



State of Delaware
Department of Natural Resources
and Environmental Control

STATEMENT OF BASIS

Diamond State Port Corporation
Edge Moor Site (Formerly Chemours)

EDGE MOOR, DELAWARE

Prepared by
Remediation Section
Division of Waste and Hazardous Substances
August 21, 2020 [INITIAL DRAFT]

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DRAFT

Section 1: Introduction

The Delaware Department of Natural Resources and Environmental Control (DNREC) has prepared this Statement of Basis (SB) to solicit public comment on its proposed remedy for the Diamond State Port Corporations Edge Moor Facility located on the Delaware River at 104 Hay Road (also listed as 4600 Hay Road) in Edge Moor, DE. DNREC's review of available information indicates that there are no unaddressed releases of hazardous waste or hazardous constituents from the Solid Waste Management Units (SWMU) identified in the site investigation completed at the facility. Based on that assessment, DNREC's proposed decision is that no further investigation or cleanup is required for these units at the Facility. The DNREC has determined that its proposed remedy is protective of human health and the environment and that no further corrective action is necessary at this time for these units at the Facility. This SB highlights key information relied upon by DNREC in making its proposed remedy.

The Facility is subject to the U.S. Environmental Protection Agency's (EPA) Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901 et seq. (Corrective Action Program). The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property. The State of Delaware is authorized for the Corrective Action Program under Section 3006 of RCRA. Therefore, it retains primary authority in Delaware for the Corrective Action Program under 7 Del C., Chapters 60 and 63.

The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which DNREC's proposed remedy is based. See Section 6, Public Participation, for information on how you may review the AR. The Index to the AR may be found in Attachment #1.

Concurrently with this SB, DNREC is soliciting comments on a draft Corrective Action Permit (Permit). Pursuant to 40 C.F.R. §124.7, and Part 124 of Delaware's Regulations Governing Hazardous Waste. DNREC has prepared this SB to describe the background and basis for the draft Permit and the reasons supporting the proposed remedy. The draft Permit incorporates the remedies proposed in this SB.

The DNREC will make a final decision on the draft Permit after considering all information submitted during the public comment period. If no comments are received during the public comment period on the draft Permit, the final Permit will be signed and will become effective upon signature. Otherwise, the final Permit will become effective forty-five (45) days after the service of notice of the final remedy or upon conclusion of any appeals filed. DNREC will issue a Final Decision and Response to Comments (FDRTC) after considering all comments submitted with respect to this SB. The FDRTC will be incorporated into the final Permit and made a part thereof.

Information on the Corrective Action Program as well as a fact sheet for the Facility can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

Section 2: Facility Background

The Facility consists of 2 parcels totaling approximately 115 acres located in Edge Moor, Delaware on the Delaware River in New Castle County. The Facility is bounded by Hay Road to the west; industrial properties to the south; Fox Point State Park to the north; and the Delaware River to the east. The larger 112-acre parcel, is all located east of Hay Road. A 3-acre parcel is identified as SWMU 30 and is west of Hay Road at the former plant's main entrance. A location map and the former Facility layout with SWMUs delineated are attached as Figures 1 and 2, respectively.

DuPont purchased a titanium dioxide production facility being operated on the site from the Krebs Company in 1935. The titanium dioxide production facility was continuously operated by DuPont and later Chemours until 2016, when production ceased, and the plant was demolished prior to being sold to the Diamond State Port Corporation in February of 2017.

Gulftainer USA, the port operator, plans to redevelop the site as a two-berth shipping container offloading, storage and intermodal transportation facility.

Section 3: Summary of Environmental History

A November 2001 Consent Order with EPA required that DuPont obtain a RCRA Corrective Action Permit for the site to address previously identified SWMUs. DuPont prepared the Corrective Action Plan in 2004 to initiate the facility-wide investigation per the Permit requirements. The initial Permit expired in 2014 while the site was transitioning to Chemours. Plant operations ceased in 2016 prior to the property's sale to the DSPC. The Permit being considered in conjunction with this SB is a renewal of the previous permit and is designed to be a Corrective Measures Implementation permit to regulate the remedy here proposed.

