

MAY 24 2006

File # 1364 B9

STATE OF DELAWARE

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
SITE INVESTIGATION AND RESTORATION BRANCH

FINAL PLAN OF REMEDIAL ACTION



May 2006

101 Beech Street Site
Wilmington, Delaware

DNREC Project No.: DE-1364

This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) Final cleanup alternative selected for the remediation of the 101 Beech Street (Site). The Site is currently in commercial/industrial use and it will remain in commercial/industrial use.

The purpose of the Final Plan is to provide specific information about the soil and groundwater quality and the presumptive remedy DNREC selected as the remedial action for the Site. A presumptive remedy is the preferred and established remedial alternative for common categories of releases or facilities and the approved remedy falls into this category. In addition, as described in Section 12 of the Delaware Regulations Governing Hazardous Substance Cleanup (Regulations), DNREC provided notice to the public and an opportunity for the public to comment on the Proposed Plan. At the comment period's conclusion, DNREC reviewed and consider all of the comments received and issues this Final Plan of Remedial Action (Final Plan). The Final Plan designates the selected remedy for the Site. All investigations of the Site, the Proposed Plan, the comments received from the public, DNREC's responses to the comments, and the Final Plan constitute the Remedial Decision Record. This Final Plan summarizes the 2004, 2005, and 2006 Remedial Investigation (RI) Studies and the administrative record upon which this Final Plan is based. The comments received and DNREC's response to the comments are included as Appendix I. Copies of the Site-related documents can be obtained or viewed at locations listed at the end of this document.

INTRODUCTION

The Site is approximately 13.7 acres and consists of two areas, one on the east side and one on the west side of Beech Street, north of the elevated Amtrak rail lines, in Wilmington, Delaware as shown in Figure 1, (attached). The surrounding land is a mix of commercial, industrial and residential use.

The area to the east of Beech Street is approximately 9.7 acres and contains the Wilmington Shops, Building 16, the Power House, other associated buildings and parking lots. This area is bordered by Maryland Avenue to the northwest, South Street to the northeast, the elevated Amtrak rail line to the southeast and Beech Street to the southwest.

The area to the west of Beech Street is approximately 4 acres and contains Buildings 17, 18, and 19 and associated parking lots. This area is bordered by Anchorage Street to the northwest, Beech Street to the northeast, the Browntown truck route to the southeast and Oak Street to the southwest.

BrightFields, Inc. (BrightFields), a HSCA certified environmental consultant, was retained by The Delaware Department of Transportation (DELDOT) to conduct a Supplemental Remedial Investigation of the 101 Beech Street Site, located in Wilmington, Delaware as shown in Figure 1 (attached). On November 23, 2005, DELDOT and E.I. DuPont de Nemours & Company (DuPont), collectively entered the Voluntary Cleanup Program (VCP), under the provisions of the Delaware Hazardous Substance Cleanup Act (HSCA), 7 Del. C. Chapter 91. Further, collectively DELDOT and DuPont entered into a Consent Decree, which the Secretary of DNREC signed on January 30, 2006. DELDOT plans to purchase the property and utilize a portion of the property as office space for the Delaware Transit Corporation. Future use of the property is planned to be limited to commercial/industrial use by a Uniform Environmental Covenant (UECA).

SITE HISTORY

The Site's historical operations have included foundries, machine shops, mechanical design, precision machining, robotics, chemical process design and many other engineering functions. Review of historical maps of the property showed that a machine company, rail lines, and a culvertized stream were located on the property. This stream (Clements Run) has been covered and is now part of the City of Wilmington sewer system. The property was utilized by DuPont from 1917 until March 2006 as an engineering laboratory. Currently, the property is leased to DELDOT and the existing office building currently houses DELDOT employees.

INVESTIGATION HISTORY AND RESULTS

Extensive environmental investigations and remediation were required and have previously been performed by URS Diamond (URS) and others on behalf of DuPont. These investigations are summarized in the Site Wide Phase I & II Environmental Site Assessment (ESA) Report for the DuPont Beech Street Site, dated September 2005. DNREC reviewed this and other reports and based the Final Plan on these reports.

Prior to entering the HSCA Consent Decree in January 2006, DuPont voluntarily and individually, performed a series of interim response removal actions consistent with HSCA and other applicable laws and regulations at the Site, these are detailed below:

- **Asbestos**: The regulated substances, both friable and un-friable, were collected and removed properly, and then disposed of properly from October 2004 through March 2005, as per the applicable laws and regulations.
- **Lead Acid Batteries (Lead)**: The regulated substances were removed and disposed of properly off-site, from September 2004 through October 2004, as per the applicable laws and regulations.
- **PCB Ballasts (PCB)**: The regulated substances were removed and disposed of properly off-site, from September 2004 through October 2004, as per the applicable laws and regulations.
- **Floor Wood Block (TCE and PCB)**: The regulated substances were removed and disposed of properly off-site, from September 2004 through January 2005, as per the applicable laws and regulations.
- **Thermostats (Mercury)**: The regulated substances were removed and disposed of properly off-site, in August 2005, as per the applicable laws and regulations.
- **Electrical Transformers (PCBs)**: The regulated substances were removed and disposed of properly off-site, in October 2005, as per the applicable laws and regulations.
- **Lead Paint (Lead)**: The suspected regulated substances were collected, properly stored, and analyzed. The analysis reported below regulatory levels for lead and the materials were disposed of properly off-site, as construction waste, as per the applicable laws and regulations.
- **PCB Contaminated Soil (PBCs)**: The contaminated soils were removed and disposed of properly off-site, starting in April 2005 and completed in December 2005, as per the applicable laws and regulations.

After review by DNREC of these studies and removal actions, these studies were deemed to constitute a large portion of an RI. However, DNREC regulations required that the groundwater also be assessed and that the data be used to perform a risk assessment to evaluate whether remedial actions were required. Therefore, DNREC requested that more current groundwater information be collected and analyzed and that a site-specific risk assessment be performed. A supplemental RI was prepared addressing these concerns. The Supplemental RI Report was submitted to DNREC in February 2006. The report summarized the existing data, presented the results of a groundwater investigation, presented an evaluation of the environmental findings, presented a risk assessment for the soil and groundwater, and developed remedial recommendations. The Supplemental RI and the following documents were found by DNREC to be the equivalent of a HSCA RI for the Site:

- Beech Street Site Work Plan, December 2005,

- Site Wide Phase I and II – Environment Site Assessment Report, September 2005,
- Supplemental Remedial Investigation Report, February 2006, as Amended, April 2006, and
- PCB Removal Completion Report, 101 Beech Street Site, March 2006.

