



## PROPOSED PLAN OF REMEDIAL ACTION

427 West 7th Street (OU-1)  
New Castle, Delaware  
DNREC Project No. DE-1574



September 2014

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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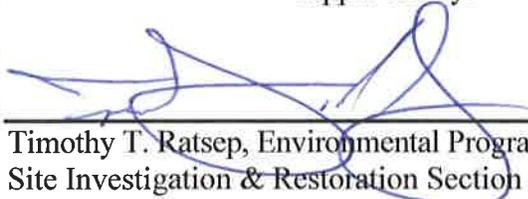
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DNREC Project No. DE-1574



**Approval:**

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

Approved by:

Timothy T. Ratsep, Environmental Program Administrator Site Investigation & Restoration Section
September 2, 2014
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 and provides the opportunity for public comment. A legal notice is published in the newspaper for a 20-day comment period. After the 20 day comment period, DNREC considers and addresses all public comments received and will publish a Final Plan of Remedial Action (Final Plan) for the Site.

## **What is the Former 427 West 7th Street Site (OU-1)?**

The Site is located at 427 West 7th Street in New Castle, Delaware, and consists of one tax parcel (21-014.00-400), totaling approximately 4.3 acres (Figure 1). Operable Unit 1(OU-1) consists of approximately 0.83 acres (Figure 2) and addresses only the surface and subsurface soil. The nearest intersection to the Site is West 7<sup>th</sup> Street (Route 9) and Umbrella Row. The Site currently contains a former automobile showroom that is approximately 5,000 square feet (Figure 3). The majority of the Site is surfaced with pavement. A portion of vegetated drainage ditch is located on the west of the Site. A sewer authority building is also located on the Site. The Site is currently zoned 21DG-Downtown Gateway. This Proposed Plan only addresses surface and subsurface soils of OU-1. Groundwater will be addressed in a separate Proposed Plan during the investigation of OU-2.

## **What happened at the 427 West 7th Street Site (OU-1)?**

The Site historical use generally has been consistent from 1992 to 2013 as automotive sales. Prior to 1992, the Site appears to be vacant and undeveloped with some minor land disturbance noted. The rear portion of the Site (OU-2) contains an approximately 8,000 square foot automotive repair/office/warehouse building. Adjacent properties are commercial/residential properties and marsh lands. The former New Castle Gas Company formerly operated to the east of the Site.

## **What is the environmental problem at the 427 West 7th Street Site (OU-1)?**

The Site was investigated due to possible releases related to an automotive repair and storage area on OU-2. A Site Specific Assessment (SSA) conducted at the Site in June 2014 found that contaminants of potential concern (COPCs) for surface soil were identified as: benzo(a)pyrene and thallium. In subsurface soils, COPCs were identified as benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, and thallium.

The human health risk assessment indicated that exposure to the Site soils do not present an unacceptable risk to Site users under a non-residential use scenario.

### **What does the owner want to do at the 427 West 7th Street Site (OU-1)?**

The owner plans to redevelop the OU-1 portion of the Site into a retail liquor store.

### **What additional clean-up actions are needed at the 427 West 7th Street Site (OU-1)?**

DNREC proposes the following remedial actions for the OU-1 Site, which needs to be completed before a Certificate of Completion of Remedy (COCR) can be issued:

1. 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:
  - a. Use Restriction. Use of the Property shall be restricted solely to those non-residential type uses permitted within Commercial, Manufacturing, or Industrial Districts;
  - b. Interference with Remedy. There shall be no digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activities on the Property [including any repair, renovation or demolition of the existing structures on the on the Property]without the prior written approval of DNREC-SIRS;
  - c. 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;
  - d. 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;
  - e. Compliance with Contaminated Materials Management Plan (CMMP). Perform all work required by the CMMP, as issued, approved, modified or amended by DNREC.
2. Develop a DNREC approved CMMP to allow future construction workers to safely handle any potential contaminated soil and groundwater encountered at the Site.
3. Develop and implement a DNREC-approved Long-Term Stewardship (LTS) Plan. The LTS Plan will detail: 1) 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?**

The Site use will be restricted to non-residential (restricted) 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 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 September 7, 2014 and ends at close of business (4:30 pm) on September 29, 2014. Please send written comments to the DNREC office at 391 Lukens Drive, New Castle, DE 19720 to Wendy March, Project Officer or Robert Newsome, Public Information Officer.

