SECOND AMENDED PROPOSED PLAN OF REMEDIAL ACTION

Former American Scrap & Waste Site
Wilmington, Delaware

DNREC Project No. DE- 1131

November 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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DNREC Project No. DE-1131

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

Approved by:

Timothy Ratsep, Environmental Program Administrator
Site Investigation & Restoration Section

November 7, 2013
Date

What is the Second 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 is identified after a 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. This is the second amended Proposed Plan of Remedial Action.

What is the Former American Scrap & Waste Site?

The Site is the former location of the American Scrap & Waste Site. The Site is located at 20 Commerce Street in Wilmington and consists of tax parcel 2605100021. The site comprises approximately 1.63 acres bounded by Commerce Street to the north, Dock Street to the west, and a private undeveloped commercial property to the south and east. Currently the Site is unoccupied. The proposed development plan for the property includes an industrial park. The Site has been designated as a Certified Brownfields Site. C & G Property Associates, LLC entered into a Brownfields Development Agreement (BDA) with DNREC to perform a Brownfield Investigation and address contamination determined to be present on the Site.

What happened at the Former American Scrap & Waste Site?

The Site has been historically in commercial use from the late 1890's. The 1901 Sanborn map and city atlas show the property occupied by a blacksmith shop with several small structures and a rail siding owned by Consumer's Ice and Coal Co. Commercial Structures including a planing mill and lumber storage shed, plus rail sidings appeared on Site through 1951. The Site most recently housed a scrap iron/metal facility from 1938 until 2009 when American Scrap & Waste relocated.

Why is the Second Amended Proposed Plan of Remedial Action necessary for the Former American Scrap & Waste Site?

The Toxic Substances Control Act (TSCA) Deed Restrictions referencing low occupancy and high occupancy areas of the site were omitted from the Amended Proposed Plan of Remedial Action (September 2012).

What is the environmental problem at the Former American Scrap & Waste Site?

The subject property is located in an industrial area in the City of Wilmington. Laboratory analysis detected metals, such as lead and arsenic, PCBs, and the semi-volatile organic compounds (SVOC) benz(a)anthracene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, benzo(a)pyrene and dibenz(a,h)anthracene above the DNREC Uniform Risk Based Standard (URS) for restricted use in both surface and subsurface soils and. Metals were detected above DNREC's standards in groundwater. Previous investigations performed at the Site from 1996 to 2010 identified several contaminants of concern (COCs). In December 2010, Landmark Engineering/JCM Environmental submitted a Brownfields Investigation Report for the Site. Based on a review of the laboratory analysis results, COCs exist throughout the Site. It was determined that the calculated risk for the Site was above DNREC's acceptable risk standard for commercial use.

What clean-up actions have been taken at the Former American Scrap & Waste Site?

In September 2010, a Self-Implementing Cleanup Plan for the cleanup and disposal of PCB-contaminated soils was completed at the Site overseen by the US EPA.

What does the owner want to do at the Former American Scrap & Waste Site?

The current owner plans to develop the Site as an industrial park.

What clean-up actions are needed at the Former American Scrap & Waste Site?

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. The Site will be capped with at least one foot of clean fill or impervious material such as parking lots or buildings. A marker fabric will be placed between the impacted material and the newly placed cap.

2. Develop and implement a DNREC-approved Long-Term Stewardship (LTS) Plan. The LTS Plan will assure that the enacted protective measures are properly maintained including maintenance of the cap and landscaped areas and detail the inspection schedule to be followed in order to ensure the long-term integrity of the remedy.

3. Record an Environmental Covenant, consistent with Delaware's Uniform Environmental Covenants Act (Title 7, Del. Code Chapter 79, Subtitle II) (UECA), 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;
- Toxic Substances Control Act (TSCA) Deed Restrictions: It is noted that portions of the property contained PCB wastes and are restricted to use as a low occupancy area as defined in 40 CFR 761.61.(a)(8). In addition, portions of the property are capped and the cap must be monitored as described in the Long Term Stewardship Plan. PCB concentrations under the cap in low occupancy areas do not exceed 100 ppm. PCB concentrations under the caps in high occupancy areas do not exceed 10 ppm. Specifics of the location of the caps and PCB soil concentrations are provided in the Self-Implementing On-site Cleanup and Disposal of PCB Remediation Waste/Risk-based Disposal Approval Plan, prepared by Landmark JCM (August 2010);
- Prohibit land-disturbing activities without prior written approval by DNREC;
- Prohibit the installation of groundwater wells for drinking water purposes without the prior written approval of DNREC;
- Identify the Site as located within a Groundwater Management Zone (GMZ); and
- Comply with the Long-Term Stewardship Plan.

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

The Site will be restricted to non-residential (commercial/industrial) purposes only in accordance with the recording of an environmental covenant. All other requirements set forth in the environmental covenant shall be adhered to.

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

The complete file on the Site, including the Brownfields Investigation Report, is 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 November 10, 2013, and ends at close of business (4:30 pm) on December 2, 2013. Please send written comments to the DNREC office or call Wendy March, Project Manager, at: 302-395-2600.

Figure 1: Former American Scrap & Waste Location
Figure 2: American Scrap & Waste view from Commerce Street
Figure 3: American Scrap & Waste view from Commerce & Dock Streets

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Figure 1: Former American Scrap & Waste Location

Figure 2: American Scrap & Waste view from Commerce Street

Figure 3: American Scrap & Waste view from Commerce & Dock Streets

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.
Brownfield Investigation (BFI)	Thorough environmental study of a site which includes 1) sampling of the 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.
Contaminant of Concern (COC)	These are potentially harmful substances at concentrations above acceptable levels (e.g. 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.
DNREC Uniform Risk-based Standards (URS)	DNREC guidance document for COC concentrations
***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.
Operations and Maintenance (O&M) Plan	A plan describing the activities necessary to provide for continued effectiveness and integrity of a response activity after implementation of the remedial action is completed.
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.
Uniform Environmental Covenant Act (UECA)	Deed restrictions on the site. These can include restrictions on soil intrusion, groundwater usage or usage of the site based on the extent of the cleanup.