SCANNED
SEP 2 2008
File# 1419 B9

FINAL PLAN OF REMEDIAL ACTION

Delaware & Van Buren Site

Delaware Avenue & Van Buren Street
Wilmington, Delaware

September 24, 2008
DNREC Project No. DE-1419

This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that the following remedial actions will be required at the Delaware & Van Buren Site in Wilmington, Delaware:

1. Excavate, segregate, and remove the impacted material (~4,350 yd^3) identified during the most recent soil sampling conducted at the subject property and dispose of the material at an approved disposal facility.
2. Regrade the site with the remaining soils to facilitate building and parking lot construction.
3. Construct the proposed CVS building, parking lot, and landscaped areas so that direct exposure to the remaining historical fill material is eliminated by the concrete building slab and asphalt parking lot.
4. Prepare an environmental covenant pursuant to the Uniform Environmental Covenants Act (UECA) that will be recorded with the property deed in perpetuity. This institutional control will describe the remaining soil impact identified at the property and will prevent future construction and/or disturbance of site soils without prior approval from DNREC.
5. An Operations and Maintenance plan (O&M plan) for the site will be drafted to assure that the enacted protective measures are properly maintained.

DNREC issued a public notice of the Proposed Plan for this site on August 25, 2008 and opened a 20-day public comment period. The comment period closed on September 19, 2008. All applicable information regarding this site can be found on the DNREC web page and in the DNREC office on Lukens Drive in New Castle. The Proposed Plan is attached.

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.

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

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ATTACHMENT

SCANNED
SEP 2 2008
File# 1419 B8

PROPOSED PLAN OF REMEDIAL ACTION

Proposed Delaware & Van Buren Site
Wilmington, Delaware

DNREC Project No. DE-1419

August 2008

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

Proposed Delaware & Van Buren Site
Wilmington, Delaware
DNREC Project No. DE-1419

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

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

What is the Proposed Delaware & Van Buren Site?

The site comprises the block bounded by Delaware Avenue, Van Buren Street, Gilpin Avenue, and North Jackson Streets in the City of Wilmington. Currently the site is used as a parking lot for residents and commuters. The proposed development plan for the property includes the construction of a new CVS Pharmacy and retail store. The site is currently owned by Delaware Property, L P. Summit Realty Advisors is the developer coordinating the proposed CVS construction. See Figure 1 for location map.

Tax Parcel Numbers: Tax Map # 21.3, Parcels 102-116 & 232
Address: Bounded by Delaware Avenue, Van Buren Street, Gilpin Avenue., and N. Jackson Street.
Nearest major intersection: Delaware Avenue and Van Buren Street
Area: 1.64 acres
Surrounding Property: Surrounding land use is residential and commercial including offices and a gas station.
Zoning: C-6
Site Utilities: Electric, water, sewer
Surface water: Brandywine Creek located approximately 1/4 mile to the northeast
Topography: Generally level with a slight slope to the east
Groundwater: Approx. 10-20' below ground surface, flows to the northeast, and is underlain by crystalline rock and undifferentiated sedimentary rock aquifers.

What happened at the Delaware & Van Buren Site?

The site historically contained residences and apartment buildings from at least 1901 until around 1965 at which time an office building was constructed. The office building was present at the site until about the year 2000 when the building was demolished. The materials from the building were buried at the site and paved over to construct the parking lot. These materials and debris have resulted in low levels of soil impact at various locations on the property.

What is the environmental problem at the Delaware & Van Buren Site?

After demolishing the historical buildings at the site, all debris from the buildings was buried under the current parking lot. These building materials have resulted in low levels of metals and other compounds being present in the soil beneath the site. Groundwater beneath the site does not appear to be significantly impacted by the fill material.

A Phase I Environmental Site Assessment identified the previous use of the subject property by residential and commercial facilities and a ground penetrating radar (GPR) survey and test pit investigation was recommended to determine if any underground storage tanks (USTs) were present and to see if site soils were impacted by known leaking USTs at the adjacent Shell gasoline station. The test pit investigation did not reveal the presence of any USTs and soil samples collected from the test pits identified different metals

and PAHs above the most stringent Delaware Uniform Risk-Based Remediation Unrestricted Use Standards.

The identification of soil impact during the initial test pit investigation prompted the need for additional soil sampling to ascertain the extent of the impact. Permanent monitoring wells were installed at the property to evaluate groundwater flow direction and to determine if the constituents identified in soil have impacted groundwater at the subject property.

A total of eight (8) soil borings and three (3) monitoring wells were completed at the subject property on March 29, 2008. The soil samples were concentrated around the previous soil exceedances observed during the test pit investigation.

