

Amended Memorandum of Agreement

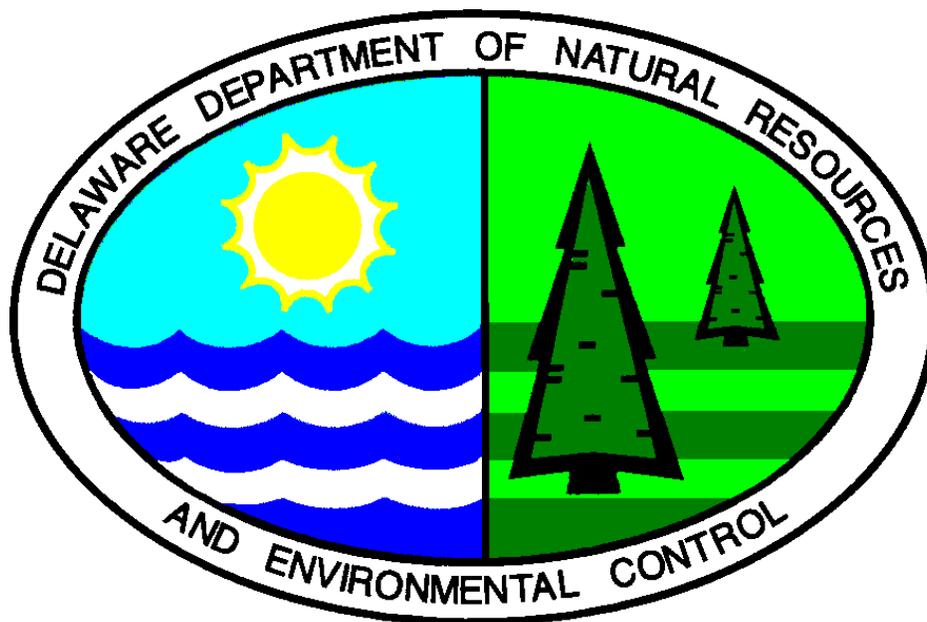
Department of Natural Resources and Environmental Control

Between:

Division of Waste and Hazardous Substances

and

Division of Water



For:

**City of Wilmington
Groundwater Management Zone**

September 2011

WHEREAS, the City of Wilmington contains numerous sites and project areas that have been investigated by the Delaware Department of Natural Resources and Environmental Control (“DNREC”) Site Investigation & Restoration Section (“SIRS”) under the provisions of the Delaware Hazardous Substance Cleanup Act (“HSCA”) Del. C. Chapter 91 and the Delaware Regulations Governing Hazardous Substance Cleanup (“Regulations”); and

WHEREAS, the findings are available in the Administrative Records for each site or project; and

WHEREAS, the information documents the extent of detected or potential groundwater contamination within the city boundaries and the City of Wilmington environs; and

WHEREAS, the enacted or proposed remedies are outlined in each site's or project's Final Plan of Remedial Action; and

WHEREAS, the DNREC Division of Waste and Hazardous Substances (“DWHS”) is responsible for the management of waste and hazardous substances in the State of Delaware; and

WHEREAS, the DNREC Division of Water (“DW”) is responsible for management of the withdrawal of waters in the State of Delaware; and

WHEREAS, in August 2001, and in a subsequent amendment in July 2007, DNREC created the City of Wilmington Groundwater Management Zone (“GMZ”) by a Memorandum of Agreement between DWHS and DW to restrict groundwater use within the City limits; and

WHEREAS, Establishment of the GMZ is consistent with Subsections 2.2, 3.2, 3.6, 4.2, and 4.4 of Delaware’s Comprehensive State Ground Water Protection Program (“CSGWPP”); Subsection 8.10 of Delaware’s Regulations Governing Hazardous Substance Cleanup (September 1996; amended February 2002); and Subsections 3.10 B and 3.10 C of Delaware Regulations Governing the Construction and Use of Wells (Effective April 6, 1997); and

WHEREAS, DNREC has determined that a GMZ for the aquifers underlying the City of Wilmington is appropriate for management of the releases in the City of Wilmington and its environs; and

WHEREAS, the Wilmington Coal Gas South site is a 9.6 acre property located within the outermost boundary of the City of Wilmington and a portion of the property (Tax Parcel # 07-040.30-001; 4.37 acres) is technically not within the city limits; and

WHEREAS, DNREC’s intent is to amend the July 2007 City of Wilmington GMZ to include Tax Parcel # 07-040.30-001; and

WHEREAS, the attached map defines the areal extent of the amended GMZ.

NOW, THEREFORE, IT IS AGREED BY DWHS AND DW AS FOLLOWS:

1. An amended GMZ shall be established to include the City of Wilmington and Tax Parcel # 07-040.30-001 as defined both in the text and on the attached map.
2. No public or domestic water supply wells will be allowed or permitted in Holocene, Columbia, or Wilmington Complex aquifers. Wells in confined portions or the Potomac aquifer(s) may be permitted provided that well construction will prevent the vertical movement of contaminants. No public or domestic water supply wells will be allowed or permitted in unconfined portions of the Potomac aquifers(s).
3. Non-potable, industrial use wells, monitoring wells and contaminant recovery wells may be installed in the GMZ following joint review and approval by both DW and DWHS.
4. Permits for any wells in the GMZ may be issued by DW following joint review and approval by both DW and DWHS.
5. The two existing GMZs within the boundaries of the City of Wilmington, Madison Street (DE-1055) and One Christina Center (DE-1076) should remain deleted. The GMZ associated with the Halby Chemical Site (DE-0067) will remain in place since it is partially located outside the City limits.
6. For Brownfield sites located within the GMZ where dewatering is proposed for construction and does not involve the lowering of groundwater levels via wells, well points, or other means, the DWHS approved Contaminated Materials and Water Management Plan (CMWMP) should be sufficient to proceed with dewatering operations. The CMWMP stipulates obtaining a City of Wilmington Wastewater Discharge Permit and pretreatment of contaminated groundwater, if necessary, to prevent disposal of groundwater into the sewer system.

This MOA may be modified or terminated only upon the agreement of both parties. Any modifications must be made in writing and signed by the Director of DWHS and the Director of DW. A copy of this MOA will be placed within the Administrative Record for each Site in the GMZ.

Marjorie A. Crofts, Director
Division of Waste and Hazardous Substances

Kathleen M. Stiller, Director
Division of Water

Date: _____

Date: _____

WMR:tlw; WMR 11017.doc; DE 1225 II D 4

Attachment: Areal extent of amended GMZ

pc: Qazi Salahuddin, DWHS
Todd Keyser, DWHS
John Barndt, DW
Joshua Kasper, DW

EXTENT OF GROUNDWATER MANAGEMENT ZONE IN WILMINGTON, DELAWARE

 The area in the green outline is the extent of the current GMZ for the city of Wilmington.

1 in = 3,083 ft
1:37,000

0 0.25 0.5 0.75 1 Miles



This map is provided by the DNREC-SIRS solely for display and reference purposes and is subject to change without notice. DNREC-SIRS will not be held responsible for the assumed accuracy contained in the map or for use other than its intended purpose. June 2011