Over the site's corrective action history, a total of 30 SWMUs have been identified. Prior to conducting the Phase I RCRA Facility Investigation (RFI) a no further investigation status was granted to SWMUs 7A, 7B, 9, 10, 11, 12, 14, 19, 22, and 26. SWMU 2 continued to operate and SWMU 6 was closed in place and a PCCP (Post-Closure Care Plan) implemented. Phase I and II RFIs were conducted at the remaining 19 SWMUs and reports generated. A site-wide hydrogeologic investigation was completed, demonstrating a general lack of connectivity between water-bearing zones onsite, eliminating a pathway for the migration of groundwater to the Delaware River. This report is listed in the document appendix. Groundwater is not used for potable water on the site.

Table 1 below describes the 19 SWMUs covered and their status in this SB.

Groundwater monitoring will continue to be performed at the site per the Post-Closure Care Plan (PCCP) associated with the closed surface impoundments, and as a function of the proposed remedy. Located at the northern portion of the site, this area is the only portion of the site which still contains any process waste. The waste in these four (4) impoundments was stabilized in place, capped and surrounded by 10 monitoring wells. These wells will be extended to the new post-construction grade and will continue to be monitored per the attached PCCP as a part of the Permit.

Complete details, including sampling data, can be found in the individual reports which are listed in the Administrative Record (AR).

Table 1

Solid Waste Management Units/ Areas of Concern	Description	Current status
SWMU 1/3	Wastewater Treatment System	NFA (No Further Action), No Unacceptable Risks to HH&E (Human Health and the Environment)
SWMU 2	Pond E Process Water	No Longer in Use
SWMU 4	Former Solid Waste Landfill	NFA, No Unacceptable Risks to HH&E
SWMU 5	Waste Settling Area	NFA, No Unacceptable Risks to HH&E
SWMU 6	Ponds A, B, C and D	Stabilized in Place, PPCP Approved 2010
SWMU 8	Former <90 Day HW Accumulation Area	NFA No longer in Use
SWMU 13A	Process Sewers	NFA, No Unacceptable Risks to HH&E
SWMU 13B	Process Sewers	NFA, No Unacceptable Risks to HH&E
SWMU 15	Former Unpaved Ditch	NFA, No Exceedance of Direct Contact (DC) or Ingestion of Groundwater (IGW) Screening Criteria
SWMU 16	Scrap Metal Area	NFA, No Unacceptable Risks to HH&E

SWMU 17A	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 17B	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 17B	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 18	Iron Rich Staging Area	NFA, No Unacceptable Risks to HH&E
SWMU 20	Former Fuel Oil ASTs	NFA, No Unacceptable Risks to HH&E
SWMU 21	Copper Vanadium Sludge Pad	NFA, No Exceedance in DC or IGW Screening Criteria
SWMU 23	Recovered Ore Storage Area	NFA, No Unacceptable Risks to HH&E
SWMU 24	Oil Water Separator	NFA, No Exceedance of DC or IGW Screening Criteria
SWMU 25	Ferric Chloride Railcar Area	NFA, No Unacceptable Risks to HH&E
SWMU 27	Fuel Oil Stained Soil Area	NFA, No Unacceptable Risks to HH&E
SWMU 28	Caustic Storage Area	NFA, No Exceedance of DC or IGW Screening Criteria
SWMU 29	Southland Tank	NFA All pH Results Above 2

SWMU 30	Former Yard Waste Site Across Hay Road	NFA, No Unacceptable Risks to HH&E
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Section 4: Proposed Remedy

DNREC has determined that the units described in Table I do not pose any unacceptable risk to human health or the environment and DNREC proposes these units for No Further Action. The proposed remedy is presumptive and is being considered based upon the results of the extensive site investigation, site specific geology and hydrogeology, the human health and environmental risk assessment, and the site's proposed reuse. The remedy is being prescribed to assure that the low levels of contamination identified in the site investigation do not pose any future threat to human health or the environment. The presumptive remedy is asphalt capping, a contaminated materials management plan (CMMP) to be implemented during construction, and institutional controls in the form of an environmental covenant per the Uniform Environmental Covenant Act (UECA) to be established after the remedy is complete. The covenant will establish areas where institutional controls will remain in place in perpetuity.