Concentrations of aluminum, chromium, cobalt, arsenic, iron, vanadium, 4-4'-DDD, and 4,4'-DDE, and Benzo(a)pyrene were observed above the most stringent Delaware soil standard.

Groundwater samples were collected from all three (3) site wells on April 14, 2008. Metals were the only contaminants of concern detected above the lowest laboratory detection limit. Concentrations of aluminum, arsenic, barium, chromium, iron, lead, manganese, nickel, and vanadium were present in site groundwater. These constituents were reported in total concentrations, and analysis conducted on filtered groundwater samples indicates that only manganese was detected above the applicable groundwater standard. Thus, a large majority of the total metal exceedances observed are associated with turbidity and dissolved contamination appears to be minor at the site.

What does the owner want to do at the Delaware & Van Buren Site?

The current owner plans to sell the property to CVS so that the existing parking lot can be converted into a new CVS store.

All asphalt currently present at the site will be removed, and the site will be regraded to facilitate construction of the proposed retail store. Redevelopment will consist of the proposed building, a newly constructed parking lot to service the CVS store, and landscaped areas surrounding the parking lot and fronting Delaware Avenue, Gilpin Avenue, and Van Buren Street. Any material imported will be certified as clean fill.

What clean-up actions have been taken at the Delaware & Van Buren Site?

Since the existing parking lot prevents direct exposure to the soil impact, no clean-up activities have been conducted at the subject property at this time. The proposed clean-up activities are discussed below.

What additional clean-up actions are needed at the Delaware & Van Buren Site?

Analytical results indicate that shallow soils are impacted across the majority of the site, and the impact is associated with the fill material. The proposed clean-up action will involve excavating the impacted soil to depths up to 3 feet for off-site disposal. Once this soil is removed, a small amount of structural fill will be placed beneath the building and the remainder of the site will be graded. The proposed CVS building, parking lot, and landscaped areas will prevent exposure to any remaining impacted soils. A small amount of impacted material will remain in site soils at depth, precluding direct contact with the material.

The following cleanup actions are proposed for the site:

1. Excavate, segregate, and remove the impacted material (~4,350 yd^3) identified during the most recent soil sampling conducted at the subject property and dispose of the material at an approved disposal facility.
2. Regrade the site with the remaining soils to facilitate building and parking lot construction.
3. Construct the proposed CVS building, parking lot, and landscaped areas so that direct exposure to the remaining historical fill material is eliminated by the concrete building slab and asphalt parking lot.
4. Prepare an environmental covenant pursuant to the Uniform Environmental Covenants Act (UECA) that will be recorded with the property deed in perpetuity. This institutional control will describe the remaining soil impact identified at the property and will prevent future construction and/or disturbance of site soils without prior approval from DNREC.
5. An Operations and Maintenance plan (O&M plan) for the site will be drafted to assure that the enacted protective measures are properly maintained.

What are the long term plans for the Site after the cleanup?

After the proposed CVS store is built, it will be used for commercial retail purposes. No additional uses are planned for the property.

Following removal of the impacted material, the site will be regraded with clean fill and the proposed building, asphalt parking lot, and landscaped areas will form a protective cap and eliminate exposure pathways to any remaining soil impacts. An environmental covenant will then be prepared pursuant to the UECA and the cap will be required to be maintained so that exposure pathways continue to be eliminated through perpetuity. DNREC plans to issue a Certificate of Completion of Remedy for the site after the completion of clean-up, the redevelopment of the property, and the implementation of the uniform environmental covenants at the site.

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

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

http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/

The 20-day public comment period begins on August 25, 2008, and ends at close of business (4:30 pm) on September 19, 2008. Please send written comments to the DNREC office or call Wendy March, Project Manager, at:
302-395-2600.

