

SCANNED

OCT 23 2007

File# 1393 B9

FINAL PLAN OF REMEDIAL ACTION



Intersection of Rt 13 and Rt 154 Site

*Intersection of Rt 13 and Rt 154
Dover, Delaware*

DNREC Project No. DE-1393

This Final Plan of remedial action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that the remedy for the site will consist of an Environmental Covenant restricting future development to non-residential uses.

DNREC issued public notice of the Proposed Plan for the site on September, 24, 2007 and opened a 20-day public comment period. The Proposed Plan recommending an environmental covenant is attached. The Proposed Plan also includes the location of additional information found on the DNREC web page and in the DNREC office at 391 Lukens Drive in New Castle.

There were no comments or questions from the public. Therefore, the Proposed Plan is adopted as the Final Plan.

Approval:

This Final Plan meets the requirements of the Hazardous Substance Cleanup Act.


Kathy Stiller-Banning, Program Manager II
Division of Air and Waste Management

APPENDIX I



PROPOSED PLAN OF REMEDIAL ACTION

Intersection of Rt 13 and Rt 154 Site
Dover, Delaware
DNREC Project No. DE-1393



September 2007

Delaware Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Site Investigation & Restoration Branch
391 Lukens Drive
New Castle, Delaware 19720

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PROPOSED PLAN OF REMEDIAL ACTION

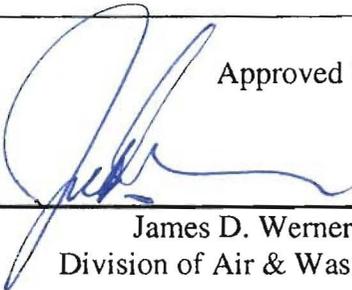
Intersection of Rt 13 and Rt 154 Site

Dover, Delaware
DNREC Project No. DE-1393



Approval:

This Proposed Plan meets the requirements of the Hazardous Substance Cleanup Act.

	Approved by:
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James D. Werner, Director Division of Air & Waste Management	
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Date	

Intersection of Rt 13 and
Rt 154 Site



What is the Intersection of Rt 13 and Rt 154 Site? The site is a single parcel at 154 North DuPont Highway (Route 13) in Dover, Delaware (Figure 1). It includes one vacant building 2,400 square-feet in area (Figure 2). The property was certified as a Brownfield Site by DNREC-SIRB on June 23, 2006.

Meyer & Meyer, Inc. owns the property and intends to develop it for retail or office use.

Tax Parcel Number: LC-00-046.04-01-2300
Nearest major intersection: Rose Bowl Road (Route 154) and North Dupont Highway (U.S. Route 13)
Area: 1.4 acres
Zoning: Multi
Nearest surface water body: Dyke Branch, 1200 ft. east.
Shallow groundwater at the site flows southwest toward Dyke Branch.
The predominantly flat site is not within the 100-year flood plain.
Surrounding land use is residential and commercial.

What happened at the Site? Previous owners of the property used it for various commercial purposes. There is no record of industrial use or the presence of hazardous substances other than heating oil. A heating oil tank has been removed.

Historically, the site has been used for a variety of commercial purposes, reportedly including a restaurant and a repair shop. The site is situated in a mixed-use area, with residential properties to the west and south and commercial properties to the north and east.

Water and sewer utilities are available at the site from the City of Dover, however the site is not currently connected to these utilities.

Ten Bears Environmental, consultant to the site owner, removed a 550-gallon heating oil tank in July 2007 under the regulations of the DNREC Tanks Management Branch. The tank did not leak and there was no contaminated soil.

What is the environmental problem at the Site? Ten Bears Environmental performed a Brownfields Investigation (BFI) at the Site in January and February 2007. DNREC accepted the site into the Brownfields Program due to the perception that it may be contaminated, based on a previous limited investigation indicating low concentrations of metals and pesticides.

The results of the risk assessment indicate multiple complete human exposure pathways but limited threat to human health and the environment based exposure conditions consistent with commercial use. Petroleum related contaminants were found in some samples to exceed the Unrestricted Use Uniform Risk-based Remediation Standard (URS) but not the Restricted Use URS.

Although iron and manganese were detected in groundwater at concentrations exceeding applicable URSSs, these values are based on Secondary Maximum Contaminant Levels (SMCLs) and refer to aesthetic properties of the water such as taste, odor, and color and do not represent human health risks. Groundwater does not appear to have been affected by historical activities on the site.

What does the owner want to do at the Site? The prospective purchaser of the property, Meyer & Meyer, Inc. of New Castle County, plans to build an office/retail center on the lot.

The plans for site redevelopment include the demolition of the existing site structure, re-grading, and the construction of a commercial office/retail center, asphalt parking lot area, concrete sidewalks and landscaping.

