



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE: (302) 739-9000
FAX: (302) 739-6242

NOTICE OF SECRETARY'S ORDER

Order No. 2017-WH-0008
Site No. DE-0294
Pursuant to 7 *Del. C.* § 9109

Issued To:

Mr. Yoon Sung Sil
1310 Devries Road
Oak Harbor, WA 98277

Certified/Return Receipt
7016 0340 0001 0016 7646

To the Respondent, Yoon Sung Sil:

The Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") has found Mr. Yoon Sung Sil ("Respondent") to be in violation of Delaware's Hazardous Substance Cleanup Act, 7 *Del. C.* Chapter 91 ("HSCA"), and of 7 DE Admin. Code 1375, Delaware's *Regulations Governing Hazardous Substance Cleanup* ("Regulations"). Accordingly, the Department is issuing this Notice of the Secretary's Order pursuant to 7 *Del. C.* § 9109(a) (3).

BACKGROUND

1. On September 29, 2016, DNREC recommended to the United States Environmental Protection Agency ("USEPA") that additional investigations would be necessary in order to determine the location and extent of the contamination located at the former Sung Cleaners Site (DE-0367), located at 115 West 9th Street in Wilmington, Delaware. The purpose of the Site Investigation (SI) was to verify the release of hazardous substances at the Site through the collection and analysis of environmental samples. As part of the SI process, DNREC's Site Investigation and Restoration Section ("DNREC-SIRS") installed two (2) soil borings, two (2) monitoring wells, one (1) sub-slab soil gas vapor point, one (1) soil gas vapor point, two (2) indoor air samples and two (2) outdoor (ambient) air samples.

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2. On November 14, 2016, DNREC notified Respondent, as the owner of the Former Sung Cleaners, of the results of the SI. Specifically, it was explained that volatile organic compounds (VOCs) bromodichloromethane, chloroform, tetrachloroethene (PCE) and trichloroethene (TCE) were detected in groundwater over EPA or DNREC standards. PCE and TCE were likely caused by a release from the operations at the Former Sung Cleaners. Bromodichloromethane, chloroform and PCE were detected in indoor air at the Site above DNREC standards. Bromodichloromethane and chloroform are likely from an upgradient (offsite) groundwater source. PCE is likely from groundwater contamination from the Former Sung Cleaners. Therefore, remedial action would be required, and as the owner of the Site, Respondent is a potentially responsible party.
3. On November 4, 2016, DNREC sent a letter to Respondent and offered Respondent the opportunity to join the Voluntary Cleanup Program. Respondent was directed to contact the Department within thirty days of receipt of the letter, which occurred on November 12, 2017. DNREC did not receive a response.
4. DNREC sent a Notice of Liability letter to Respondent on January 5, 2017 that was received on January 12, 2017 and which again offered Respondent an opportunity to join the Voluntary Cleanup Program. To date, DNREC has not received a reply.

FINDINGS OF FACT AND VIOLATION

- 1) Respondent, as owner and/operator of the Site, is a potentially responsible party, as defined in §§ 9103(23) and 9105.
- 2) DNREC notified Respondent of his liability on November 14, 2016 and January 5, 2017 with the invitations to join the Voluntary Cleanup Program.
- 3) Respondent has refused to cooperate with DNREC.
- 4) Pursuant to § 9109 (3) of HSCA, the Secretary has the authority to issue an Order to a potentially responsible party to implement a remedy at a Site.

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondent has violated HSCA and *the Regulations* and he is hereby ordered to:

- 1) Hire a qualified consultant to be approved by SIRS in order to prepare a Remedial Investigation and Feasibility Study ("RFS") of the Site subject to SIRS' review and approval;
- 2) Within 90 days of receipt of this Order by Respondent, submit a work plan to SIRS for SIRS' review and approval based upon a projected submission of a complete RF/FS

within one year of the date of this Order;

- 3) Pay SIRS the outstanding response cost billed through the date of this Secretary's Order and agree to pay any reasonably incurred response cost incurred; and
- 4) Implement the approved Final Plan of Remedial Action upon issuance.

PUBLIC HEARING

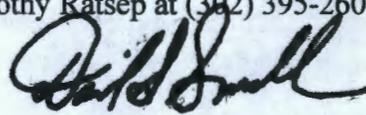
This Order shall become effective and final 30 days from the receipt of this Order unless the Department receives from Respondent within 30 days of receipt of this Order a written request for a public hearing on these matters as provided in 7 Del. C. § 9109(a)(3)(c). In the event Respondent requests a hearing, the Department reserves the right to withdraw this administrative Order and take other additional enforcement actions regarding these and other violations at Respondent's facility, including but not limited to, the imposition of civil penalties and recovery of the Department's costs and attorney's fees. The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion.

If you have any questions, please contact Timothy Ratsep at (302) 395-2600.

Date

3/2/17

David S. Small, Secretary



cc: Robert F. Phillips, Deputy Attorney General
Marjorie A. Crofts, WHS Director
Timothy Ratsep, SIRS Program Administrator
Rick Galloway, Project Officer, SIRS
Susan Baker, Enforcement Coordinator
Elizabeth LaSorte, Paralegal
SIRS File-DE-0367 H3

WAIVER OF STATUTORY RIGHT TO A HEARING

_____ hereby waives its right to a hearing and its opportunity to appeal or contest this Assessment and Order and agrees to the following:

- 1) Hire a qualified consultant to be approved by SIRS in order to prepare Remedial Investigation and Feasibility Study ("RFS") of the Site subject to SIRS' review and approval;

- 2) Within 90 days of receipt of this Order by Respondent, submit a work plan to SIRS for SIRS' review and approval based upon a projected submission of a complete RF/FS within one year from this Order;

- 3) Pay SIRS the outstanding response cost billed through this Secretary's Order and agree to pay any reasonably incurred response cost incurred; and

- 4) Implement the approved Final Plan of Remedial Action upon issuance.

Date: _____

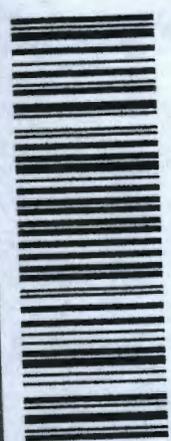
By: _____

Title: _____

7016 0340 0001 0016 7646

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



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Sent To Yoon Sung Sil	
Street and Apt. No., or PO Box No. 1310 Derricks Rd	
City, State, ZIP+4® Oak Harbor WA 98277	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Yoon Sung Sil
1310 Derricks Rd
Oak Harbor WA
98277

2. Article Number
(Transfer from service label) 7016 0340 0001 0016 7646

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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4. Restricted Delivery? (Extra Fee) Yes