SOIL

In surface soil (0-2 feet below ground surface), the following compounds were detected at concentrations above the DNREC's Uniform Risk-Based Remediation Standards (URS) values for restricted (commercial/industrial) use.

Surface soil:

- metals: antimony, arsenic, copper, iron, lead, and
- polycyclic aromatic hydrocarbons (PAHs): benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, dibenz(a,h)anthracene

In subsurface soil (greater than 2 feet below ground surface), the following compounds were detected at concentrations which exceeded DNREC's URS for restricted (commercial/industrial) use.

Subsurface soil:

- metals: arsenic, iron, and lead,
- polycyclic aromatic hydrocarbons (PAHs): benzo(a)pyrene, and dibenz(a,h)anthracene.

The contaminants of concern appear to be related to the placement of fill, which ranges in thickness from approximately 0 to 12 feet on the site and is predominately a loose black slag with some areas of ash, cinders, or coal fines, brick and wood. A complete summary of all soil boring locations is shown on Figure 2, (attached).

GROUNDWATER

Groundwater beneath the site occurs under unconfined conditions in the clayey silt and sandy clay unit, in the saprolite, and occasionally occurs within the manmade fill. Depth to groundwater, as measured in the monitoring wells, ranged from approximately 4.6 feet to 9 feet below ground surface (bgs). In the three groundwater level monitoring events, groundwater elevations ranged from approximately 3.9 feet North American Vertical Datum 1988 (NAVD88) in the southern portion of the site (GW-4 and GW-8) to 19.7 feet NAVD88 at the northeastern edge (GW-6). A complete summary of groundwater monitoring well locations is shown on Figure 2, (attached).

In groundwater, the following compounds were detected at concentrations that exceed their respective URS values for protection of human health and the environment.

Groundwater:

- metals: aluminum, beryllium, chromium, cobalt, iron, manganese, nickel,

- volatile organic compounds (VOCs): tetrachloroethene, trichloroethene, vinyl chloride, and
- semi volatile organic compound (SVOC): 1,1-biphenyl, dibenzofuran.

SITE RISK EVALUATION

A site specific risk assessment was performed to evaluate the possible effects on human health and the environment by the contaminants of concern found at the Site.

Soil

Based on the results of the risk assessment, exposure to site surface soil may pose an unacceptable carcinogenic risk under a restricted use (commercial) scenario. Based on the risk assessment, benzo(a)pyrene and arsenic are surface soil contaminants of concern for a restricted use of the property. However, because the site is currently capped with asphalt and/or buildings, there is no complete exposure pathway, and therefore, there is no current risk to site workers. However, in the event that the current capped conditions are removed or disturbed, the areas shown in Figure 3, (attached), must be properly managed.

Based on the risk assessment, subsurface soil is within DNREC's acceptable commercial industrial use risk guidelines.

Risk to vapor intrusion into indoor buildings for the area of trichloroethene contaminated soil was performed using a conservative model, (Johnson and Ettinger Model). Although the vapor intrusion evaluations did not indicate unacceptable risk over the Site, redevelopment may substantially alter subsurface conditions including vapor migration. Therefore, the results indicated that the contamination may be at concentrations where vapor intrusion may need to be addressed if a building were to be constructed over the area in the future, as shown in Figure 4 (attached).

Groundwater

Organic compounds were identified as contaminants of concern in groundwater from several of the wells. Trichloroethene was identified as a contaminant of concern in wells GW-9 and GW-10. Tetrachloroethene was identified as a contaminant of concern in GW-2. Although not identified as contaminants of concern, both components of DowTherm (1,1 biphenyl and diphenyl ether) were also detected in groundwater from wells GW-9 and GW-10 as shown in Figure 4 (attached).

Inorganic contaminants of concern (e.g., cobalt, and nickel) were identified in groundwater located west of Beech Street. Cobalt was identified as a contaminant of concern in the vicinity of GW-3; and nickel was identified as a contaminant of concern in the vicinity of GW-4 as shown in Figure 4.

Routinely ingesting shallow groundwater at the Beech Street site may pose both unacceptable carcinogenic and non-carcinogenic risks. However, existing water supply wells are located further than 2 miles from the 101 Beech Street site. The Beech Street Site is located within a Groundwater Management Zone (GMZ) where the use of groundwater is controlled by DNREC.

No new public or domestic water supply wells are allowed or permitted in the area. Therefore, no complete pathway exists for groundwater ingestion.

REMEDIAL ACTION OBJECTIVES

According to Section 8.4(1) of the HSCA Regulations, site-specific remedial action objectives (RAOs) must be established for all plans of remedial action. The Regulations provide that DNREC will set objectives for land use, resource use, and cleanup levels that are protective of human health and the environment. The following qualitative objectives have been determined to be appropriate for the Site:

- Prevent human exposure (dermal, inhalation and ingestion) to impacted soil under future restricted land use;
- Prevent the use of groundwater for all purposes at the Site; and
- Minimize potential exposure to Site contaminants of concern in impacted soil by construction workers during future Site redevelopment.

These objectives are consistent with the current use of the Site and its setting, City of Wilmington zoning policies, state regulations governing water supply, and worker health and safety.

Based on the above qualitative remedial action objectives, the quantitative remedial action objectives area based on a restricted Site use are final:

1. Prevent human exposure to soil contaminated with arsenic and benzo(a)pyrene that would result in a cumulative carcinogenic risk factor greater than 1×10^{-5} and a non-carcinogenic risk greater than a Hazard Index of 1.0.
2. Prevent contact with groundwater, the future use of groundwater for drinking water purposes, and the installation of drinking water wells;
3. Prevent the accumulation of vapors in any building later erected on the site.

EVALUATION OF POTENTIAL REMEDIAL ALTERNATIVES

A presumptive remedy is the selected and established remedial alternative for common categories of releases or facilities. The presumptive remedy approved for the Site is Maintenance of the Existing Cap and Implementation of Institutional Controls (ICs) and subsequent monitoring to confirm that the remedy has achieved the remedial objectives.

