

FINAL PLAN OF REMEDIAL ACTION



TACO BELL – CONCORD PIKE

Taco Bell- Concord Pike
Talleyville, Delaware

January 21, 2010
DNREC Project No. DE-1439

This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that: historical operations resulted in the generation of a variety of hazardous and non-hazardous materials in the soil and groundwater at the site.

DNREC issued public notice of the Proposed Plan for the Site on December 7, 2009 and opened a 20-day public comment period, which ended on January 6, 2010. The Proposed Plan requires:

1. Bring any USTs present on the property into compliance with Delaware Regulations by removal or closing in place.
2. Install a vapor barrier beneath the proposed new building due to the presence of PCE and TCE in the groundwater.
3. Institute an Environmental Covenant on the property to restrict use of groundwater and notify DNREC if soil-disturbing activities or new construction are planned.

A DNREC-approved Operation and Maintenance (O&M) Plan will be written to detail the inspection of the vapor barrier to insure the protectiveness of the remedy. The Proposed Plan also includes the location of additional information found on the DNREC web page and in the DNREC office at Lukens Drive in New Castle.

There were no comments or questions from the public regarding the Proposed Plan. Therefore, the Proposed Plan was adopted as the Final Plan (see attached).

Approval:

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

 1/21/10

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



PROPOSED PLAN OF REMEDIAL ACTION

Taco Bell Concord Pike Site
Wilmington, Delaware DE-1439



December 2009

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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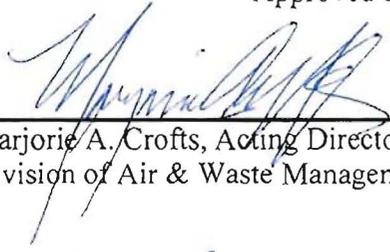
PROPOSED PLAN OF REMEDIAL ACTION

Taco Bell Concord Pike Site
Wilmington, Delaware
DE-1439



Approval:

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

Approved by:

Marjorie A. Crofts, Acting Director Division of Air & Waste Management
12.3.09
Date



What is the Taco Bell Concord Pike Site? The Taco Bell Concord Pike is an active restaurant, located between the northbound and southbound lanes of Concord Pike (Route 202), in Wilmington (Talleyville), Delaware (Figure 1). The restaurant is planned for redevelopment and expansion with a new building and enlarged parking lot that will incorporate the adjacent parcel to the north. The owner and developer is Delaware Restaurants, LP. The site is being remediated under the Voluntary Cleanup Program (VCP).

Tax Parcel Numbers: 0605100050
Address: 3902 Concord Pike, Wilmington, DE 19803
Nearest major intersection: Mt. Lebanon Road
Area: 0.55 acres
Surrounding Property: Surrounding land use is commercial, with a nearby school and residences.
Zoning: CN Commercial Neighborhood
Site Utilities: Full municipal utilities (water, sewer, gas)
Surface water: The Brandywine Creek is 1 mile west of the site.
Topography: Relatively flat
Groundwater: Shallow unconfined aquifer, groundwater flows generally southwest

What happened at the Taco Bell Concord Pike Site? The site was a Gulf Oil gasoline service station prior to 1980 when it was sold and a Taco Bell restaurant was constructed. Until recent environmental assessment activities associated with the adjacent parcel to the north, the current owner was unaware of the possible presence of the underground storage tanks. The site is directly south of an operating dry cleaner that is a known source of groundwater contamination.

What is the environmental problem at the Taco Bell Concord Pike Site? Groundwater contamination from dry cleaner chemicals is present in the groundwater. Also, petroleum contamination was identified in the soil and groundwater in the area of the suspected underground storage tanks (USTs).

An Environmental Site Assessment was conducted in 2007 in which soil borings were conducted and soil and groundwater was sampled. A geophysical survey was also conducted which reported the presence of suspected USTs. A Remedial Investigation was completed in 2009 in which soil and groundwater were sampled. The investigations identified soil contamination from petroleum in limited locations in the former UST area. Additionally, groundwater contamination from

tetrachloroethene (PCE) and trichloroethene (TCE) was identified above regulatory standards. The presence of PCE in the groundwater presents a potential concern with regards to inhalation of indoor air.

What does the owner want to do at the Taco Bell Concord Pike Site? The existing restaurant building will be demolished, and a new restaurant will be constructed. The former Panella Ski Shop property which is adjacent to the Site to the north was purchased and the building demolished to provide for the expansion of the parking area of the new restaurant.

Delaware Restaurants, LP, is the owner and developer of the property. The restaurant is to be expanded and upgraded and the parking and drive-through will be improved.

What clean-up actions are needed at the Taco Bell Concord Pike Site? The proposed remedy includes installing a protective vapor barrier beneath the new building to prevent VOC vapor migration, placing an Environmental Covenant on the property to prohibit installation of drinking water wells and providing for notification to DNREC if soil-disturbing activities are planned.

The following cleanup actions are proposed for the site:

- 1. Bring any USTs present on the property into compliance with Delaware Regulations by removal or closing in place. The Hydrogeological Investigation Report will be concluded based on the tank closure data and will be submitted the DNREC Tank Management Branch for request of a No Further Action letter.*
- 2. Installing a vapor barrier beneath the proposed new building due to the presence of PCE and TCE in the groundwater.*
- 3. Instituting an Environmental Covenant on the property to restrict use of groundwater and notify DNREC if soil-disturbing activities or new construction are planned.*

What are the long term plans for the Site after the cleanup? The site will continue to be used as a Taco Bell restaurant after remodeling.

