

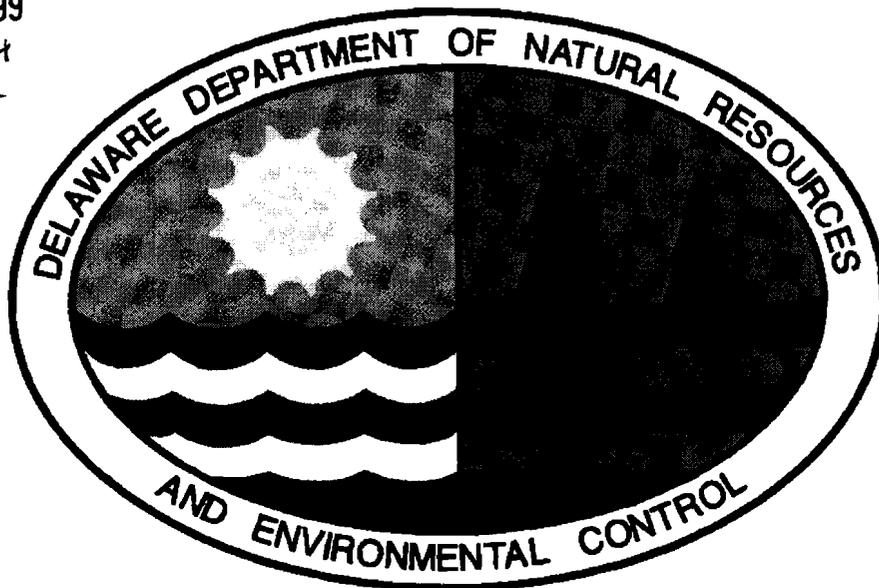
PURE GREEN INDUSTRIES, INC.

FINAL PLAN OF REMEDIAL ACTION

SCANNED

MAY 05 1999

File # DE1054
BG



AUGUST 1996

**DELAWARE DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
SITE INVESTIGATION AND RESTORATION BRANCH**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. PURPOSE OF THE FINAL PLAN	1
III. SITE DESCRIPTION AND HISTORY	1
IV. FEASIBILITY STUDY	2
V. PROPOSED PLAN AND PUBLIC PARTICIPATION	3
VI. FINAL PLAN OF REMEDIAL ACTION	3
VII. INSTITUTIONAL CONTROLS	4
VIII. DECLARATION	4

FIGURES

FIGURE 1: PURE GREEN INDUSTRIES, INC. SITE MAP	5
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I. INTRODUCTION

Pure Green Industries, Inc. (“Pure Green”) under the authority of 7 Del C., Chapter 91, the Delaware Hazardous Substance Cleanup Act (“HSCA”), has performed a Facility Evaluation (“FE”) of a 2 acre parcel of property located at 1620 Bowers Street in Wilmington, Delaware. Pure Green performed the investigation in order to determine whether or not the site posed any threat to public health, welfare or the environment. Based on the FE, the Department of Natural Resources and Environmental Control (“Department”) determined that remedial action is required to protect public health, welfare, and the environment. It was also determined that the U.S. EPA’s presumptive remedy for municipal landfills (low permeability cap) is appropriate at this site. Therefore, the Department has issued this Final Plan of Remedial Action (“Final Plan”) under the authority of HSCA.

II. PURPOSE OF THE FINAL PLAN

The purpose of this final plan is to present the public with the Department’s plan of remedial action to protect public health, welfare, and the environment at the site. The Department had proposed a plan of remedial action in July of 1996 and established a public comment period that conforms with the requirements of the Regulations Governing Hazardous Substance Cleanup (“Regulations”). At the conclusion of the comment period, public comments are considered and a final plan is issued. However, no comments from the public were received by the Department on the proposed plan.

III. SITE DESCRIPTION AND HISTORY

The site is located at 1620 Bowers Street, north of Gander Hill Prison and east of the Amtrak rail maintenance yards at 12th Street, in an industrial section of southeast Wilmington, Delaware. The site covers approximately two (2) acres and is partially overgrown with bushes, weeds, and low shrubs. The site is poorly graded and uneven in appearance.

The site is shown on the United States Geologic Survey (“USGS”), Wilmington South Quadrangle Topographic Map (7.5 minute series) at a latitude of N39° 44’ 35” and a longitude of W75° 31’ 35”. See Figure 1.

The site is part of a larger tract of land that is believed to have been used for disposal of municipal refuse and rubble. The larger tract of land is subdivided into four lots (1A, 1B, 1C, and 2). Parcel 1B is the area of interest and is referred to as the site for the purposes of this final plan.

Parcels 1A and 1C are owned by Design Contracting, Inc., which is a demolition, dismantling, and site preparation business. Parcel 1A covers approximately 5.55 acres of land, including the right-of-way from Bowers Street, located at the southeastern boundary of the site. This parcel

appears to be used for the disposal of wastes from demolition jobs and contains 15 to 20 feet of fill and large debris piles.

Parcel 1C is a 5.22 acre portion of land which is lower in elevation and is similar in appearance to the site (parcel 1B).