- Figure 1: Site Location Map
- Figure 2: Site Location Aerial
- Figure 3 & 4: Site Photos

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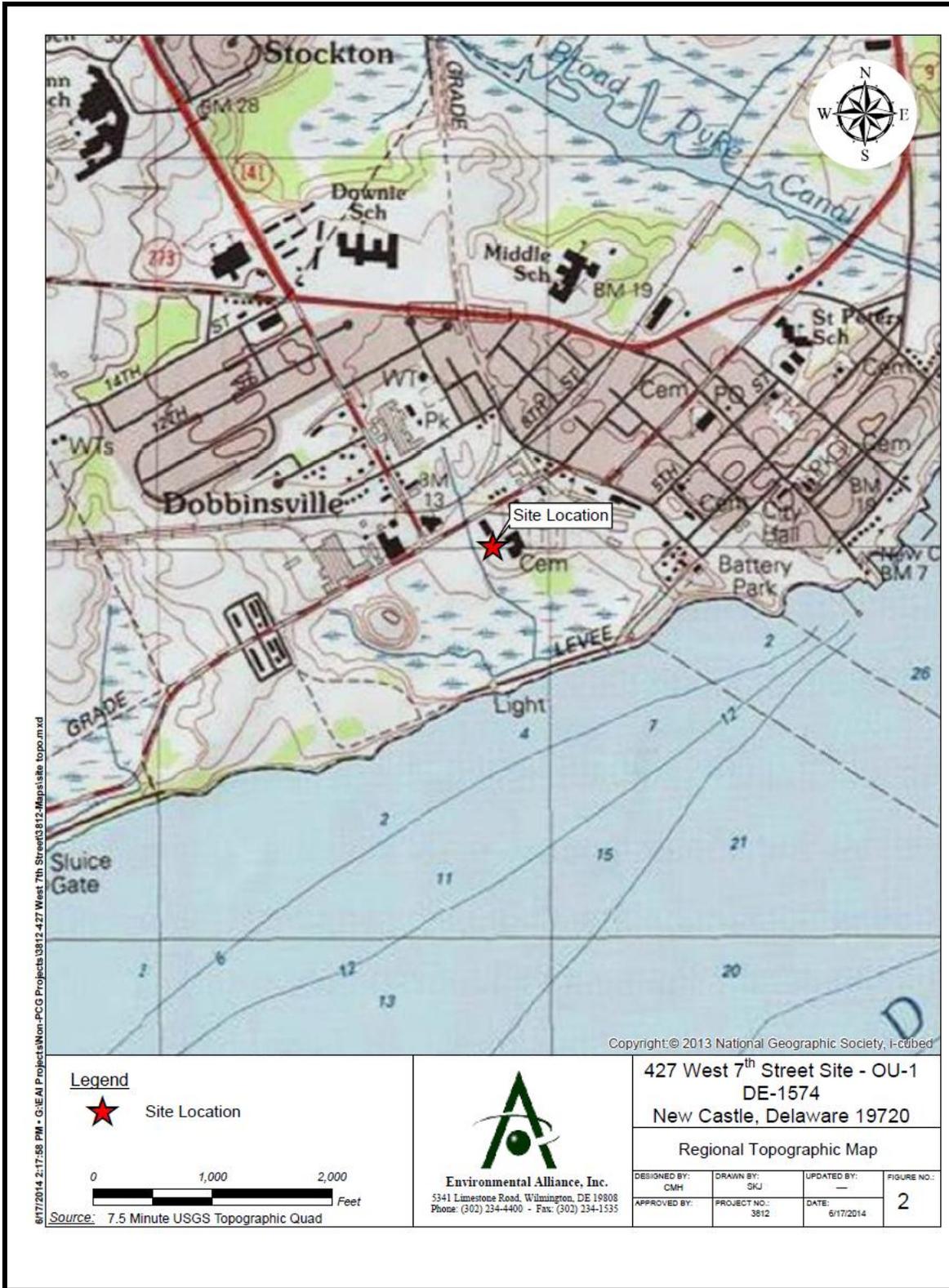
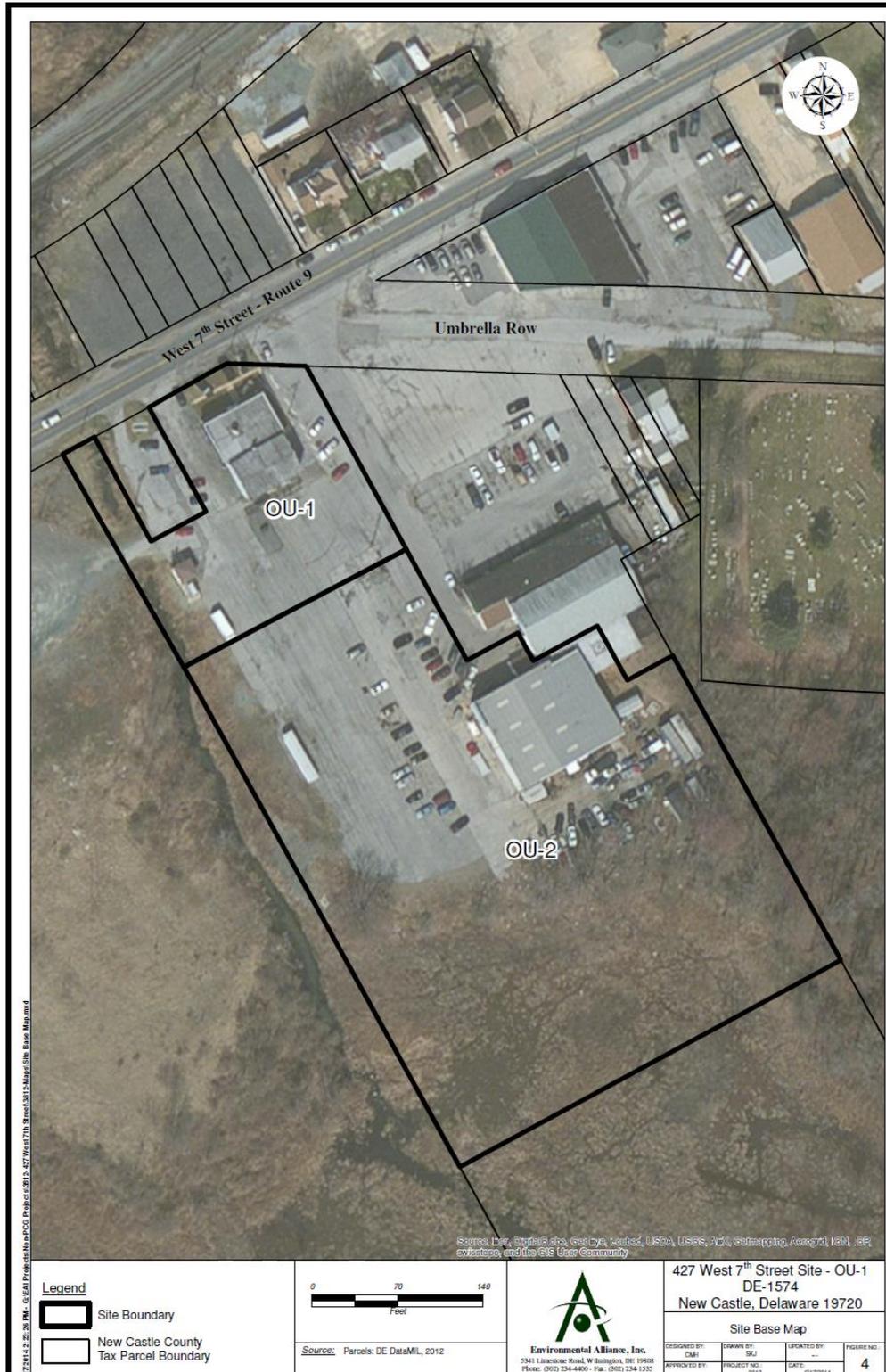


