AMENDED FINAL PLAN OF REMEDIAL ACTION

MARINA OVERLOOK SITE – OPERABLE UNIT 1

1125 East 7th Street and 500 Industrial Street — October 2, 2012
Wilmington, Delaware — DNREC Project No. DE-1328

This Amended Final Plan of Remedial Action (Amended Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) intention to address environmental contamination at the Marina Overlook Site – Operable Unit 1.

DNREC issued public notice of the Amended Proposed Plan of Remedial Action (Amended Proposed Plan) for Operable Unit 1 (OU-1) of the Site on September 9, 2012 and opened a 20-day public comment period. The Amended Proposed Plan is attached. There were no comments from the public; therefore, the Amended Proposed Plan is adopted as the Amended Final Plan.

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

Timothy T. Ratsep, Program Administrator
Site Investigation and Restoration Section

LJH:vdh
LJH12045.doc
DE 1328 II B 9

AMENDED PROPOSED PLAN OF REMEDIAL ACTION

Marina Overlook
Operable Unit 1 (OU-1)
Wilmington, Delaware
DNREC Project No. DE-1328

September 2012

Delaware Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Site Investigation & Restoration Section
391 Lukens Drive
New Castle, Delaware 19720

CONTENTS

- Figures: 1 & 2
- Glossary of Terms

AMENDED PROPOSED PLAN OF REMEDIAL ACTION

Marina Overlook Site
Operable Unit 1 (OU-1)
Wilmington, Delaware
DNREC Project No. DE-1328

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

Approved by:

for MAC

Marjorie A. Crofts, Director
Division of Waste and Hazardous Substances

9/4/2012

Date

What is the Amended Proposed Plan of Remedial Action?

The Proposed Plan of Remedial Action (Proposed Plan) summarizes the clean-up (remedial) actions that are being proposed to address contamination found at the Site. The Proposed Plan is issued to solicit public comment. A legal notice is published in the newspaper for a 20-day comment period. The Department of Natural Resources and Environmental Control (DNREC) considers and addresses all public comments received and subsequently publishes a Final Plan of Remedial Action (Final Plan) for the Site.

When new information regarding a release of contamination is identified at a Site or a change in Site use is requested by the property owner after the Proposed Plan has been issued, an Amended Proposed Plan must be issued to once again solicit public comment. DNREC uses a comprehensive assessment, which includes the additional data, to develop the new proposal for remedial action at the Site.

What is the Marina Overlook Site, (Operable Unit 1)?

The Marina Overlook Site is located at 1125 East Seventh Street, 500 Industrial Street, and 701 Industrial Street in Wilmington, Delaware, and consists of three tax parcels (26-044.00-023, 26-045.00-020, and 26-045.00-013), totaling approximately 13.24 acres (Figure 1). The nearest intersection to the Site is East Seventh Street and Industrial Street. The Site is currently a vacant lot (Figure 2).

This proposed plan specifically addresses Operable Unit-1 (OU-1) of the Site, which consists of tax parcels: 26-044.00-023, 26-045.00-020.

The Site is owned by Peninsula Ventures VIII, LLC and has been designated as a Certified Brownfields Site. Peninsula Ventures VIII, LLC entered into a Brownfields Development Agreement (BDA) with the Department of Natural Resources and Environmental Control (DNREC) to perform a Brownfield Investigation and address contamination determined to be present on the Site.

What happened at the Marina Overlook Site (Operable Unit 1)?

Historic industrial operations and filling activities likely resulted in the increased levels of semi-volatile organic compounds (SVOCs) and metals detected in soils. Elevated metals concentrations were also detected in groundwater. The Site is located within the City of Wilmington Groundwater Management Zone (GMZ) which restricts groundwater withdrawal and usage.

Why is an Amended Proposed Plan of Remedial Action necessary for the Marina Overlook Site (OU-1)?

Based on a change in development plans, the property owner has decided that in the near future, the Site will be utilized for strictly non-residential use. The remedial actions required in the original Final Plan of Remedial Action for the Site were based on the Site being redeveloped for both residential and commercial/industrial use. The original remedial actions were re-evaluated and new ones have been proposed based on the new site use.

What is the environmental problem at the Marina Overlook Site (OU-1)?

The OU-1 properties were historically a part of the Jackson and Sharp American Car Foundry operations in the later 1800s into the early 1900s. At that time, numerous rail lines were located on both properties. There was also an architectural mill constructed on the Eastern States property in the early 1900s. The structure was demolished in the mid-1960s; however, the foundation still remains on the property. Both of these parcels have been cleared and filled with DNREC-approved material to raise it out of the floodplain.