A vapor barrier system will be installed beneath the proposed building to prevent VOC vapor migration. An Environmental Covenant will be instituted that will restrict the use of site groundwater for drinking water and cause notification to DNREC-SIRB of any soil-disturbing activities or new construction. DNREC plans to issue a Certificate of Completion of Remedy for the site after the completion of the UST closure, 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 Remedial Investigation Report is available at the DNREC office, 391 Lukens Drive in New Castle. Most documents are also found on:

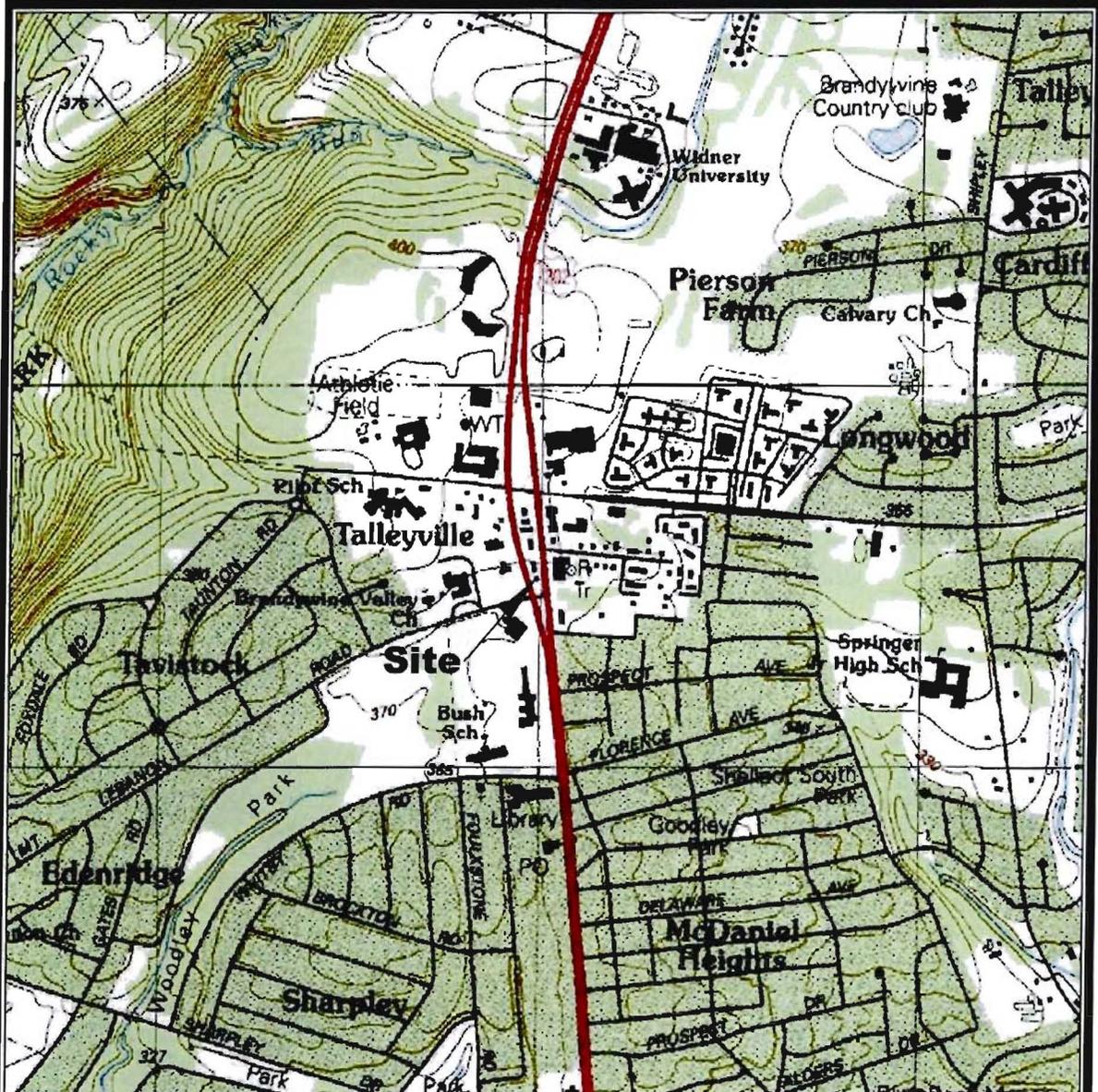
<http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/>

The 20-day public comment period begins on December 7, 2009 and ends at close of business (4:30 pm) on January 6, 2009. Please send written comments to the DNREC office or call Todd Keyser, Project Manager, at:

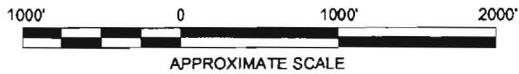
302-395-2600.

TAK:tlw
TAK09038.doc
DE 1439 II B 8

Figure 1



BASE MAP SOURCE: WILMINGTON NORTH, DE QUADRANGLE



3902 CONCORD PIKE REMEDIAL INVESTIGATION WILMINGTON, DELAWARE			
SITE LOCATION / TOPOGRAPHIC MAP			
DRAWN BY AGG	FILE NAME Location Map_TB_101030.dwg	SCALE 1 = 1000'	FIGURE NO. 1
APPROVED BY	PROJECT NO 2409	DATE 02/17/09	

Figure 2



1. View across parking lot south to north



2. View of existing drive through



3. View from southwest across south bound lanes of Concord Pike



4. Aerial view of Taco Bell vicinity

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.