Figure 1: 427 West 7th Street Location



**Figure 2: 427 West 7th Street Location Aerial**



**Figure 3: 427 West 7th Street - Front of the building**



**Figure 4: 427 West 7th Street – Side of the building**

## Glossary of Terms Used in this Proposed Plan

<b>Brownfield Development Agreement (BDA)</b>	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.
<b>Brownfield Investigation (BFI)</b>	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.
<b>Certified Brownfield</b>	A Brownfield that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program
<b>Certification of Completion of Remedy (COCR)</b>	A formal determination by the Secretary of DNREC that remedial activities required by the Final Plan of Remedial Action have been completed.
<b>Contaminant of Concern (COC)</b>	Potentially harmful substances at concentrations above acceptable levels.
<b>Contaminated Materials Management Plan</b>	A written plan specifying how potentially contaminated material at a Site will be sampled, evaluated, staged, transported and disposed of properly.
<b>Exposure</b>	Contact with a substance through inhalation, ingestion, or direct contact with the skin. Exposure may be short term (acute) or long term (chronic).
<b>Final Plan of Remedial Action</b>	DNREC's adopted plan for cleaning up a hazardous site.
<b>Groundwater Management Zone</b>	A geographical area where DNREC restricts drilling for ground water because it is contaminated
<b>Hazardous Substance Cleanup Act (HSCA)</b>	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.
<b>Preliminary Risk Assessment</b>	A quantitative evaluation of only the most obvious and likely risks at a site
<b>Risk</b>	Likelihood or probability of injury, disease, or death.
<b>Risk Assessment Guidance for Superfund (RAGS)</b>	An EPA guidance document for superfund sites
<b>Restricted Use</b>	Commercial or Industrial setting
<b>SIRS</b>	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
<b>Toxic Substance Cleanup Act (TSCA)</b>	The federal statute requiring and regulating the cleanup of PCBs.
<b>Uniform Risk-Based Remediation Standards (URS)</b>	A set of concentration criteria for various contaminants potentially present in site media that are developed for protection of human health and the environment
<b>US EPA</b>	United States Environmental Protection Agency