

FINAL PLAN OF REMEDIAL ACTION



CONAWAY MILLER PROPERTY SITE

*Water and North Street
Seaford, Delaware*

*November 2013
DNREC Project No. DE-1533*

This Final Plan of Remedial Action (Final Plan) presents clean-up actions required by the Department of Natural Resources and Environmental Control (DNREC) to address environmental contamination at the Conaway Miller Property Site. The Site will be capped with clean fill and residential buildings will be constructed along with sidewalks and paved parking lots.

DNREC issued public notice of the Proposed Plan of Remedial Action (Proposed Plan) for the Site on October 9, 2013 and opened a 20-day public comment period. The Proposed Plan is attached. There were no comments 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.



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

November 5, 2013

Date



PROPOSED PLAN OF REMEDIAL ACTION

CONAWAY MILLER PROPERTY SITE
Seaford, Delaware
DNREC Project No. DE-1533



October 2013

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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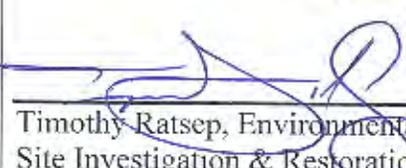
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Approval:

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

Approved by:

Timothy Ratsep, Environmental Program Administrator Site Investigation & Restoration Section

Date



What is the 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 for public comment. A legal notice is published in the newspaper for a 20-day comment period. DNREC considers and addresses all public comments received and publishes a Final Plan of Remedial Action (Final Plan) for the Site.

What is the Conaway Miller Property Site?

The Conaway Miller Property Site consists of 7-parcels, totaling 2.45 acres in size, located along the Nanticoke River at the south-central portion of Seaford, Delaware (Figure 1). The Site is located at the intersection of Water Street and North Street. The area is used for industrial/commercial operations as well as residential homes.

What happened at the Conaway Miller Property Site?

The Sites operations have changed over the years dating back to 1885. A general store, warehouses, residential homes, granaries, an oyster house, a saw mill, a fertilizer manufacturer, and an auto showroom with a repair shop have all operated on the property. The Site currently is inactive and the property has been vacant since 2006.

What is the environmental problem at the Conaway Miller Property Site?

According to previous reports, the Site is listed on DNREC-Tanks Management Section (TMS) underground storage tank (UST) and LUST regulatory databases. The UST listing derives from a 110-gallon capacity gasoline UST removed in 1960, which is listed as “closed”. A Hydrogeologic Investigation was conducted at the Site in 2006 to assess subsurface petroleum impacts related to the leaking UST. Six soil samples and five monitor wells were installed. Only benzene was found in one of the groundwater samples, collected near the north-western portion of the Site that exceeded Tier 1 Risk-Based Screening Level (RBSL) for potential points of exposure (POEs). No other contaminants exceeded the Tier 1 RBSLs. DNREC-TMS issued a Conditional No-Further Action Needed letter in September of 2006.

DNREC reviewed the Brownfield Application and the Site became a Certified Brownfield in December of 2012. Twenty-nine soil samples and six groundwater samples were collected as part of the Brownfields investigation. Metals, volatile organic compounds (VOC), semi-volatile organic compounds (SVOC) and pesticides were found in on-site groundwater. SVOCs and metals were found in on-site soils.

What does the owner want to do at the Conaway Miller Property Site?

The Site will be developed into a residential apartment development consisting of two large buildings along the Nanticoke River surrounded by paved parking areas between and to the north of the buildings, and a “Riverwalk” boardwalk with piers and docks along the river. Over 75% of the

Site's 2.45 acres is proposed to be covered by impervious surface, mostly paved with asphalt for parking. The remainder of the Site is proposed to be covered by several small retention basins for storm water management and landscaping.

What clean-up actions are needed at the Conaway Miller Property Site?

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. Placement of a cap on the Site to prevent direct exposures to soil under a future residential land use. The cap may include buildings, asphalt paving, concrete, clean soil, or a combination.
2. 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 Sussex County Recorder of Deeds to include the following:
 - Compliance with Long Term Stewardship Plan: Perform all work required by the Long Term Stewardship Plan ("LTS Plan"), as issued, approved, modified or amended by DNREC;
 - Limitation of Groundwater Withdrawal: No groundwater wells shall be installed, and no groundwater shall be withdrawn from any well, on the Property without the prior written approval of DNREC-SIRS and DNREC Division of Water;
 - Interference with Remedy: There shall be no digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activities on the Property without the prior written approval of DNREC-SIRS.
3. Develop a DNREC approved CMMP to allow construction workers to safely handle any potential contaminated soil and groundwater at the Site.
4. Develop and implement a DNREC-approved Long-Term Stewardship (LTS) Plan. The LTS Plan will detail: a) the groundwater monitoring network and schedule to be followed in order to monitor the attenuation of the groundwater contaminants of concern, and b) the inspection schedule to be followed in order to ensure the long-term integrity of the remedy.

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

A high-density residential development will be built at the Site and a LTS Plan should be followed.

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

The complete file on the Site including the Brownfield Investigation Report and the 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 October 13, 2013 and ends at close of business (4:30 pm) on November 4, 2013. Please send written comments to the DNREC office at 391 Lukens Drive, New Castle, DE 19720 to Krystal A. Stanley, Project Officer or Robert Newsome, Public Information Officer.



 <p>DWHS Site Investigation & Restoration Section 391 Lukens Dr., New Castle, DE 19720 302.395.2600</p> <p>1:955</p>	 <p>DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL</p>	<p>Conaway Miller Property DE-1533</p> <p><small>This map is provided by the DNREC-SIRB solely for display and reference purposes and is subject to change without notice. DNREC-SIRB will not be held responsible for the assumed accuracy contained in the map or for use other than its intended purposes.</small></p> <p style="text-align: right;"><small>February 2008</small></p>
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Figure 1

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.
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.
SIRS	Site Investigation Restoration Section of DNREC, which oversees cleanup of sites that were contaminated as a result of past use, from dry cleaners to chemical companies
US EPA	United States Environmental Protection Agency