What does the owner want to do at the Marina Overlook Site (OU-1)?

The Site will be leased to a company who will install and maintain solar panels on the ground surface for the minimum of a 20-year period.

What clean-up actions are needed at the Marina Overlook Site (OU-1)?

DNREC proposes the following remedial actions for the Site, which needs to be completed before a Certificate of Completion of Remedy (COCR) can be issued:

1. Cap the Site with at least one (1) foot of clean soil or impervious material such as buildings, asphalt, or concrete, and install a fence, a minimum of 6 feet high, around the swale and wetland areas to prevent access.

2. Develop a DNREC-approved Contaminated Materials Management Plan (CMMP) to provide instructions for construction workers on how to safely handle any potentially-contaminated soil and groundwater they may encounter at the Site.

3. Develop and implement a DNREC-approved Long-Term Stewardship (LTS) Plan. The LTS Plan will detail: 1) the groundwater monitoring network and schedule to be followed in order to monitor the attenuation of the groundwater COCs, and 2) the inspection schedule to be followed in order to ensure the long-term integrity of the remedy.

4. An Environmental Covenant, consistent with Delaware's Uniform Environmental Covenants Act (Title 7, Del. Code Chapter 79, Subtitle II) (UECA), will be recorded in the office of the Recorder of Deeds to include the following:

    - Restrict land use to non-residential (e.g. commercial/industrial);
    - Prohibit interference with remedy;

- Prohibit land-disturbing activities without prior written approval from DNREC;
- Prohibit the installation of groundwater wells for drinking water purposes without the prior written approval of DNREC;
- Comply with the LTS Plan; and
- Comply with the CMMP.

What are the long-term plans for the Marina Overlook Site (OU-1) after the cleanup?

The Site use will be restricted to non-residential (commercial/industrial) purposes by recording the environmental covenant. The CMMP will be completed and available for the Site.

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

The complete file on the Site, including the Brownfield Investigation Report and various reports, are available at the DNREC office, 391 Lukens Drive in New Castle, 19720. Most documents are also found on: http://www.nav.dnrec.delaware.gov/DEN3/

The 20-day public comment period begins on September 10, 2012 and ends at close of business (4:30 pm) on October 1, 2012. Please send written comments to the DNREC office at 391 Lukens Drive, New Castle, DE 19720 to Lindsay Hall, Project Manager, or Robert Newsome, Public Information Officer.