According to Subsection 8.5(3) of the HSCA Regulations, "The Department may consider and approve any presumptive remedy that is determined to satisfy the requirements contained in Subsection 8.6". Maintenance of the existing cap and implementation of institutional control was determined to meet the requirements of Subsection 8.6, which include:

- Protective of public health, welfare and the environment.
- In compliance with regulations
- Acceptable to the community

- Technically Practical
- Meets short-term and long-term effectiveness

DNREC has accepted maintenance of the existing cap, implementation of institutional controls and subsequent monitoring as the approved remedial action for the Site since the remedy meets the criteria presented above.

The presumptive remedy is the preferred remedy; however, the presumptive remedy was compared to a No Action Alternative which is detailed below.

Alternative 1: No Action

Alternative 2: Presumptive Remedy - Maintenance of the Existing Cap and Implementation of Institutional Controls (ICs). Maintain the existing cap (buildings, pavement and hardscaped areas) at the Site. Place an environmental covenant on the Site consistent with Delaware's UECA which limits the site to non-residential uses; prohibits any demolition of or land-disturbing activities on the Site without the prior written approval of DNREC; and prohibits the installation of any water well on, or use of groundwater at the Site without the prior written approval of DNREC. In addition, the Site will remain a part of the Wilmington GMZ.

Alternative 1 (No Action) is not a viable alternative because it is not protective of human health or the environment nor does it comply with current laws. This alternative was evaluated for comparison purposes only.

Alternative 2 (Maintenance of the Existing Cap and ICs) is protective and effective. Alternative 2 is not costly to implement because the existing building, pavement and hardscaped areas of the Site serve as a cap. Analysis of potential exposure pathways to Site contaminants indicated that at present, the Site poses minimal threat to human health and the environment because the Site is completely covered with buildings and pavement, which eliminates direct contact with surface soils. A Material Management Plan will be required and approved by DNREC prior to any disturbance of the existing cap. The Beech Street Site is located within a Groundwater Management Zone (GMZ) where the use of groundwater is controlled by DNREC and existing water supply wells are located further than 2 miles from the property. No new public or domestic water supply wells are allowed or permitted in the area. Therefore, no complete pathway exists for groundwater ingestion.

DNREC selected Alternative 2 (Maintenance of the Existing Cap and ICs), which is the presumptive remedy, as the final remedial action for the Site based on cost effectiveness and appropriateness to meeting remedy selection criteria found in HSCA regulations.

FINAL PLAN OF REMEDIAL ACTION

The site currently consists of commercial buildings and parking lots and is expected to remain under the same land use for the foreseeable future. Assuming future commercial use of this site, the four areas designated as soil areas of concern remain capped, unless remediation is performed. Under current site conditions, these areas are either covered with asphalt paving, concrete or buildings. The Final Plan for the Site requires continued maintenance of the existing

capping and containment system (building, parking lot, hardscaped areas) in conjunction with institutional controls.

Based on DNREC's evaluation of the Site information, which includes current and past environmental investigations, historical information, the limited contamination present at the Site, and the above remedial action objectives, DNREC selects the following remedial actions at the Site:

1. Placement of an environmental covenant on the Site, consistent with Delaware's Uniform Environmental Covenants Act (UECA), within ninety (90) days following DNREC's adoption of the Final Plan;
2. A DNREC-approved Operations and Maintenance (O & M) Plan will be established by the Site owner and implemented within ninety (90) days following DNREC's adoption of the Final Plan. The O & M plan will detail the procedures and practices, including regular inspections, to minimize the potential for disturbing the cap and containment system and to promote the long term integrity of the system. The Site also will be incorporated into DNREC's Long-Term Site Stewardship program as it develops;
3. Annual groundwater monitoring of five monitoring wells to assess trends in groundwater conditions at the site over a five year period, or a different time period, based on the results, at the discretion of the Department;
4. Limit the property to non-residential uses that would maintain the degree of surface cover comparable with current conditions;
5. Prohibit any demolition of existing buildings, parking lots or land-disturbing activities that requires excavation of the paved and covered areas in areas of the property that are identified as requiring capping, without the prior written approval by DNREC of a Contaminated Materials Management Plan and an evaluation of potential for vapor intrusion into any proposed buildings;
6. Prohibit the installation of any water well on, or use of groundwater at, the site without the prior written approval of DNREC; and Identify the site as being located within the GMZ, which is already in place for the City of Wilmington (August 2001). The site is located within the City of Wilmington boundary limits. The GMZ will prohibit the installation of any water wells on, or groundwater usage at the site without prior written approval of DNREC. In addition, the City of Wilmington municipal law prohibits potable consumption of groundwater within the City limits.

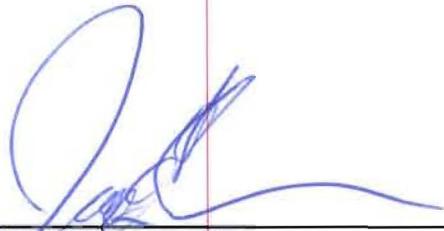
PUBLIC PARTICIPATION

The Department actively solicited written public comments and suggestions on the Proposed Plan of Remedial Action. The comment period began on April 12, 2006, and ended at the close of business on May 10, 2006. DNREC received a comment letter on April 25, 2006 and extended the comment period to allow for more public participation. The DNREC response to comments is included in Appendix I. Subsequently, a public workshop on the Proposed Plan was held on May 1, 2006 at the Chase Center on the Riverfront. Upon review of the public

workshop and the comment letter and DNREC's response, DNREC adopted the Proposed Plan as the Final Plan of Remedial Action for the Site on May 23, 2006.

DECLARATION

The Final Plan of Remedial Action for the Beech Street Site is protective of human health, welfare, and the environment and is consistent with the requirements of the Delaware Hazardous Substance Cleanup Act.