Figure 1. Delaware & Van Buren Location

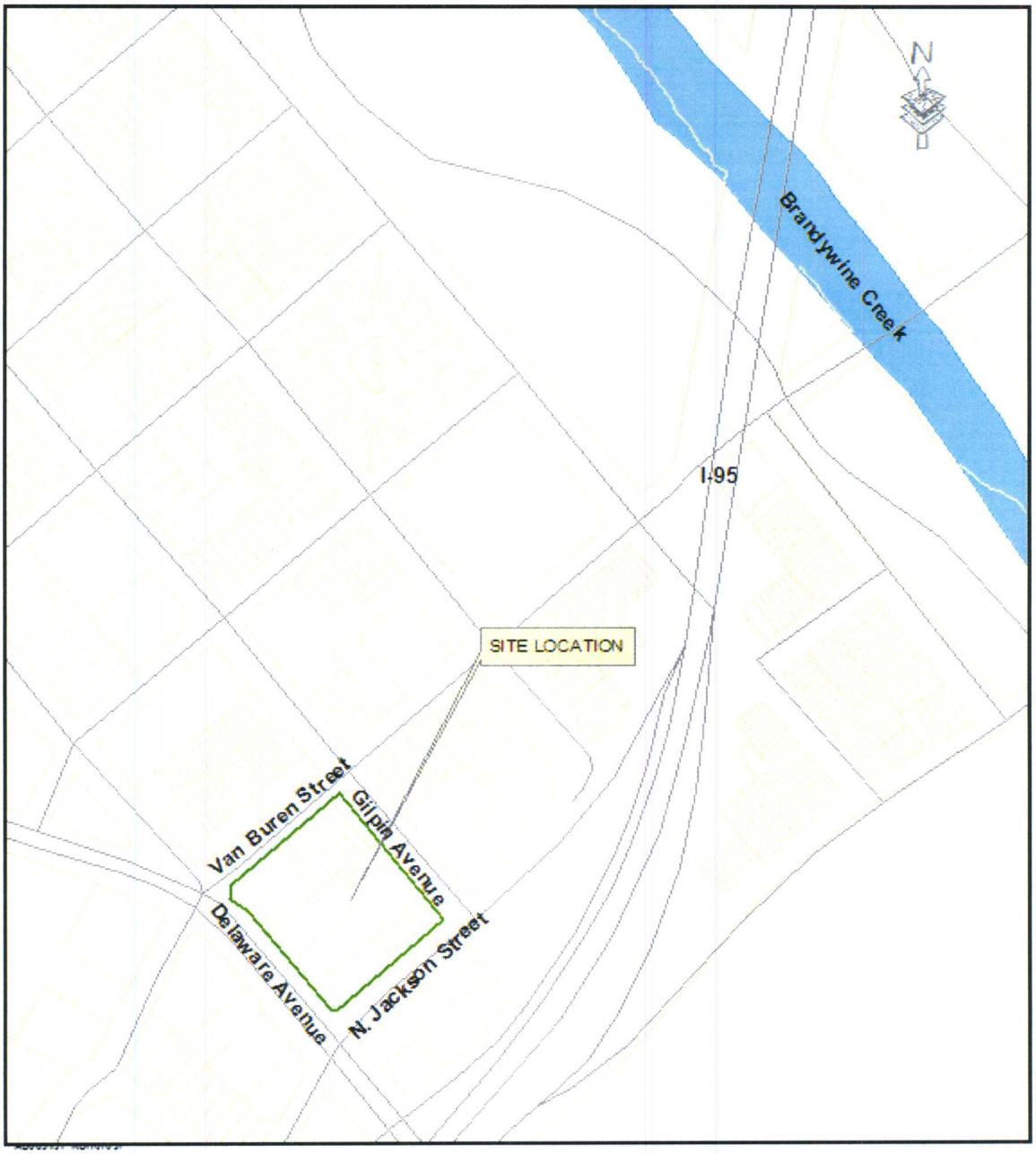

Figure 2. View from Delaware Avenue and Van Buren Street

Figure 3. View from Gilpin Avenue and N. Jackson Street

Figure 4. View from Gilpin Avenue

Glossary of Terms

Used in this Proposed Plan

Brownfield	Property that is vacant or underutilized because of the perception or presence of an environmental problem.
Certified Brownfield	A brownfield that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program.
Contaminant of Concern (COC)	These are potentially harmful substances at concentrations above acceptable levels (eg metals and PAH).
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.
***Exposure**	Contact with a substance through inhalation, ingestion, or direct contact with the skin. Exposure may be short term (acute) or long term (chronic).
Final Plan of Remedial Action	DNREC's proposal for cleaning up a hazardous site after it has been reviewed by the public and finalized.
Hazardous Substance Cleanup Act (HSCA)	Delaware Code Title 7, Chapter 91. The law that enables DNREC to identify parties responsible for hazardous substances releases and requires cleanup with oversight of the Department.
Human Health Risk Assessment (HHRA)	An assessment done to characterize the potential human health risk associated with exposure* to site related chemicals.
Proposed Plan of Remedial Action	A plan for cleaning up a hazardous site submitted by DNREC and subject to public comments.
Risk	Likelihood or probability of injury, disease, or death.
Risk Assessment Guidance for Superfund (RAGS)	An EPA guidance document for superfund sites
Site Specific Assessment (SSA) and Site Inspection (SI)	Environmental studies of a site including sampling of soils, groundwater, surface water, sediment and/or wastes on the property.

What is a *Proposed Plan?*

A Proposed Plan of Remedial Action (Proposed Plan) is a summary of how DNREC plans 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. 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.