

# FINAL PLAN OF REMEDIAL ACTION



## Crozier Center Operable Unit #1

*700-1000 Prides Crossing Road  
Newark, Delaware*

*July 15, 2009  
DNREC Project No. DE-1428*

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This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) requirements to address environmental contamination at the Crozier Center OU-1 site (Site).

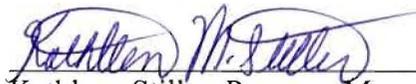
DNREC issued public notice of the Proposed Plan of Remedial Action (Proposed Plan) for the Site on June 24, 2008 and opened a 20-day public comment period. The Proposed Plan is attached. There were no comments or questions from the public. Therefore, the Proposed Plan is adopted as the Final Plan.

Final Plan will consist of the following requirements:

- Site owner will record an environmental covenant consistent with Delaware's Uniform Environmental Covenants Act, UECA (Title 7, Del. Code Chapter 79, Subtitle II). The environmental covenant will include: limit the site use to commercial development.

### **Approval:**

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

  
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Kathleen Stiller, Program Manager II  
Site Investigation and Restoration Branch



## **PROPOSED PLAN OF REMEDIAL ACTION**

Crozier Center Operable Unit #1  
700-1000 Prides Crossing Road  
Newark, Delaware  
DNREC Project No. DE-1428



**June 2009**

Delaware Department of Natural Resources and Environmental Control  
Division of Air and Waste Management  
Site Investigation & Restoration Branch  
391 Lukens Drive  
New Castle, Delaware 19720

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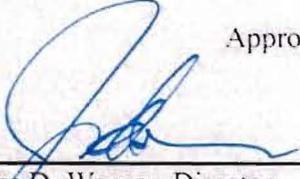
# PROPOSED PLAN OF REMEDIAL ACTION

Crozier Center Operable Unit #1  
700-1000 Prides Crossing Road  
Newark, Delaware  
DNREC Project No. DE-1428



**Approval:**

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

	Approved by:
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James D. Werner, Director Division of Air & Waste Management	
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18 JUNE 2009	
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Date	



### What is the Crozier Center OU-1 Site?

The Crozier Center site is located in Newark, Delaware and consists of nine tax parcels. The property is divided into two sections by Delaware Route 4 Ogletown Road. In order to facilitate a faster cleanup process as well as to meet the transaction schedule, these parcels were divided into two operable units (OUs).

Crozier Center Operable Unit 1(OU-1) comprises the northern section of the property bounded by Prides Crossing Road to the northwest and Ogletown Road to the southeast. OU-2 comprises the southern parcel, which is bounded by Christiana Road to the south and west, Ogletown Road to the north, and adjacent apartment complexes to the east. The site location and operable unit configuration is presented in Figure 1. OU-1 is approximately 15-acres in size and has four commercial office buildings and a parking garage located on it.

**Tax Parcel Numbers:** 09-023.00-059, 09-023.00-060, 09-023.00-061, and 09-023.00-010  
**Address:** 700, 750, 800, 900, and 1000 Prides Crossing Road and 4042 Ogletown Road in Newark, Delaware.  
**Nearest major intersection:** Prides Crossing and Delaware Route 4 Ogletown Road  
**Area:** ± 14.78 acres  
**Surrounding Property:** Surrounding land use is primarily commercial and residential  
**Zoning:** Commercial Regional  
**Site Utilities:** Water, sewage, gas, electric utilities are present on OU-1.  
**Surface water:** The White Clay Creek is approximately 1.6 miles northeast of OU-1.  
**Topography:** OU-1 is generally flat with elevations ranging from 70 to 80 feet (NAVD88).  
**Groundwater:** Groundwater is shallow at OU-1 and ranged from approximately 4 to 9 feet below ground surface. Groundwater elevations indicate that groundwater flow is to the northeast.

### What happened at the Crozier Center OU-1 Site?

OU-1 was used as a miniature golf course, car wash, and farm land up until the 1980's. In 1989, Maryland Bank purchased the property and built the current office buildings. In 1994, Maryland Bank became MBNA. In 2005, Bank of America purchased OU-1 from MBNA and shortly afterwards Bank of America shut down operations at this location. OU-1 remained vacant until 2007 when the current owner, Buccini Pollin Group Office Partners XIII Iron Hill LLC (BPG), purchased the property. BPG plans to continue to use OU-1 for commercial office spaces.