James D. Werner, Director
Division of Air and Waste Management

23 MAY 2006

Date

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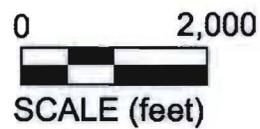


FIGURE 1 - Site Location Map

From USGS Wilmington South Quadrangle
 Wilmington Del - N.J.
 7.5 minute series, 1993

101 Beech St. Site
 Wilmington, Delaware

File No. 1133.29.51



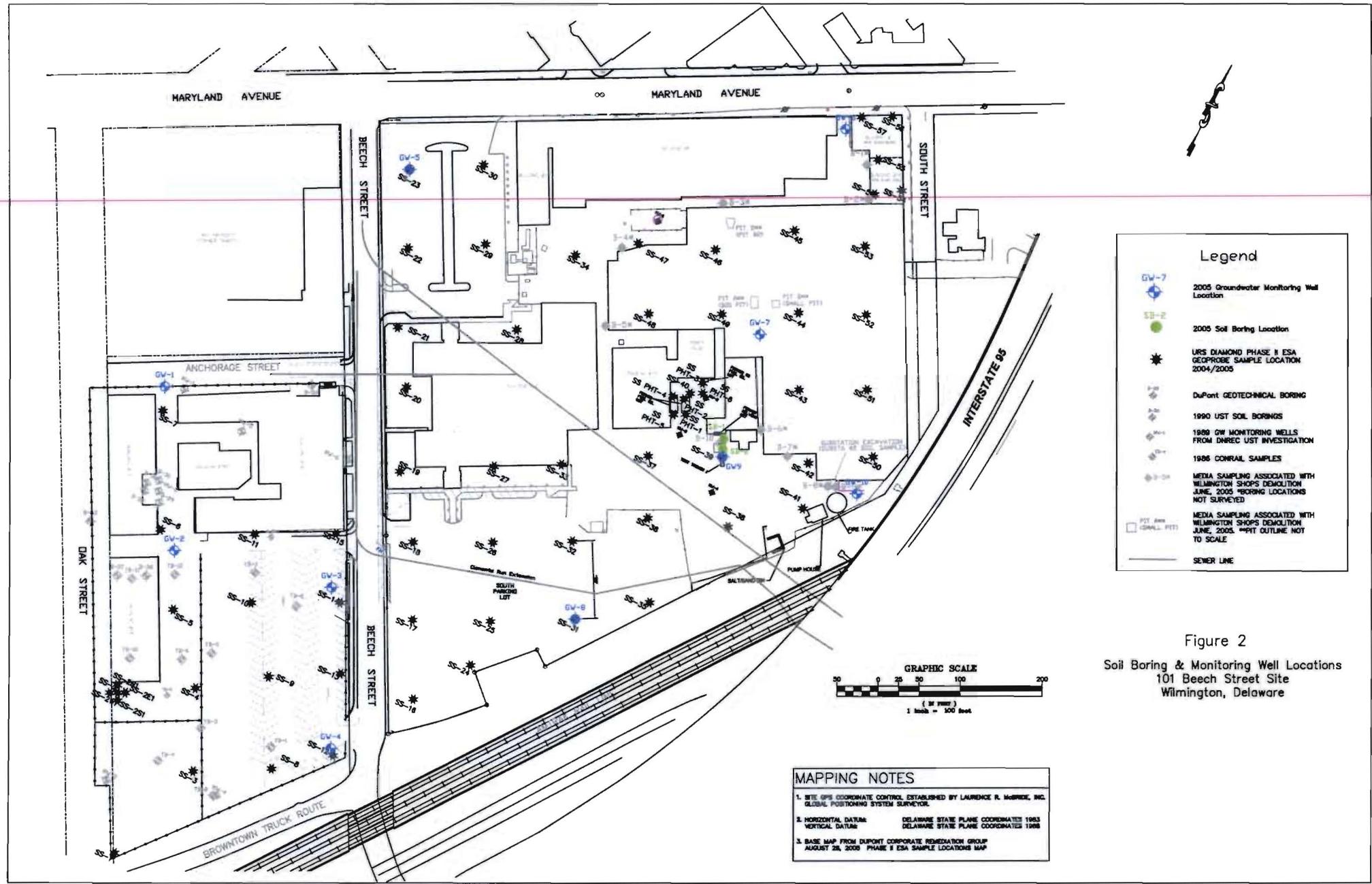
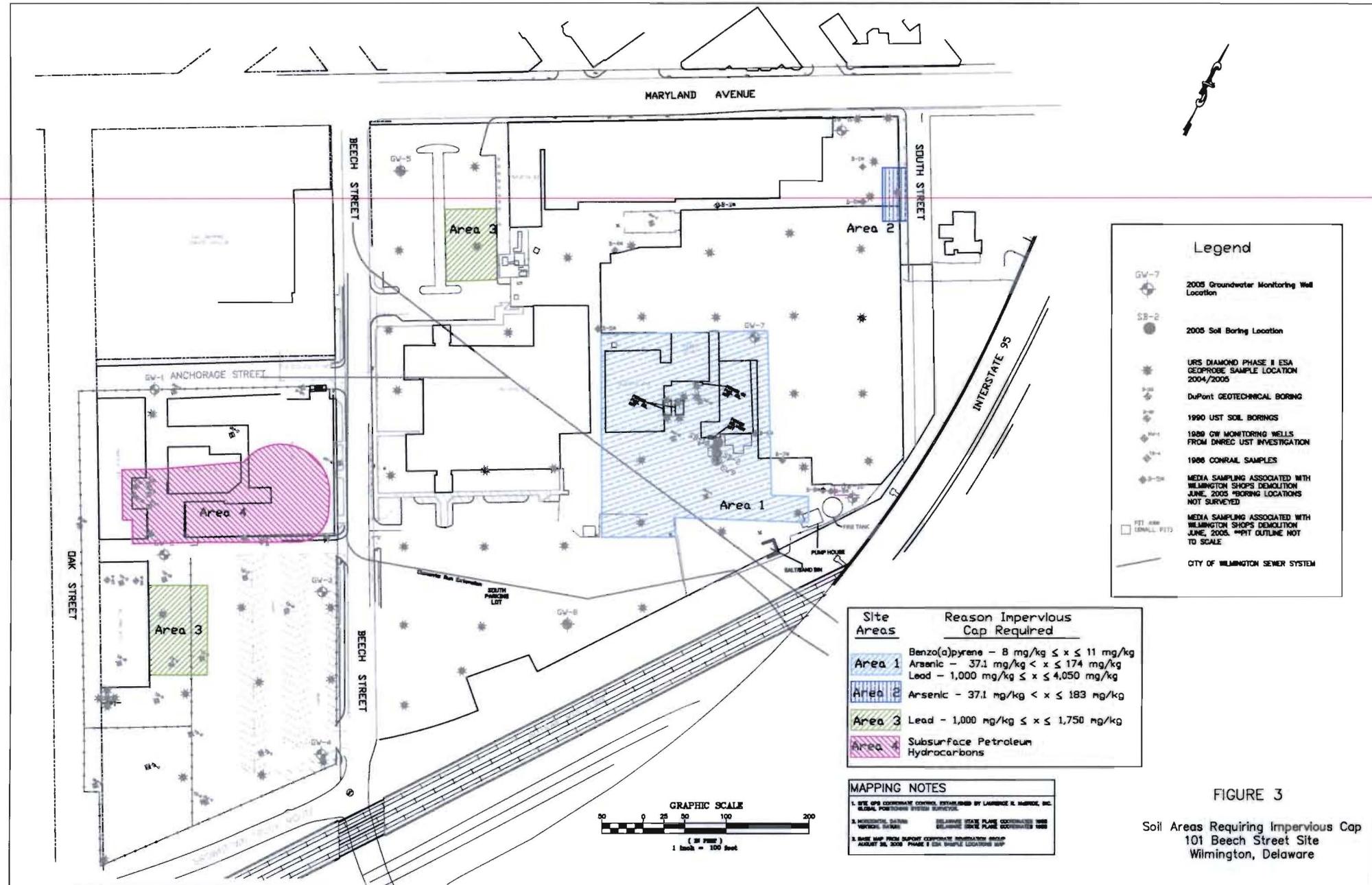