Parcel 2 is an 8.00 acre property located on the western section of the subdivision that contains a large central operations building for Diamond State Recycling Corporation and numerous piles of sorted scrap metal. Approximately three feet of fill has been placed in this area.

In March 1994, a Preliminary Assessment (“PA”) was performed on the larger tract of land (all four parcels) under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). The PA was performed in response to the discovery of buried municipal waste during preparation activities for the installation of a septic system. The EPA reviewed the PA and planned to take no further action regarding placement of the tract on National Priorities List (“NPL”). The tract was added to Delaware’s HSCA list.

In November 1995, Pure Green Industries entered into a Voluntary Cleanup Agreement with the Department. Pure Green proposed the installation of a cap, however, the Department required an investigation of the site (parcel 1B) to determine whether or not this was an appropriate remedy. A Facility Evaluation (“FE”) was completed in June 1996. Based on the results of the FE the Department concluded that remedial action is necessary to protect public health, welfare, and the environment. Furthermore, it was determined that a cap is the appropriate remedy for this site.

IV. FEASIBILITY STUDY

Upon completion of the investigation, the Department may require a Feasibility Study (“FS”) to evaluate the various options available to remediate a site. For some categories of sites with particular commonalties, the EPA has developed presumptive remedies. Presumptive remedies are based on historical patterns of remedy selection and the preferred technologies typically implemented at sites with similar characteristics.

In the case of landfills, the EPA's Office of Solid Waste and Emergency Response has developed a presumptive remedy policy entitled “EPA’s Presumptive Remedy for CERCLA Municipal Landfill Sites.” The Department has reviewed this policy and concurs with EPA's approach and philosophy of utilizing established remedies for categories of sites with similar characteristics (e.g., landfills). To this end, the Department herein adopts EPA’s presumptive remedy for municipal landfills as the FS for the Pure Green site. The Department has determined that this established FS, and this approach in general, will streamline the remedial process and, provide protectiveness to public health, welfare, and the environment.

The Department has placed on file “EPA’s Presumptive Remedy for CERCLA Municipal Landfill Sites” and a supporting document entitled “Conducting Remedial Investigations/ Feasibility Studies for CERCLA Landfill Sites.”

V. PROPOSED PLAN AND PUBLIC PARTICIPATION

Notice of availability of the Pure Green Industries, Inc. Proposed Plan of Remedial Action appeared in the Wilmington News Journal on July 28, 1996, in accordance with Section 12 of the Regulations. The public comment period began on the date of publication and ran for 20 days, concluding on Monday, August 19, 1996. During this time members of the public were given the opportunity to submit written comments and/or request a public hearing.

The Department did not receive any comments from the public. Therefore, the Proposed Plan of Remedial Action was not significantly altered to create this Final Plan of Remedial Action.

VI. FINAL PLAN OF REMEDIAL ACTION

The following actions will be required as part of the remedial action for the Pure Green Industries Site:

- Grading to promote positive drainage. During grading activities fill may be added and used as a foundation layer.
- Installation of a low permeability layer. The low permeability layer may be constructed of clay, soil, or other Department approved material as long as it is of such character that it will minimize the percolation of water through it and the landfill, does not crack excessively when dry, and is free of putrescible materials and large objects.
- Installation of a protective layer. This layer will protect the low permeability layer from any unauthorized surface disturbance that damages the final cover.
- Installation of a final cover. The final cover will prevent erosion caused by surface water runoff.
- Development of an operation and maintenance plan to ensure long-term integrity and effectiveness of the cap.
- Placement of a deed restriction. The covenant will be executed by the property owner and recorded with the registrar of deeds for the county in the facility is located.

- No disturbances to the landfill or cap may be done without prior approval from the Department.
- Installation of ground water monitoring wells may be required to comply with the Regulations Governing Solid Waste.

VII. INSTITUTIONAL CONTROLS

In order to ensure the long term protectiveness of the remedy an institutional control will be placed upon the site. The institutional control will be in the form of a deed notification that restricts the use of the property. As discussed in the Regulations, such restrictions shall be described in restrictive covenants executed by the property owner and recorded with the registrar of deeds for the county in which the site is located. Such restrictive covenants shall run with the land and be binding on the owner's successors and assignees.