### **What were the environmental problems at the Crozier Center OU-1 Site?**

The surface soil at OU-1 contains benzo (a) pyrene above DNREC surface soil standards for residential use but below DNREC commercial soil standards. The current and intended future Site use is as a commercial facility.

In May 2009, Brightfields, Inc. conducted a Brownfield Investigation (BI) that included sampling of the soil and groundwater at the property. The BI identified a limited area of polycyclic-aromatic hydrocarbons (PAHs) contaminated soil including benzo (a) pyrene and benzo (b) fluoranthene. The maximum benzo (a) pyrene concentration was 1.1 parts per million (ppm) was above both residential and commercial DNREC surface soil standards while the maximum benzo (b) fluoranthene concentration, 0.96 ppm, was only above the DNREC residential surface soil standards. Only the average benzo (b) pyrene concentration was above the residential soil standards. None of the averaged concentrations exceeded the DNREC commercial surface soil standard. Aluminum, iron and manganese were detected above DNREC groundwater standards at 1,250 parts per billion (ppb), 3,770 ppb and 2,180 ppb, respectively. DNREC determined that drinking the groundwater would not pose a risk for a commercial use. It is highly unlikely that groundwater would ever be used for drinking water in this area.

### **What clean-up actions have been taken at the Crozier Center OU-1 Site?**

There have been no clean-up actions that have taken place on OU-1.

### **What does the owner want to do at the Crozier Center OU-1 Site?**

The current owner of the property is maintaining the property as a commercial facility and OU-1 will continue to be used as a commercial facility in the future.

### **What additional clean-up actions are needed at Crozier Center OU-1 Site?**

The proposed remedy for OU-1 will be to restrict OU-1 to commercial use through the placement of an environmental covenant consistent with the Uniform Environment Covenant Act (U.E.C.A.) on the Site deed.

### **What are the long term plans for the Crozier Center OU-1 Site after the cleanup?**

In its current environmental condition, OU-1 is suitable for the proposed restricted use operations. DNREC will not require additional monitoring beyond the land use controls pursuant to the restrictive covenant.

DNREC shall issue a *Certificate of Completion of Remedy* for the site upon recording of the environmental covenant.

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

The complete file on the site including the Brownfield 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 begins on June 21, 2009 and ends at close of business (4:30 pm) on July 13, 2009. Please send written comments to the DNREC office (391 Lukens Drive, New Castle 19720) or call Rick Galloway, Project Manager, at:

302-395-2600.

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**FIGURE**

Legend

- Lot 1- 09-023.00-059
- Lot 2- 09-023.00-060
- Lot 3- 09-023.00-061
- Lot 4- 09-023.00-010
- New Castle County Property- 09-023.00-054

