AMENDED FINAL PLAN OF REMEDIAL ACTION

KRIEGER – FINGER PROPERTY

Southwest of Walnut & A Street *December 2012*
December 12, 2012 *DNREC Project No. DE-1067*

This Amended Final Plan of Remedial Action (Final Plan) for the Krieger – Finger Property Site presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that the cleanup actions being proposed are in accordance with the Delaware Hazardous Substance Cleanup Act and will be protective of human health and the environment. The plan was amended to include a tax parcel that was inadvertently omitted from the original proposed plan.

DNREC issued public notice of the Amended Proposed Plan for the Krieger – Finger Property Site on October 28, 2012 and opened a 20-day public comment period. There were no comments 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.

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

12/13/2012
Date

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AMENDED PROPOSED PLAN OF REMEDIAL ACTION

Krieger – Finger Property
Wilmington, DE

DNREC Project No. DE-1067

October 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

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Krieger – Finger Property
Wilmington, DE

DNREC Project No. DE-1067

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

Approved by:

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

10.25.12

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 the release of contamination is identified at a Site 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 Krieger – Finger Property Site?

The 2.0 ± acre Site (Tax Parcel Number: 26-050.00-058 and 26-050.00-080) is currently a vacant property located approximately 400 feet southeast of the intersection of South Walnut Street and "A" Street in an industrialized area of the City of Wilmington, New Castle County, Delaware. The area was originally wetlands and received fill periodically since the 1800's, as did much of the surrounding area.

What happened at the Krieger – Finger Property Site?

The area was originally wetlands and was filled continuously since the 1800s, as was much of the surrounding area. Historic aerial photos provide clear documentation of fill placement from at least 1959. Historical filling included sands, silts, clays and gravel, along with rubble, glass and glass bottles, brick, metal, wire, roofing shingles, plastic, wood, ash and other debris at various locations and depths. Then, in 1985, excess contaminated soil from a construction project at the Amtrak Wilmington Shops was disposed of at the Site.

The EPA and DNREC investigated the placement of the Amtrak soils and determined that the soil contained polychlorinated biphenyls (PCBs). EPA recommended at the time that the Site should not be used for residential construction, but industrial development would not present a problem.

Why is an Amended Proposed Plan of Remedial Action necessary for the Krieger Finger Property Site?

Based on a review of documents in the file, DNREC determined that the Krieger – Finger Property Site boundaries had been mislabeled. Tax Parcel 26-050.00-080, included in the Krieger – Finger Remedial Investigation, was included as part of a Proposed and Final Plan of Remedial Action for a neighboring Site and was not part of the Proposed Plan for the Krieger – Finger Property (Figure 2). As a result,

this amended Proposed Plan includes Tax Parcel 26-050.00-080 to the clean-up plan for the Krieger – Finger Property.

What is the environmental problem at the Krieger – Finger Property Site?

Soils at the Site are contaminated with PCBs at levels that DNREC has determined may have adverse impacts to human health and the environment if a remedy is not conducted. In addition to PCB's, six semi-volatile compounds, three pesticides, eight metals, volatile petroleum hydrocarbons, and extractable petroleum hydrocarbons were detected in soils in concentrations above Unrestricted Use and/or Restricted Use uniform risk-based standards. The presence of these compounds may or may not be related to the presence of PCBs in Site soils. (See http://docs.dnrec.delaware.gov/docfinity/intraviewer for more details).

What clean-up actions have been taken at the Krieger – Finger Property Site?

No cleanup activities have been undertaken at the Site.

What does the owner want to do at the Krieger – Finger Property Site?

The owner wishes to have the Responsible Party conduct a remediation at the Site and then sell the property to a third party.

What clean-up actions are needed at the Krieger – Finger Property ?

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

1. "Hot spot" removal and off-site treatment and/or disposal of soils from the area of sample location 1325 to meet the remedial action objective for PCB remediation.

2. Covering and/or capping the surface of the upland portion of the Site with a building structure, paving, and/or a geotextile material or other equivalent approved barrier, and a minimum of 2 feet of clean fill and a protective vegetative cover as part of the Site improvements. The covering and/or cap, similar to those implemented at sites in close proximity to the Krieger – Finger Property, shall be consistent with the requirements of the Toxic Substance Control Act (TSCA), 40 CFR 761.61.

3. Establishment of engineering controls to limit erosion into the ditches surrounding the Site and into associated wetlands; including preserving and protecting the wetlands located on Site by maintaining its integrity during Site activities, as well as resolution of outstanding wetland fill issues with appropriate federal authorities. All remedial activities within the wetland portion of the Site must comply with all applicable State of Delaware and federal laws and regulations.