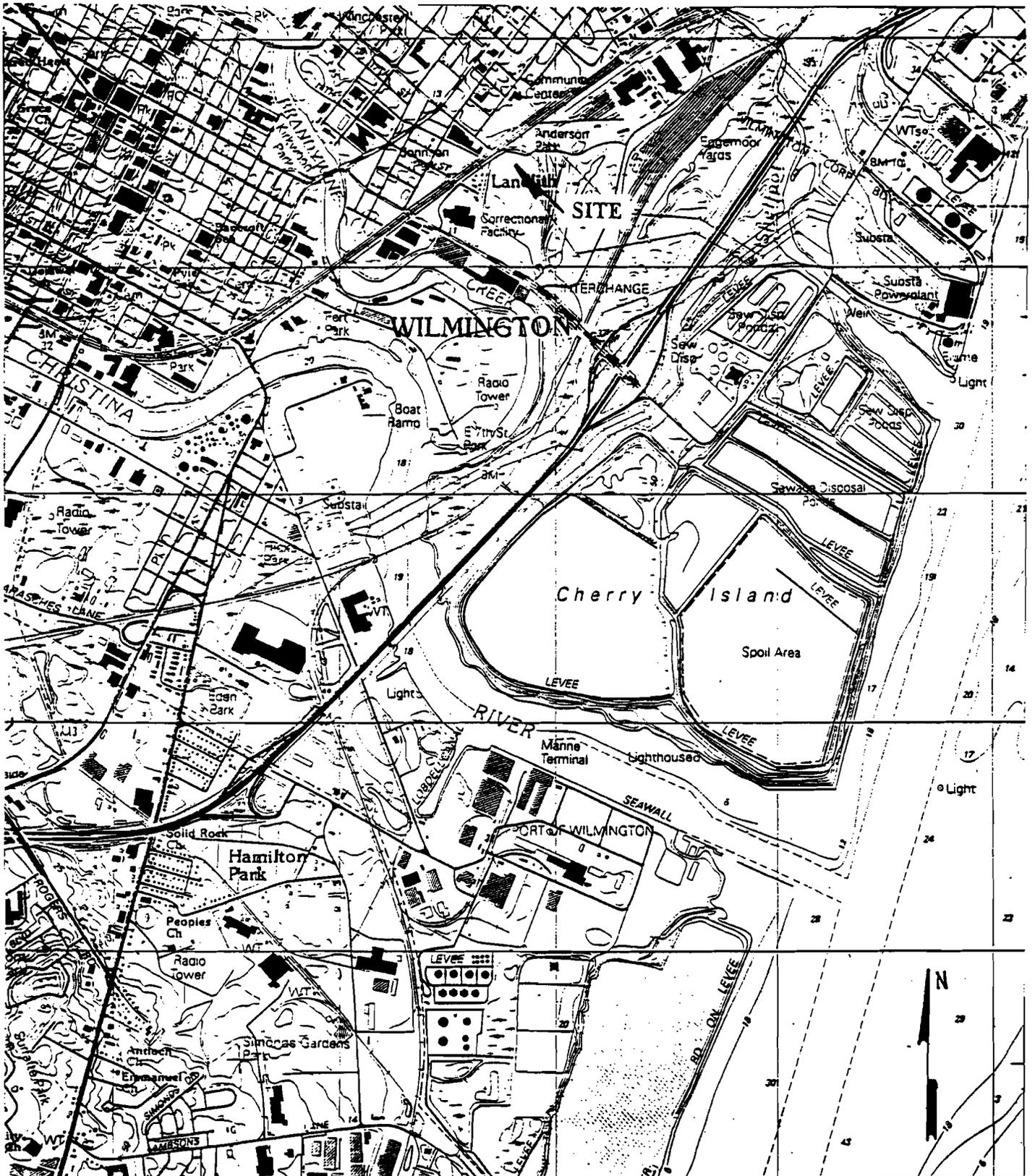
VIII. DECLARATION

This Final Plan of Remedial Action for the Pure Green Industries Site is protective of public health, welfare, and the environment and is consistent with the requirements of the Delaware Hazardous Substance Cleanup Act.

 _____  _____
Nicholas A. Di Pasquale, Director Date
Division of Air & Waste Management

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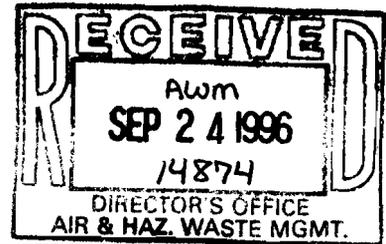
**Figure 1. Pure Green Industries, Inc. Site
Wilmington, Delaware**



From: Wilmington South Quadrangle
Delaware - New Jersey
7.5 Minute Series (Topographic)

Pure Green Industries, Inc.
Proposed Plan of Remedial Action

Request for Action by Director



<u>Action Requested:</u>	<u>Disposition Requested:</u>
<input checked="" type="checkbox"/> For Your Approval/Signature	<input checked="" type="checkbox"/> Return to: Steve Langseder
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> Mail to:
<input type="checkbox"/> For Your Information	<input type="checkbox"/> Forward A Signed COPY To: NC Office
Other:	

Due Date: ASAP

<u>Approvals Required Prior to Submission:</u>		
<u>Name:</u>	<u>Initials:</u>	<u>Date:</u>
Nicholas A. DiPasquale	<i>NAD</i>	9/24/96
N. V. Raman	<i>NR</i>	9/19/96
Jamie H. Rutherford	<i>JHR</i>	9/18/96
<u>Legal Approval:</u>		
N/A		

Remarks:

Maureen: Please have Nick sign, if approved, the Pure Green Industries Inc. Final Plan of RA. An extra copy is enclosed for your files. If there are any questions, please contact Steve or Jamie.

<u>From:</u>	<u>Initials:</u>	<u>Date:</u>
Dee Goldman	dmg	9/18/96
<u>Division:</u> Air & Waste Management, Site Investigation & Restoration Branch		
<u>Telephone:</u> (302) 323-4540		

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