Figure 2
Soil Boring & Monitoring Well Locations
101 Beech Street Site
Wilmington, Delaware

MAPPING NOTES

1. SITE GPS COORDINATE CONTROL ESTABLISHED BY LAURENCE R. McBRIDE, INC. GLOBAL POSITIONING SYSTEM SURVEYOR.
2. HORIZONTAL DATUM: DELAWARE STATE PLANE COORDINATES 1983
VERTICAL DATUM: DELAWARE STATE PLANE COORDINATES 1988
3. BASE MAP FROM DUPONT CORPORATE REMEDIATION GROUP
AUGUST 28, 2005 PHASE I ESA SAMPLE LOCATIONS MAP



Legend

- GV-7 2005 Groundwater Monitoring Well Location
- SB-2 2005 Soil Boring Location
- URS DIAMOND PHASE II ESA GEOPROBE SAMPLE LOCATION 2004/2005
- DuPont GEOTECHNICAL BORING
- 1990 UST SOIL BORINGS
- 1989 GW MONITORING WELLS FROM DNREC UST INVESTIGATION
- 1986 CONRAIL SAMPLES
- MEDIA SAMPLING ASSOCIATED WITH WILMINGTON SHOPS DEMOLITION JUNE, 2005 *BORING LOCATIONS NOT SURVEYED
- MEDIA SAMPLING ASSOCIATED WITH WILMINGTON SHOPS DEMOLITION JUNE, 2005. **PIT OUTLINE NOT TO SCALE
- CITY OF WILMINGTON SEWER SYSTEM

Site Areas	Reason Impervious Cap Required
Area 1	Benzo(a)pyrene - 8 mg/kg < x ≤ 11 mg/kg Arsenic - 37.1 mg/kg < x ≤ 174 mg/kg Lead - 1,000 mg/kg < x ≤ 4,050 mg/kg
Area 2	Arsenic - 37.1 mg/kg < x ≤ 183 mg/kg
Area 3	Lead - 1,000 mg/kg < x ≤ 1,750 mg/kg
Area 4	Subsurface Petroleum Hydrocarbons

MAPPING NOTES

1. SITE GPS COORDINATE CONTROL ESTABLISHED BY LAWRENCE H. MARSH, INC. GLOBAL POSITIONING SYSTEM SURVEY.

2. HORIZONTAL DATUM: DELAWARE STATE PLANE COORDINATE 1985
VERTICAL DATUM: DELAWARE STATE PLANE COORDINATE 1985

3. BASED UPON FIELD SURVEY COORDINATE MEASUREMENTS PERFORMED IN 2005. PHASE I ESA SAMPLE LOCATIONS SHOWN.

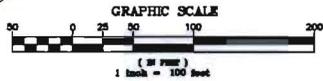


FIGURE 3
Soil Areas Requiring Impervious Cap
101 Beech Street Site
Wilmington, Delaware