What additional clean-up actions are needed at the Site? Based on the 2007 BFI Report, DNREC has not identified any adverse environmental impacts from previous uses of the property. DNREC recommends restricting future site development to non-residential uses. After the 20-day public comment period, DNREC will issue a Final Plan of Remedial Action. The site will be eligible for a Certificate of Completion of Remedy once the Environmental Covenant is in place.

DNREC's Proposed Plan consists of placing an Environmental Covenant on the property deed restricting future use. The covenant will be consistent with the **Uniform Environmental Covenants Act**.



This location sketch was adapted from a 2002 aerial photo obtained from the Delaware DataMIL Online Map Lab

FIGURE 1 - SITE LOCATION SKETCH

154 NORTH DUPONT HIGHWAY

CITY OF DOVER

KENT COUNTY, DELAWARE

DATE: 6/28/2007	JOB NUMBER: 06-583 A
DRAWN BY: JFG - Ten Bears Environmental, L.L.C	SCALE: 1 inch = ± 250 feet
CHECKED BY:	FIGURE NO 1
FILE NO: 06-583.A-Figs	SHEET 1 OF 1

What are the long term plans for the Site after the cleanup? DNREC will not require any environmental monitoring on the property.

The results of the BFI indicate limited environmental conditions of concern at the site. There is some potential for future exposure, if the use of the site were to be modified. Therefore, DNREC will require an environmental covenant on the property deed limiting the site to non-residential use.



Figure 2. Remains of a small building at the north end of the site.

How can I find additional information or comment on the Proposed Plan?

The complete file on the site including the Remedial Investigation Report and a Preliminary Risk Assessment is available at the DNREC office, 391 Lukens Drive in New Castle. Most documents are also found on:

www.DNREC.state.de.us/dnrec2000/Divisions/AWM/sirb

The 20-day public comment period begins September 24, 2007 and ends on October 15, 2007. Please send written comments to the DNREC office or call Stephen Johnson, project manager, at:

302-395-2600.

Glossary of Terms Used in this Proposed Plan

154 North DuPont Highway	A 1.4-acre parcel of land that is the subject of this Plan that will be redeveloped into a commercial office/retail center
Brownfield	Property that is vacant or underutilized because of the perception or presence of an environmental problem
Certificate of Completion of Remedy (COCR)	A formal determination by the Secretary of DNREC that remedial activities required by the Final Plan of Remedial Action have been completed
Certified Brownfield	A brownfield site that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program
Contamination	The introduction of harmful or hazardous matter into the environment
Exposure	Coming into contact with a substance through inhalation, ingestion, or direct contact with the skin; may be acute or chronic
Final Plan of Remedial Action	DNREC's plan for cleaning up a hazardous site after it has been reviewed by the public
Preliminary Risk Assessment	A quantitative evaluation of only the most obvious and likely risks at a site
Proposed Plan of Remedial Action	A plan for cleaning up a hazardous site approved by the Director of the Division of Air and Waste Management and subject to public comments
Risk	Likelihood or probability of injury, disease, or death
Uniform Environmental Covenants Act (UECA)	A standardized form of a land use restriction that is recorded on the deed and runs with the land

What is a *Proposed Plan*?

A Proposed Plan of Remedial Action (Proposed Plan) is a summary of how DNREC intends to clean up a contaminated site. A Final Plan of Remedial Action (Final Plan) is the adoption of the Proposed Plan, after all comments made by the public within the comment period of twenty days have been considered and addressed by DNREC.

The Delaware State Legislature passed the Hazardous Substance Cleanup Act (HSCA) in 1990. The Legislature made sure that members of the public would be informed about environmental problems in their own neighborhoods and have a chance to express their opinion concerning the clean up of those environmental problems before DNREC takes action.

After DNREC studies a site, it summarizes the problems there and proposes one or more possible solutions in a Proposed Plan. The Proposed Plan contains enough information to allow lay persons to understand the site and the intended remedy. It is not meant to be an engineering design document. More detailed information can be found in the reports and documents approved by DNREC. All of the documents and reports created by DNREC or consultants during the course of the investigation of the site are available to the public at the offices of DNREC-SIRB or at DNREC's website:

<http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/sitefiles.asp> .

DNREC issues the Proposed Plan by advertising it in at least one newspaper in the county where the site is located. The legal notices for the Proposed Plans and the Final Plans usually run on Wednesdays or Sundays in the legal classified section of the News Journal and/or the Delaware State News. The public comment period begins on the day (Wednesday), or the day after (Sunday) the newspaper publishes the legal notice for the Proposed Plan.

DNREC frequently holds public meetings during the comment period. Those meetings are usually held near the site in the evening. Citizens can request a public meeting if DNREC did not already schedule one.

Comments are collected at the public meetings, by phone or in writing. DNREC considers all comments and questions from the public before the Proposed Plan is finalized and adopted as a Final Plan.