Current site conditions do not present an unacceptable risk of vapor intrusion.

Preliminary construction plans call for paving approximately 80 percent of the site. It is anticipated that site regrading will consist mainly of filling with minimal cutting. Offsite disposal of media encountered during construction will not be required if the media can be reutilized on site. Any materials requiring disposal will require adequate characterization per the CMMP.

As regrading and pavement capping is the proposed remedy, upon construction completion, a cap inspection, maintenance and repair plan shall be submitted for review and approval.

Groundwater monitoring will continue to be conducted at the site as described in the PCCP for the four (4) closed surface impoundments and as required in the Corrective Action Permit. This monitoring is currently required as process waste was stabilized in place here as a part of an interim corrective action measure.

With the exception of the monitoring wells surrounding the closed surface impoundments, wells associated with the RFI, process wells and any other wells discovered during the construction phase must be properly abandoned by a Delaware licensed well driller.

Section 5: Environmental Indicators

EPA sets national goals to measure progress toward meeting the nation's major environmental goals. For Corrective Action, EPA evaluates two key environmental indicators for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. The EPA has determined that the Facility met the current human exposures under control indicator on 9/28/2012. The EPA has determined that the Facility met the migration of contaminated groundwater under control indicator on 9/08/2012.

Section 6: Public Participation

Before DNREC makes a final decision on its proposal for the Facility, the public may participate in the decision selection process by reviewing this SB and its' corresponding Permit and documents contained in the Administrative Record (AR) for the Facility. The AR contains all information considered by DNREC in reaching this proposed remedy.

A virtual public hearing will be held on the permit application on **Tuesday, September 29, 2020, beginning at 6:00 PM**. For additional information on this virtual public hearing, including how to connect for virtual attendance, visit <https://de.gov/dnrehearings>.

For additional information, contact Frank Gavas, DNREC Remediation Section, (302) 739-9403.

DNREC will respond to all relevant comments received during the comment period. If DNREC determines that new information warrants a modification to the proposed remedy, DNREC will modify the proposed remedy or select other alternatives based on such new information and/or public comments. DNREC will announce its final decision and explain the rationale for any changes in a document entitled the Final Decision and Response to Comments (FDRTC). All persons who comment on this proposed remedy will receive a copy of the FDRTC.