Figure 1: Site Location Map
Figure 2: Operable Units

LJH:vdh; LJH12040.doc; DE 1328 II B 8

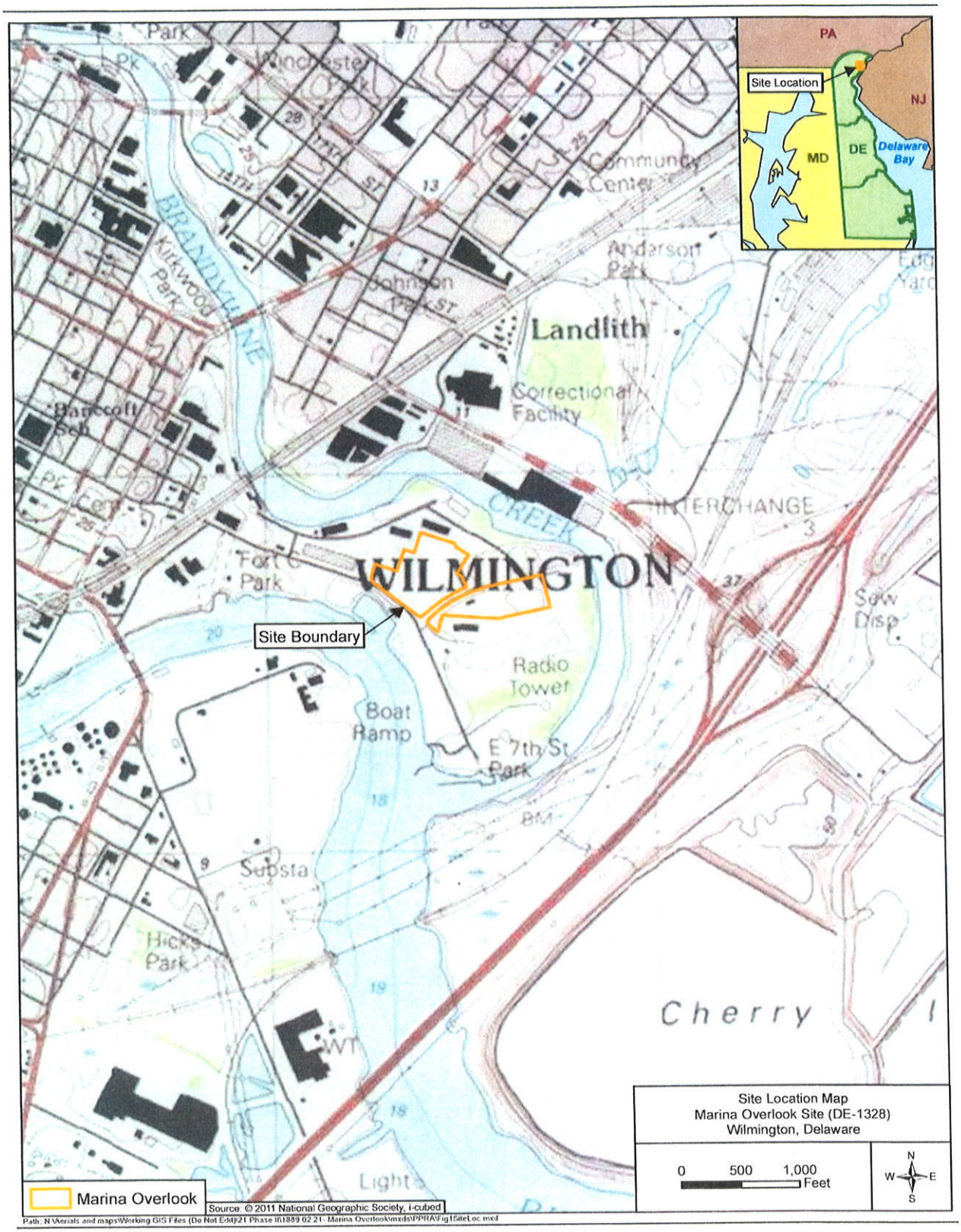
PA
Site Location
NJ
MD
DE
Delaware Bay
Landlith
Correctional Facility
WILMINGTON
Site Boundary
Radio Tower
Boat Ramp
E 7th St Park
Cherry
Site Location Map
Marina Overlook Site (DE-1328)
Wilmington, Delaware
0 500 1,000 Feet
N
W
E
S
Marina Overlook
Source: © 2011 National Geographic Society, i-cubed

Figure 1

E 12TH ST
Brandywine Creek
E EIGHTH ST
PLANT ST
500 Industrial Street
Tax Parcel #
2604500020
OU-1
1125 East Seventh Street
Tax Parcel #
2604400023
INDUSTRIAL ST
OU-2
701 Industrial Street
Tax Parcel #
2604500013
E SEVENTH ST
MARSH LA
Christina River
E SEVENTH ST
OU-1
OU-2
Tax Parcels
Source: Delaware DataMIL,
(c) 2010 Microsoft Corporation and its data suppliers
Operable Units
Marina Overlook Site (DE-1328)
Wilmington, Delaware
0 100 200
Feet
N
W
E
S
Path: N:\Aerials and maps\Working GIS Files (Do Not Edit)\21 Phase II\1889 02 21- Marina Overlook\mxds\PPRA\Fig2OUs.mxd

Figure 2

Glossary of Terms Used in this Proposed Plan

Brownfield Development Agreement (BDA)	This legal agreement is between a potential developer of a Delaware-certified Brownfields Site and the DNREC. The developer agrees to investigate and cleanup a Brownfields property under the oversight of the Department in exchange for liability protection.
Brownfield Investigation (BFI)	Thorough environmental study of a site which includes 1) sampling of site environmental media and/or wastes on the property and 2) conducting a preliminary risk assessment using the data collected to determine the risk posed to human health and the environment.
Certified Brownfield	A Brownfield that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program
Certification 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.
Contaminant of Concern (COC)	Potentially harmful substances at concentrations above acceptable levels.
Contaminated Materials Management Plan (CMMP)	A written plan specifying how potentially contaminated material at a site will be sampled, evaluated, staged, transported and disposed of properly.
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 adopted plan for cleaning up a hazardous site.
Groundwater Management Zone (GMZ)	A geographical area where DNREC restricts drilling for ground water because it is contaminated
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.
Operable Unit (OU)	Smaller area or subdivision of a site often chosen to more easily manage the investigation and/or cleanup of the entire site
Risk	Likelihood or probability of injury, disease, or death.
Restricted Use	Commercial or Industrial setting
Site Investigation and Restoration Section (SIRS)	Section of DNREC which oversees cleanup of sites that were contaminated as a result of past use, from dry cleaners to chemical companies
Uniform Risk-Based Remediation Standards (URS)	A set of concentration criteria for various contaminants potentially present in site media that are developed for protection of human health and the environment