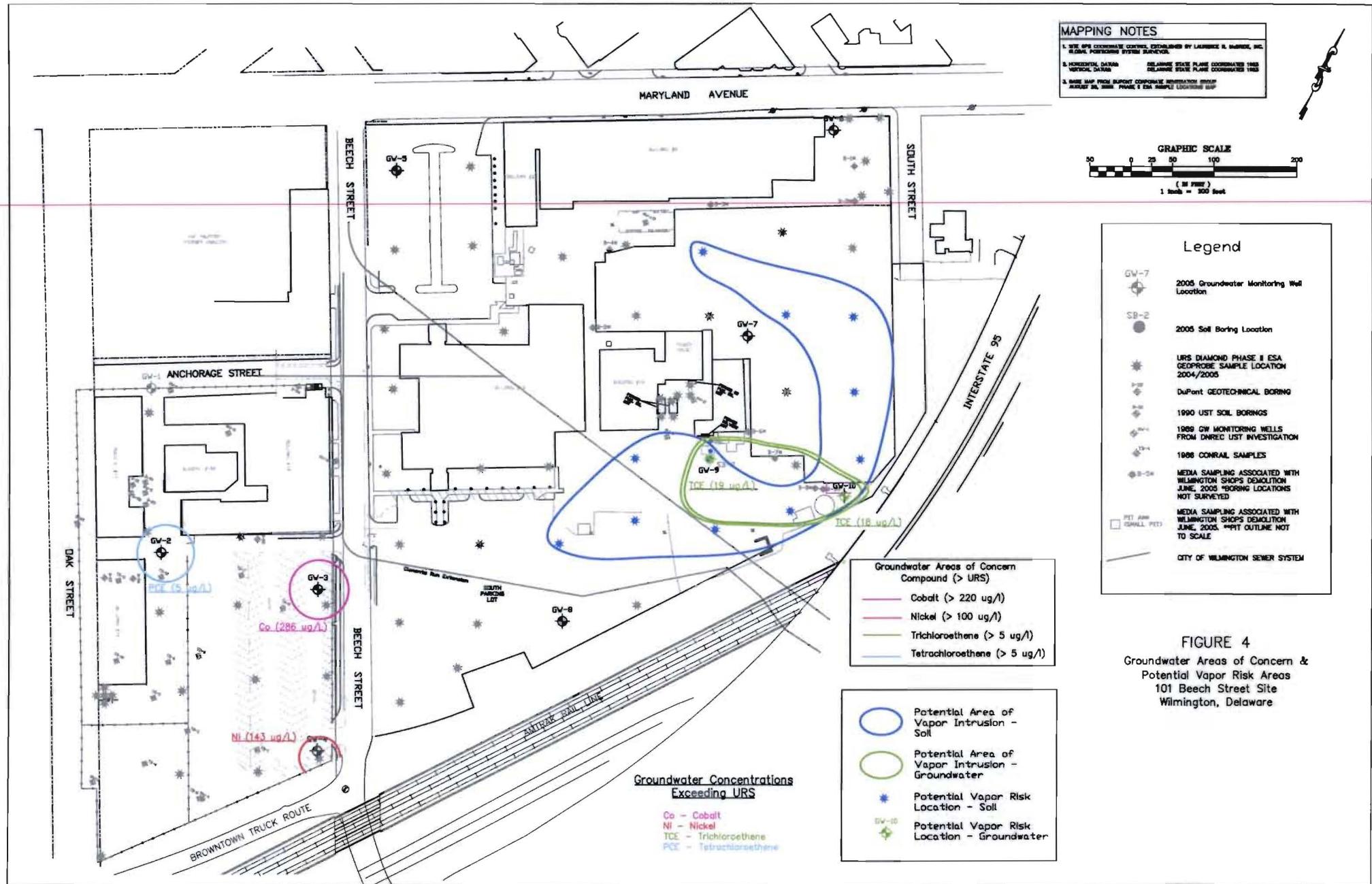


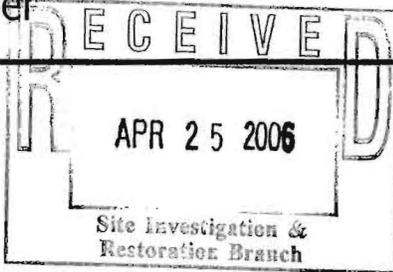
FIGURE 4
 Groundwater Areas of Concern & Potential Vapor Risk Areas
 101 Beech Street Site
 Wilmington, Delaware

Appendix I



Sara M. Fuller

1103 Sycamore Street
Wilmington, DE 19805



WORKING COPY

(Page 1 of 3)
April 24, 2006

TO: Jane Biggs
DNREC – SIRB Project Manager

VIA HAND DELIVERY

RE: COMMENTS regarding: The Proposed Plan of Remedial Action For the 101 Beech Street Site, Wilmington, Delaware.

Dear Ms. Biggs,

I am an 11 year resident of the City of Wilmington, residing in the community of Hedgeville.

I am also an almost 11 year administrative employee of the Delaware Transit Corporation (DTC).

In January of this year, the DTC relocated its administrative offices from 400 S. Madison Street to 101 (or 119) Lower Beech Street. From all documents I've read, the current owner of this Beech Street property is DuPont de Nemours & Company.

On March 28, 2006, I was made aware of a Public Hearing that was scheduled for that evening at the AAA building on the Wilmington Riverfront, for the Justison Landing Development. I attended the hearing because as a Hedgeville resident, I wanted to know about the development project coming very close to my neighborhood– not even fully realizing that the hearing was strictly about environmental cleanup. And for the very first time, I learned about the extent of contamination in/on all of the properties that are in the Justison Landing Project area, including my former worksite at 400 S. Madison Street.

I was so caught off guard, so shaken, by even the limited information that was presented regarding the contaminants at these sites - I made no comment for the public hearing record. The information was new, and I wanted to take some time to review the full details of the proposed plan rather than the PowerPoint presentation given at the hearing. Unfortunately, I do not read all the legal notices in the paper every day, and unfortunately, as an employee of the DTC, our organization was never issued any notices or warnings about possible health risks along that part of the riverfront while being literally in the middle of serious demolition and remediation activities taking place over many years. Not to mention, I and my family also live just a couple of blocks from there.

That night, the public hearing comment period ended. And in my opinion, so was my ability to make informed and intelligent comments at the hearing, and for the record. Shame on me for not knowing in advance the implications of the environment I live and work in – but shame on DNREC for what I believe is your limited and inconsistent public communication process.

I include the above information because it was only as a result of this experience that I learned about other legal notices or environmental assessments, including those regarding the 101 Beech Street Proposed Plan of Remedial Action. I submit this entire letter and the following comments and questions for the record.

(Page 2 of 3)

On Tuesday, April 18, 2006, after unsuccessfully trying to access the Proposed Plan of Remedial Action For the 101 Beech Street Site at my home from the web link provided in the legal notice, I then spent almost 30 minutes on the phone with the Wilmington Library. They did not have a hard copy of the plan available for public review. The reference desk clerk I spoke with graciously took the time to decipher and to print out the file for me from the internet. I then went to the library to get a copy of what the clerk had printed. I also called DNREC and spoke to Robert Newsome to mention the library not having a reliable copy. Mr. Newsome said the PDF file was "contaminated" and they would fix the problem immediately. I was informed by Mr. Newsome that DNREC sent this plan to the Wilmington Public Library via email, rather than hand delivering or mailing a hard copy.

There seems to be a general lack of public communication, as well as access (or difficulty in accessing in this case) the documents you advertised in a Legal Notice to be available at a public location or on your website. The reference clerk at the Wilmington Library should not have had to manipulate an emailed document (PDF or not) to get a printout. The public should not have to travel to DNREC's office site in New Castle to get a legitimate copy either, when it was advertised to be available online or at the Wilmington Library.

