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DEPARTMENT OF NATURAL RESOURCES
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DIVISION OF AIR AND WASTE MANAGEMENT
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December ²³~~18~~, 2008

Mr. Thomas Anderson
DuPont Edge Moor Facility
104 Hay Road
Wilmington, Delaware 19809

SCANNED
DEC 23 2008
File# 0024 B4

**RE: Remedial Investigation and Risk Assessment Report Addendum
Final Submission December 8, 2008
Hay Road Sludge Drying Site (DE-0024)**

Dear Mr. Anderson:

DNREC reviewed the final RI/RA Addendum Report and approves the report with the following conditions and understandings:

- DNREC concurs that there is not a significant contribution of contaminants of concern (COCs) to the dredge materials from the IRM pile.
- DNREC concurs that groundwater in the first water bearing zone which lies in the dredge material has been impacted by metals such as iron, manganese and arsenic. These contaminants are also present in groundwater at off-site locations. Notably, we concur with the findings by Schnabel and DuPont's analysts' who have concluded that there is no evidence of significant impact of organic contaminants (e.g. hexachlorobenzene, furans, dioxins or PCBs) in the groundwater or dredged material. Accordingly, DNREC agrees with the need for follow up investigations of the organic and inorganic COCs in Dredge Material and groundwater as outlined in the Proposed Plan and in the December 8th RI/RA report. Based on the results of the broader monitoring program, DNREC may require additional remedial actions to protect surface water and groundwater resource but do not anticipate any action affecting this Final Plan of Remedial Action.
- DNREC concurs with the report's conclusions that there is an impact from COCs present at the site and from other potential sources to the surface water, sediment and organisms of adjacent surface water bodies. DNREC recommends addressing these issues under the *Shellpot Creek Initiative* already started by DNREC,

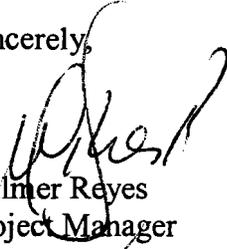
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together with the broader Delaware River Initiative mentioned in the report. Your Report Addendum proposed action levels for the COCs. These action levels, however, will be developed in the monitoring program and may not be consistent with those proposed in the report.

- DuPont characterization of the scope of the definition of the site is unclear in some places (e.g., “the entire Hay Road Sludge Drying Site is underlain, not only by native soils, but by placed dredge and fill materials”) and may imply a horizontal delineation of the site inconsistent with normal HSCA site definition boundaries. In fact, the site has always been defined to include a depth as deep as environmentally relevant, including, in this case, both Iron Rich Material & Dredged Material. This definition of the scope of the site is consistent with DNREC’s oversight mandate and the cleanup obligations of any responsible party liable for the site (e.g., DuPont). Although the report may remain unclear, DNREC intends to clarify this definition in the Hearing Officer Report, Secretary’s Order and the Final Plan of Remedial Action. This clarification however should not affect significantly the Final Plan of Remedial Action, which will lead to addressing dredge material as part of a broader follow on investigation.
- In addition, DNREC has identified a number of inconsistencies that do not significantly alter the conclusion. DNREC expects to address these issues as part of the remedial action work plan and related documents.

If you have any questions or comments, please contact me or Qazi Salahuddin at (302) 395-2600.

Sincerely,



Wilmer Reyes
Project Manager

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pc: James D. Werner, Director
Kathleen Stiller-Banning, Program Manager
Qazi Salahuddin, Program Manager