4. An Environmental Covenant consistant 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:

    - Prohibit the installation of groundwater wells for drinking water purpose without the prior written approval of DNREC; and

- Note the incorporation of the Site into the City of Wilmington GMZ.

5. Develop and implement a DNREC approved Operation and Maintenance Plan (O&M) to maintain the integrity of the cover and/or cap systems. The responsible parties and future owners of the property will be responsible for implementation of all aspects and costs of the approved remedy, including all requirements of the final plan, the approved O&M Plan, and adherence to the requirements and conditions to be established in the Uniform Environmental Covenant for the Site.

What are the long-term plans for the Krieger – Finger Property Site after the cleanup?

A DNREC approved Long Term Stewardship Plan (LTS) to maintain the integrity of the cover and/or cap systems will be developed. The responsible parties and future owners of the property will be responsible for implementation of all aspects and costs of the approved remedy, including all requirements of the Final Plan, the approved LTS Plan, and adherence to the requirements and conditions to be established in the Uniform Environmental Covenant for the Site.

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

The complete file on the Site including the Site Investigation Report and the 2003 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 ends on November 19, 2012. Please send written comments to the DNREC office or call Larry Jones, Project Manager, at: 302-395-2600.

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Figure 1. Krieger – Finger Property Location

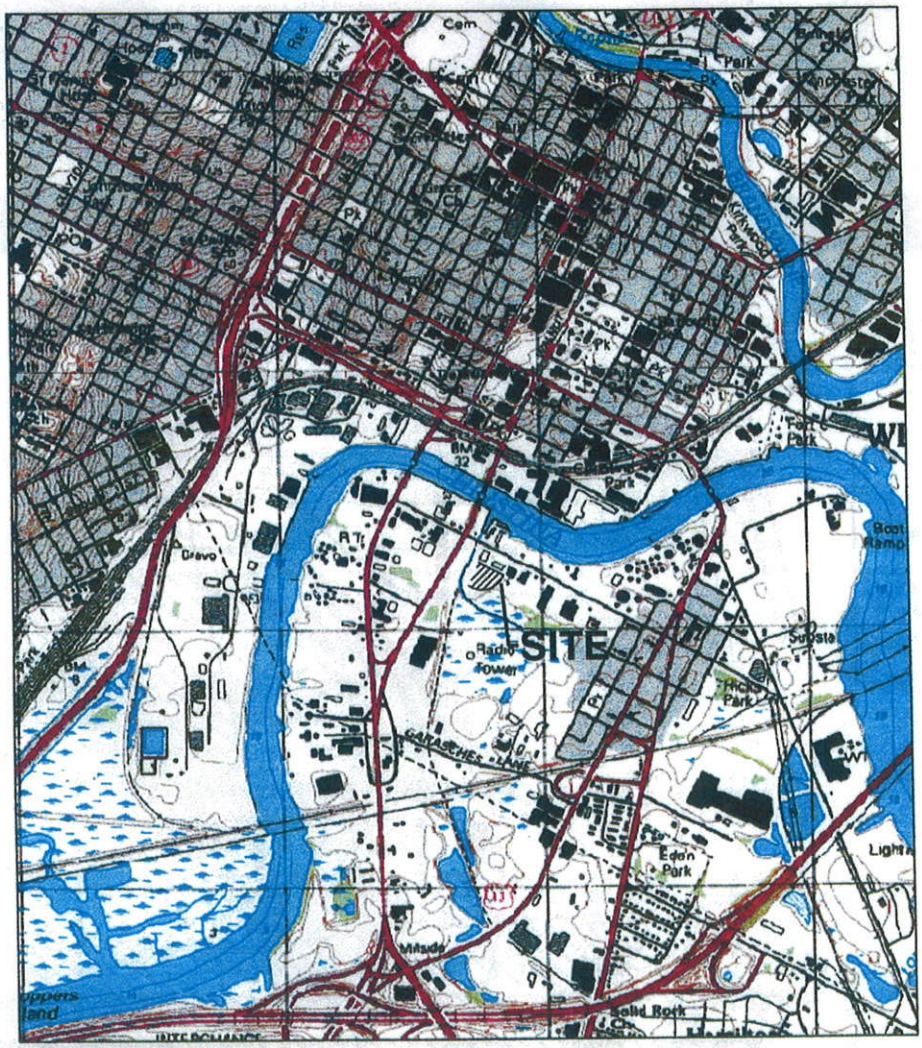

Figure 2. Krieger – Finger Property Aerial

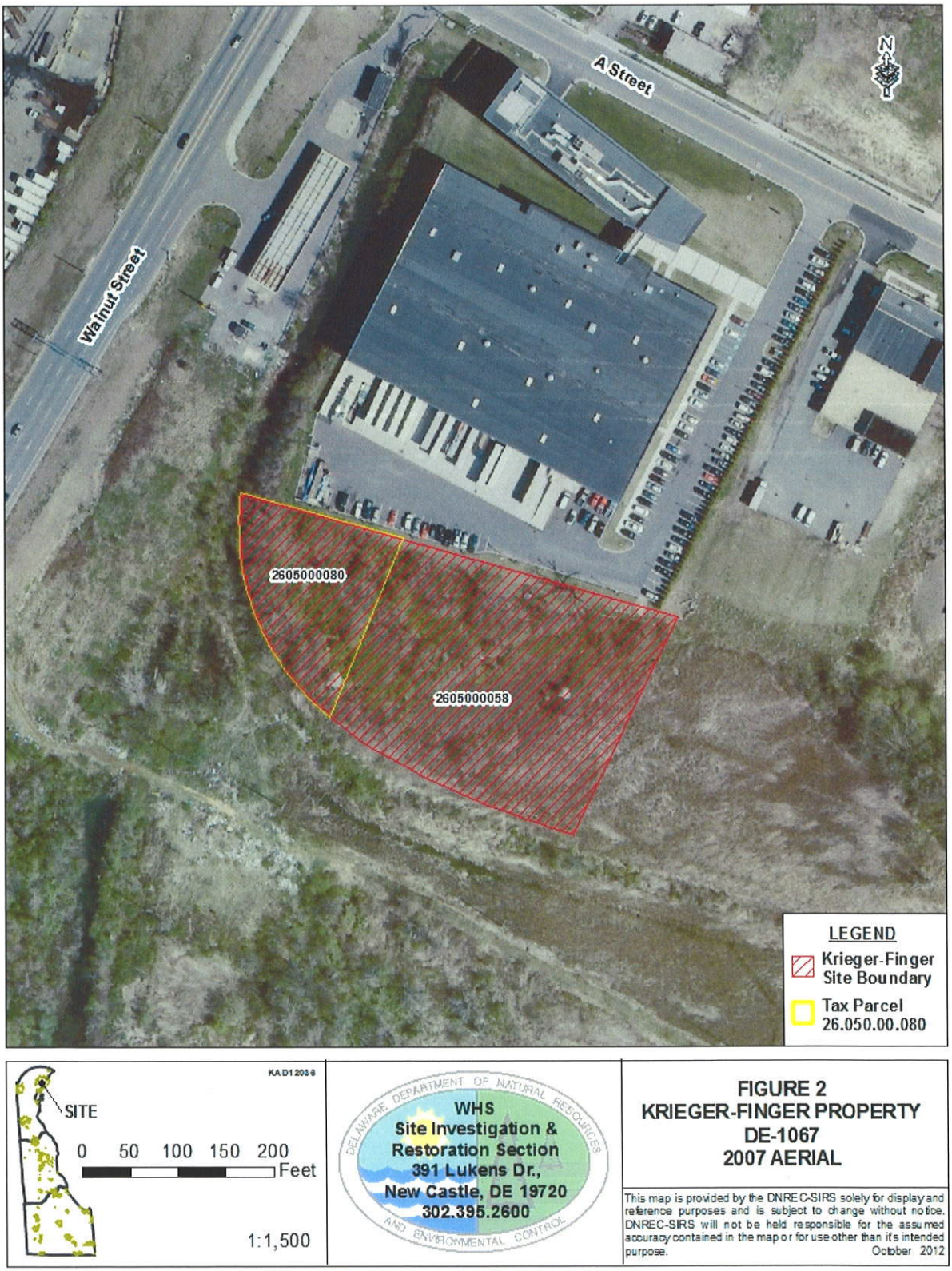

Figure 3. View of Krieger – Finger Property

Glossary of Terms Used in this Proposed Plan

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
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
Preliminary Risk Assessment	A quantitative evaluation of only the most obvious and likely risks at a site
Remedial Investigation (RI)	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
Restricted Use	e.g. Commercial or Industrial setting
Risk	Likelihood or probability of injury, disease, or death.
Site Inspection (SI)	Environmental study of a site which includes the sampling of soils, groundwater, surface water, sediment and/or wastes on the property, as appropriate. This evaluation is performed on behalf of the United States Environmental Protection Agency (U.S. EPA)
Site Investigation and Restoration Section (SIRS)	Section of DNREC which oversees cleanup of sites that were contaminated as a result of past use
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
Unrestricted Use	e.g. Residential setting
Voluntary Cleanup Program Agreement (VCP)	This legal agreement is between the property owner of a Site and the DNREC. The developer agrees to investigate and cleanup their property under the oversight of the Department.