

STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL



**RECORD OF DECISION**  
**Final Decision and Response to Comments**

UNDER THE AUTHORITY OF THE  
DELAWARE REGULATIONS GOVERNING HAZARDOUS WASTE  
AND TITLE 7 OF THE DELAWARE CODE

IN ACCORDANCE WITH THE  
RESOURCE CONSERVATION AND RECOVERY ACT

FACILITY: W.L. Gore & Associates, Inc.  
Paper Mill West Facility

EPA ID NUMBER: DED002331536

ADDRESS: 555 Paper Mill Road, Newark, DE 19714

**PURPOSE:**

This Final Decision and Response to Comments is issued by the State of Delaware Department of Natural Resources and Environmental Control (DNREC) in accordance with the Resource Conservation and Recovery Act (RCRA) under the authority of the *Delaware Regulations Governing Hazardous Waste* (DRGHW) and Title 7 of the Delaware Code, Chapters 60 and 63. DNREC has used the administrative procedures found in Section 124 of the DRGHW to provide public notice and solicit comment on DNREC's proposed remedy.

## INTRODUCTION:

The RCRA Corrective Action activities performed to date at the Gore facility were conducted pursuant to a Facility Lead Corrective Action Agreement ("Agreement" or "Lead Agreement") entered into by the DNREC and Gore on May 14, 2008. The Agreement identified the corrective action activities that Gore was required to complete to investigate releases at the facility. Based on information contained in various submittals and filings by Gore, DNREC and the Environmental Protection Agency (EPA) identified seven (7) Solid Waste Management Units (SWMU) and one (1) Areas of Concern at Gore and included these areas in the Agreement. During the course of the corrective action investigation, DNREC and EPA studied all SWMUs and determined that two (2) areas needed further study in the corrective action process: SWMU-7/Shed Area and the Surface Impoundment. DNREC concluded that the eliminated SWMUs/AOCs did not pose a threat to human health and the environment.

In August 2012, the "Statement of Basis" for the proposed corrective measures at the Paper Mill West Facility was issued and is incorporated herein and made part hereof. The "Statement of Basis" described site conditions, completed investigations and clean-up actions, and the proposed remedy selection. This Record of Decision, Final Decision and Response to Comments, presents DNREC's final decision on the remedy and response to comments regarding clean-up at the Paper Mill West Facility.

## SELECTED REMEDY:

DNREC has selected a final remedy for the Paper Mill West Facility consistent with DNREC's proposed remedy described in the "Statement of Basis". For a more detailed description of the facility, previous investigations, and the selected remedy, please refer to the "Statement of Basis" document.

As the final remedy, DNREC proposes to implement Institutional Controls for the SWMU 7/Shed Area and Surface Impoundment. The IC proposed for these areas will consist of a deed restriction in the form of an Environmental Covenant pursuant to Delaware Code Title 7, Chapter 79, Subchapter II, Uniform Environmental Covenants Act. Given the information obtained from the Investigations conducted DNREC has determined that this will be protective of human health and the environment.

If for any reason, the remedies described above prove to be ineffective, DNREC reserves the right to re-evaluate the selected remedies.

## PUBLIC PARTICIPATION:

On August 26, 2012, the DNREC placed an announcement in local newspapers, The News Journal and the Delaware State News, to notify the public of DNREC's proposed remedy for the Paper Mill West Facility and of the availability of the Administrative Record. The entire Administrative Record, including the "Statement of Basis" describing the proposed remedy was available for review by the public at the DNREC office in

Dover, Delaware. Additional copies of the "Statement of Basis" were also available at the DNREC office at Lukens Drive in Wilmington, Delaware and online at the Division of Waste and Hazardous Substances' Home Page.

The public comment period on the proposed remedy lasted thirty (30) calendar days from August 26, 2012 to September 24, 2012.

RESPONSE TO COMMENTS:

During the public comment period, DNREC received three (3) comments from W.L. Gore and Associates, the current owner and operator of the Paper Mill West Facility, via a letter, dated May August 30, 2012. DNREC did not receive any requests for a public meeting or public hearing during this period.

DNREC has summarized these comments below, along with each response:

In the first comment, Gore provided clarification that paragraph 3, second sentence should read "*The Agreement identified the corrective action activities that Gore was required to complete to investigate **potential** releases at the facility.*" DNREC agrees that Gore's interpretation and addition of the word "*potential*" is correct.

Gore's second comment provided clarification on the defined "Restricted Areas". This area is defined by the data points listed in Table 1 of the Statement of Basis (SB); the "existing Brick Building" from Figure 3 of the SB is not included in the Restricted Area. In response to this comment, DNREC confirms that DNREC is only restricting the area defined by the data points in Table 1 of the SB.

In Gore's third and final comment, Gore stated that risk calculations were based on commercial human exposure assumptions which are 8 hours a day, 255 days a year, for 25 years. There are no acute (immediate) risks associated with occupying the Restricted Area for greater than 8 hours a day. In response to this comment, DNREC agrees with Gore concerning the human exposure assumptions. For a more detailed description DNREC references the September 1, 2011 Air Pathway Analysis Report, available in the Administrative Record.

DECLARATION:

Based on the Administrative Record compiled for the Corrective Action at the Paper Mill West Facility, I have determined that the remedy selected is protective of human health and the environment.

9.27.12

Date



Marjorie A. Crofts

Director

Division of Waste and Hazardous Substances