniform Risk-Based Standards (URS) values for unrestricted use (such as residential use). Arsenic was the only contaminant that exceeded the URS value for restricted use (i.e., commercial use).

Based upon the request to change the proposed development at the site from commercial/industrial to urban residential, a second risk assessment was performed, at DNREC's request, to take into account the proposed change in land use. The exposure pathway evaluation determined that the only potential completed pathway is exposure to contaminated soil by future construction workers. At the present time, there are no completed pathways since the site is covered by asphalt. After development of the site, exposure pathways will be eliminated since the site will be covered by buildings, landscape, and paving. In this case, the only possible exposure pathway would be that of construction workers exposed to direct contact with subsurface soil or to fugitive dust emissions during construction, future utility maintenance, and similar activities.

In January 2003, RDC informed DNREC that a possible component of the final construction plans may consist of raising the overall grade of the site from the present elevation (4 to 5 feet above sea level) to the level of the top of the rebuilt bulkhead, which will be approximately 11 feet above sea level. At a minimum, two (2) feet of clean-fill will be added to the existing grade of site, even if the final construction plans do not require raising the overall grade of the site to 11 feet above sea level. In this case, the construction-related excavation will be in the clean fill above the contaminated soil and the risk to construction workers will be eliminated since there will be no exposure. Another possible component of the final construction plan may include performing construction activities in areas that have extended below the clean fill. When excavation is necessary below the clean fill in areas surrounding MW-6 and other areas containing elevated concentrations of PAHs, the soils will be over-excavated, removed and properly disposed of. The over-excavated areas will be subsequently filled with clean fill. Therefore, any necessary construction activities would then occur within the clean fill.

Based on the RI, the second risk assessment and the new change in proposed land use, DNREC determined that a remedial action is necessary. The second amended proposed plan recommends the following remedial actions be taken at the site:

1. Eliminate the unacceptable risk posed by soils containing the following PAH compounds above the 1×10^{-4} risk concentrations noted in parentheses: benzo(b)fluoranthene (9,000 $\mu\text{g}/\text{kg}$), benzo(a)pyrene (900 $\mu\text{g}/\text{kg}$), dibenzo(a,h)anthracene (900 $\mu\text{g}/\text{kg}$), benzo(a)anthracene (9,000 $\mu\text{g}/\text{kg}$). This unacceptable risk will be eliminated by either:
 - (a) Providing a minimum of two (2) feet of clean fill above the present site surface such that all construction activities/excavation will take place within clean fill, or
 - (b) Delineating, excavating and properly disposing off-site, prior to construction activities, and in accordance with a DNREC-approved remedial action workplan, the soils around MW-6 and other areas that contain high concentrations of PAHs, or

(c) When excavation is necessary below the clean fill in the area around MW-6 and other areas that contain high concentrations of PAHs during construction activities, over-excavate, remove and properly dispose of these soils, and subsequently fill the over-excavated area with clean fill, thereby causing all necessary construction activities to occur within the clean fill.

2. Cap any impacted soils containing the aforementioned constituents at concentrations between the noted 1×10^{-4} levels (above) and 1×10^{-5} levels. The proposed cap would be constructed in accordance with a DNREC-approved remedial action workplan, and in conjunction with development of the property and will include containment of the soils underneath proposed structures and asphalt parking lots and any clean fill needed to bring the site up to grade. A geotextile fabric will be installed immediately above the residual contaminated soil as a marker boundary to identify the presence of the contaminated layer.
3. Maintain a bulkhead along the Christina River to contain the existing impacted soils at the site so as to prevent their erosion into the Christina River. Maintenance shall include any repair, modification, refurbishment, or reconstruction of the bulkhead (including any removal and replacement of the bulkhead), and any other intrusive activities related to the maintenance of the bulkhead. All bulkhead maintenance work shall be performed in accordance with a DNREC-SIRB approved work plan. An Operations and Maintenance (O&M) Plan will specify those non-intrusive bulkhead maintenance activities which can be performed without further DNREC approval.
4. Placement of a deed restriction on the property, no longer than ninety days following DNREC's adoption of the final plan: a) prohibiting any digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activities on the property (including the removal or modification of the bulkhead) below the geotextile fabric marker boundary without the prior written approval of the DNREC; b) requiring written approval from DNREC prior to any repair, renovation or demolition of the existing structures on the property, or any paved surfaces; and c) identifying that the site is included in the GMZ for the City of Wilmington which prohibits the installation of any water well on, or use of groundwater at, the site without the prior written approval of DNREC.
5. Prepare and implement the O&M Plan within two years to be approved by DNREC to maintain the integrity of the site structures, including, but not limited to the bulkhead, the asphalt cap, sidewalks and other impervious ground cover.

A copy of the original proposed plan, the amended proposed plan, and this second amended proposed plan for the site are available at the Wilmington Public Library or at the office of DNREC – SIRB, 391 Lukens Drive, New Castle, DE 19720.

The original proposed plan, the amended proposed plan, and this second amended proposed plan are also posted on DNREC-SIRB's website at <http://sirb.awm.dnrec.state.de.us> under the subject "Announcements."

Pursuant to 7 Del. C. § 9107 (e) (2), DNREC invites written comments on this second amended proposed plan. The public comment period begins on Monday, July 21, 2003 and will end on Monday, August 11, 2003. Pursuant to 7 Del. C. § 9112, the public may also request a public hearing regarding this proposed plan. Comments may be submitted in writing to Kristen Thornton at the above address. For additional information, please contact Kristen Thornton at (302) 395-2600.

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