Now that I have been able to review the related: Legal and Public Notices; the Proposed Plan of Remedial Action for 101 Beech Street dated April 2006; the Sitewide Phase I & II Environmental Site Assessment (ESA) Report completed by DuPont Remediation Group dated August 2005; and then the Final Supplemental Remedial Investigation Report issued by DNREC, DelDOT and DuPont dated March 2006; I submit this entire letter and the following comments and questions for the record:

- 1) DTC and its employees have occupied the 101 Beech Street building since January 2006 and this fact is not specifically mentioned in any of the documents I have read. It's as if we are not even there. All references state that DelDOT plans to use this site for DTC administrative offices.
- 2) The 101 Beech Street building that I work in was predominately vacated by DuPont employees before DTC moved there in January. Some remain(ed), I don't know how many.
- 3) The Final Supplemental Remedial Investigation Report issued by DNREC, DelDOT and DuPont dated March 2006 states on page 22 that the calculations for the assessment are based on EPA guidelines for calculating the UCL of an "unknown" population. I'm not an expert, but does this mean that the risk levels calculated do not reflect the DTC's occupancy since January? And does this mean that the risk levels are arbitrarily low?
- 4) Have appropriate environmental tests been done since we moved there to measure the indoor and outdoor air quality, groundwater or surface soil issues or taken into consideration of installation of vapor seals, etc?
- 5) Has a cumulative risk assessment of all contaminated surrounding properties at the Riverfront (many of which are in the remediation process right now) been factored into the comprehensive environmental impact on human health at 101 Beech Street?
- 6) Have occupancy and/or zoning restrictions mentioned in the reports been put into place?
- 7) How do you evaluate whether or not we are in a safe work environment?
- 8) Have any significant risk assessments been done for the neighboring communities of Hedgeville and Browntown and communicated to residents in any way other than through a legal notice or at community meetings that are low attended? Even the informal public meeting that is scheduled on May 1st from 4:30pm to 7:00 pm at The Chase Center on the Riverfront will take place as the comment period for The Final Supplemental Remedial Investigation Report issued by DNREC, DelDOT and DuPont dated March 2006, ends.

(Page 3 of 3)

I also want to note for the record and ask about the Consent Decree For The Beech Street Site (Legal notice start date 2/8/2006 with end date 2/27/2006), which allows for DelDOT to purchase the site at a reduced price in exchange for implementing the final plan of remedial action on the site. Why is the State paying for this rather than DuPont? And is the State placing employees and the community at risk, solely to get a cheaper price for the property?

I know that these issues can be very complicated, but I would appreciate a written response. If any of the answers to my questions reflect that the remediation and occupancy risk at 101 Beech Street is at or above DNREC's thresholds, including those for cumulative risk and potential risks to the surrounding residential communities, then I object to the plans and demand that the agency fully enforce the environmental regulations and laws, regardless of the consequences or delays that may result to the progress of commercial development.

Sincerely,



Sara Fuller

sf

cc: Kevin F. Kelley, Sr. – Councilman 6th District – City of Wilmington
Rick Galloway – DNREC SIRB Project Manager



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
391 LUKENS DRIVE
NEW CASTLE, DELAWARE 19720-2774

WASTE MANAGEMENT SECTION
SITE INVESTIGATION &
RESTORATION BRANCH

TELEPHONE: (302) 395-2600
FAX: (302) 395-2601

May 18, 2006

Ms. Sara M. Fuller
11032 Sycamore Street
Wilmington, Delaware 19805

RE: DNREC HSCA Response to the Fuller Letter Dated April 24, 2006
Written Comments to the Proposed Plan of Remedial Action
Beech Street Site, Wilmington, New Castle County, Delaware

Dear Ms. Fuller:

This letter comes as the Department of Natural Resources and Environmental Control (DNREC), Division of Air and Waste Management (DAWM), Site Investigation and Restoration Branch's (SIRB) response to your letter dated April 24, 2006 (attached) regarding your written comments to the Proposed Plan of Remedial Action for the Beech Street Site, Wilmington, Delaware.

- Specific question regarding the status of the Beech Street Office building as a sick building, "...this very building, and that it is a 'sick' building."

DNREC Response: DNREC's ability to respond to this question is limited since the Hazardous Substance Cleanup Act (HSCA) does not have authority over in-door air concerns. In-door air concerns are addressed through the Occupation Health and Safety Administration (OSHA). However, DNREC has authority over intrusion of vapor from subsurface contamination into in-door air. DNREC evaluated the potential for contamination from vapor intrusion and concluded that vapor intrusion from subsurface contamination is and has not taken place nor will not take place into the existing building. DNREC is aware of DuPont and the State of Delaware Department of Transportation (DelDOT) conducting investigations of the 101 Beech Street Building, which was originally constructed in 1990. The results of the studies showed that the building was within approved guidelines and there is no evidence of any contamination.

- Specific question in letter dated 24 April 2006 to DNREC, "DTC and its employees have occupied the 101 Beech Street building since January 2006 and this fact is not

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specifically mentioned in any of the documents I have read. It's as if we are not even there. All references state that DelDOT plans to use this site for DTC administrative offices."

DNREC Response: The Supplemental Remedial Investigation Report (SRI), prepared by Brightfields, was written in December 2005 and January 2006, prior to the DelDOT DTC employees taking over occupancy of the building in Mid January 2006. All risk assessments performed for the Beech Street Site assume the buildings would be occupied and are most protective of human health and welfare of those working in the buildings and at the Site.

- Specific question in letter dated 24 April 2006 to DNREC, "The Final Supplemental Remedial Investigation Report issued by DNREC, DelDOT and DuPont dated March 2006 states on page 22 that the calculations for the assessment are based on EPA guidelines for calculating the UCL of an "unknown population".

DNREC Response: Regarding the question of "unknown population", science some times takes words that are normally used within the everyday community and use that common term in a scientific terminology context. The scientific use of "unknown population" has to do with the number/quantity of soil samples taken for the site, how the data is concentrated and the upper confidence level of the data set, and how the data is distributed. The use of this term "unknown population" has nothing to do with a human population but refers to soil and groundwater sample populations.

- Specific question in letter dated 24 April 2006 to DNREC, "I'm not an expert, but does this mean that the risk levels are calculated do not reflect the DTC's occupancy since January?"

DNREC Response: The risk calculations are done for any office worker occupying a building on a site over a period of about 25 years. The assumptions used in these calculations are the most protective. Therefore, all workers occupying the building are protected.

- Specific question in letter dated 24 April 2006 to DNREC, "Does this mean that the risk levels are arbitrarily low?"

DNREC Response: See the above answer.

- Specific question in letter dated 24 April 2006 to DNREC, "Have appropriate environmental tests been done since we moved there to measure the indoor and outdoor air quality, groundwater or surface soil issues or taken into consideration of installation of vapor seals, etc?"