Date: _____

Figures

Figure 1

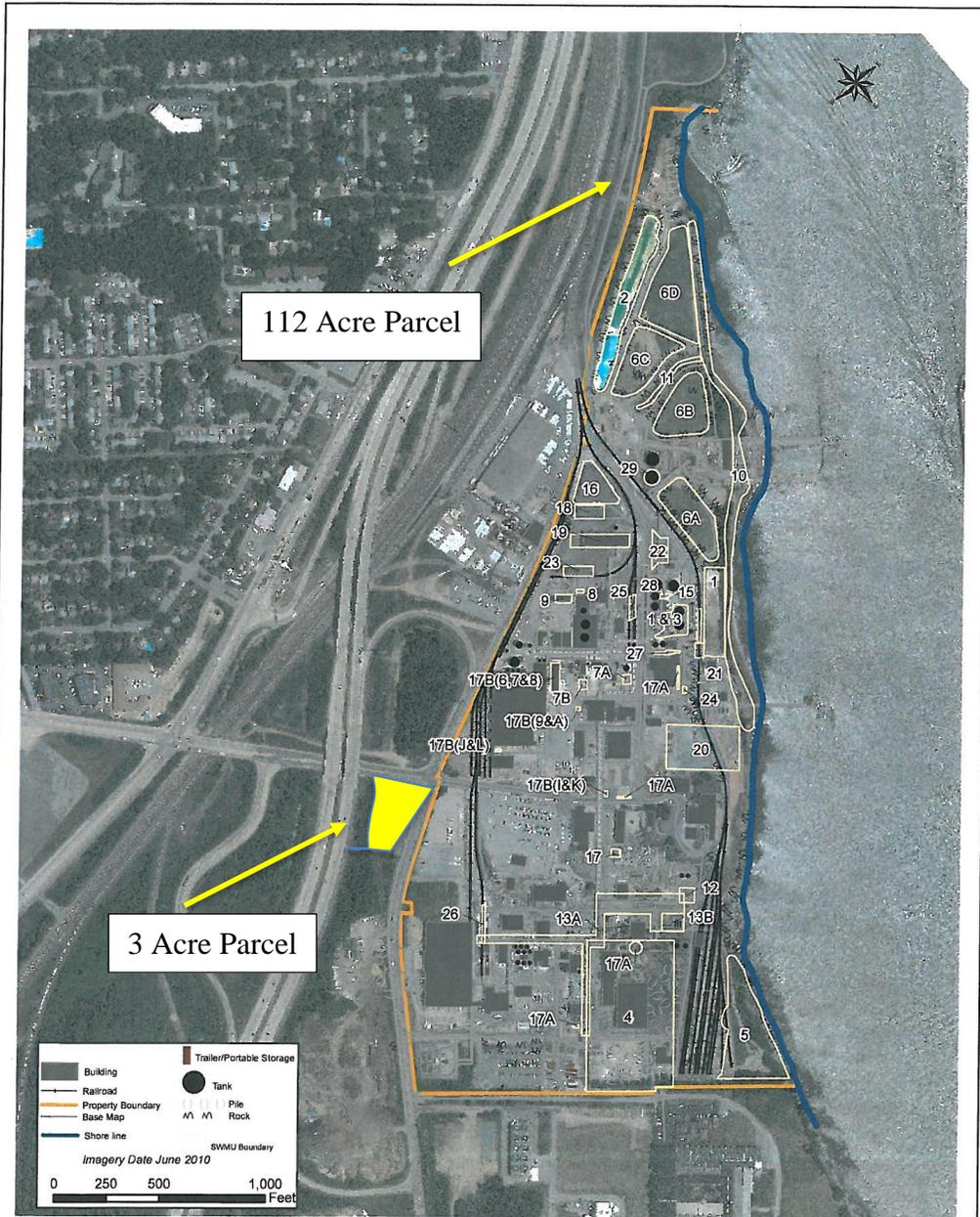


Former

DuPont Edge Moor Plant

1. Facility-Wide Corrective Action - Corrective Action Permit HW-03A16
2. Closure of Surface Impoundments (Ponds A-D)

Figure 2



PARSONS

Parsons-Commercial Technology Group
1601 Market Street - Suite 900
Philadelphia, PA 19103

SWMU Location Map
Site-Specific Risk Assessment
DuPont Edge Moor Facility
Edgemoor, Delaware

Created:	C. Oneal	DuPont Project Number:
Date:	09/29/2011	Parsons Project Number: 445384.01013
Revision:		Figure Number: 2
File Name:	SWMU_Location_Map.mxd	

Index to Administrative Record

Title	Author	Date
Contaminated Materials Management Plan	Duffield	1/2020
Post Closure Care Plan for 4 Surface Impoundments	Dupont CRG	3/2010
Closure Certification Report	Dupont CRG	5/2004
Phase I RFI Data Summary Report	Dupont CRG	4/2009
Phase II RFI Data Summary Report	Parsons	3/2011
Risk Analysis Report	Parsons	6/2013

Acronyms:

CRG - Corporate Remediation Group

RFI – RCRA Facility Investigation