DNREC Response: There has been no outdoor environmental sampling at the Beech Street Site since DelDOT moved into the building. As stated earlier, DNREC does not

have authority over in-door air and would not have collected such data. The environmental sampling done at the Beech Street Site for the Remedial Investigation (RI) did not show any concerns for vapor intrusion into the existing office building. There was one area of concern identified in the work done for the RI. The area identified currently is capped by the parking area and would only become a concern if a building were to be built over the area. Therefore, DNREC required that the area be evaluated should a building be constructed in this specific area in the future.

- Specific question in letter dated 24 April 2006 to DNREC, "Has a cumulative risk assessment of all contaminated surrounding properties at the Riverfront (many of which are in the remediation process right now) been factored into the comprehensive environmental impact on human health at 101 Beech Street?"

DNREC Response: Risk assessment protocol requires that each site is evaluated individually. Further, the risk assessment protocols are very protective of human health and the environment. Therefore, a cumulative risk assessment of all contaminated surrounding properties at the Riverfront has not been completed.

- Specific question in letter dated 24 April 2006 to DNREC, "Have occupancy and zoning restrictions mentioned in the reports been put in place?"

DNREC Response: The groundwater management zone reference in the Proposed Plan is in place. The Proposed Plan requires an environmental covenant and once the Final Plan is approved the covenant can be put in place. Therefore, the environmental covenant is currently being drafted and will be attached to the deed.

- Specific question in letter dated 24 April 2006 to DNREC, "How do you evaluate whether or not we are in a safe work environment?"

DNREC Response: DNREC evaluates risk through risk assessment. DNREC looks at various scenarios for human and environmental exposure which includes inhalation (breathing it in), ingestion (eating it), and dermal contact (sticking it on the skin of a human body). The risk assessments are conducted for the current and proposed use of a property, i.e. office building or restricted use to ensure safety of those occupying the site. As stated earlier, DNREC only has authority over the environmental issues as they relate to HSCA that are impacting the soils and groundwater at the Site.

- Specific question in Letter dated 24 April 2006 to DNREC, "Have any significant risk assessments been done for the neighboring communities of Hedgeville and Browntown and communicated to residents in any way other than through a legal notice or at community meetings that are low attended?"

DNREC Response: The most protective risk assessments done for a site such as the Beech Street HSCA Site ensure the safety of those on the site and any off site areas impacted by the site contaminants.

- Specific question in letter dated 24 April 2006 to DNREC, “Even the informal public meeting that is scheduled on May 1st from 4:30 to 7:00 PM at the Chase Center on the Riverfront will take place as the comment period for the Final Supplemental Remedial Investigation Report issued by DNREC, DelDOT, and DuPont dated March 2006, ends.”

DNREC Response: DNREC has extended the comment period for 101 Beech Street Site until May 10th, 2006, close of business.

- Specific question in letter dated 24 April 2006 to DNREC, “On Tuesday, April 18, 2006, after unsuccessfully trying to access the Proposed Plan of Remedial Action for the 101 Beech Street Site at my home from the web link provided in the legal notice, I then spent almost 30 minutes on the phone with the Wilmington Public Library. They did not have a hard copy of the plan available for public review...” and “There seems to be a general lack of public communication, as well as access (or difficulty in accessing in this case) the documents you advertised in the Legal Notice to be available at a public location or on your website. The reference clerk at the Wilmington Library should not have had to manipulate an emailed document (PDF or not) to get a printout. The public should not have to travel to DNREC’s office site in New Castle to get a legitimate copy either, when it was advertised to be available online or in the Wilmington Library.”

DNREC Response: DNREC apologizes for the technical difficulty that caused the Proposed Plan to be formatted incorrectly, which made the public review difficult. In addition, once DNREC was made aware that the Wilmington Public Library did not have a copy of the Proposed Plan, one was delivered the same day. DNREC corrected the format on the web immediately after we were aware of the problem and we extended the comment period an extra 9 days. The comment period ended May 10, 2006 at close of business.

- Specific question in letter dated 24 April 2006 to DNREC, “I also want to note for the record and ask about the Consent Decree for the Beech Street Site (Legal Notice start date 2/8/2006), which allows for DelDOT to purchase the site at a reduced price in exchange for implementation the final plan of remedial action on the site. Why is the State paying for this rather than DuPont?”

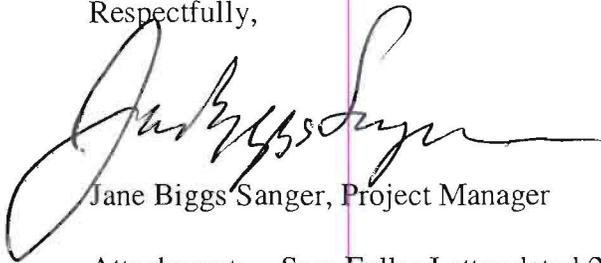
DNREC Response: The consent decree on the Beech Street Site is a three party agreement to purchase the property and ensure the continued protection of public health, welfare and the environment. As the reuse or infill development of old industrial sites increases under the Brownfields program in Delaware and nationally, property transfers in which the buyer discounts the price from the seller in exchange for ensuring meeting the environmental requirements is becoming common place in private property transactions. The consent decree for this site was an efficient mechanism to address both

the sale of the property to a State of Delaware agency and the routine agreement between the buyer and the Department of Natural Resources and Environmental Control.

DNREC has completed the review of your questions. The Proposed Plan sets forth complete and effective remedies, including restrictive covenants to control future land use. The Proposed Plan is adequately supported, is not arbitrary and is consistent with HSCA and the Regulations Governing HSCA. Since the majority of these remedies have implemented, the Site is safe for the proposed uses. To ensure the protection of future site occupants and future construction workers, the use will be limited to commercial use through a Uniform Environmental Covenant, which will be implemented.

If you have any questions or comments of concern, please contact me at 302-395-2600.

Respectfully,



Jane Biggs Sanger, Project Manager

Attachment: Sara Fuller Letter dated 24 April 2006 addressed to DNREC.

JFBS:sbk
JFB06046.doc
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pc: Kathleen Stiller Banning, Branch Manager, DNREC DAWM SIRB
without Attachment

Qazi Salahuddin, Program Manager, DNREC DAWM SIRB
without Attachment

Project File with Attachment