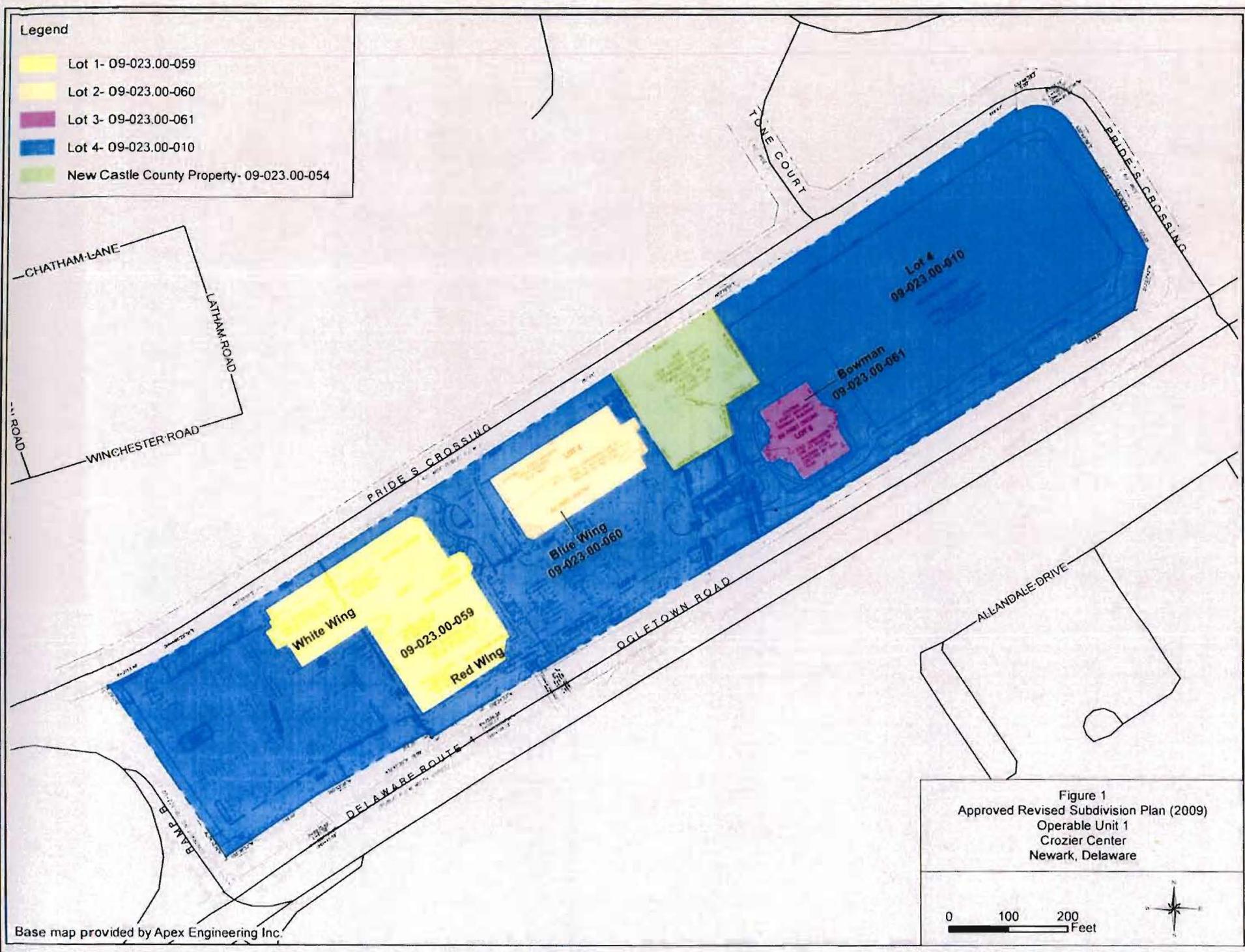
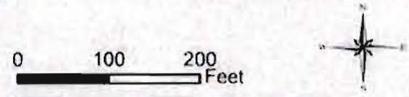


Figure 1  
Approved Revised Subdivision Plan (2009)  
Operable Unit 1  
Crozier Center  
Newark, Delaware



Base map provided by Apex Engineering Inc.

## Glossary of Terms Used in this Proposed Plan

<b>Brownfield</b>	Property that is vacant or underutilized because of the perception or presence of an environmental problem.
<b>Brownfield Investigation</b>	A comprehensive study of environmental media at a certified brownfield site to determine the nature and extent of contamination present
<b>Certified Brownfield</b>	A brownfield that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program.
<b>Certificate 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>Final Plan of Remedial Action</b>	DNREC's proposal for cleaning up a hazardous site after it has been reviewed by the public and finalized.
<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 provides the regulatory framework for the Department's site cleanup programs.
<b>Operable Unit</b>	The cleanup of a site can be divided into a number of operable units, depending on the complexity of the problems associated with a site. Operable units may address geographical portions of a site, specific site problems, or initial phases of an action, or may consist of any set of actions performed over time or any actions that are concurrent but located in different parts of a site.
<b>Proposed Plan of Remedial Action</b>	A plan for cleaning up a hazardous site submitted by DNREC and subject to public comments.
<b>US EPA</b>	United States Environmental Protection Agency
<b>Restricted Use</b>	Commercial or Industrial setting
<b>SIRB</b>	Site Investigation Restoration Branch of DNREC, which oversees cleanup of sites that were contaminated as a result of past use, from dry cleaners to chemical companies.
<b>URS</b>	DNREC Uniform Risk-Based Remediation Standards

## **What is a *Proposed Plan*?**

A Proposed Plan of Remedial Action (Proposed Plan) is a summary of how DNREC plans to clean up a contaminated site. A Final Plan of Remedial Action (Final Plan) is the adoption of the Proposed Plan, after all comments made by the public within the comment period of twenty days have been considered and addressed by DNREC.

The Delaware State Legislature passed the Hazardous Substance Cleanup Act (HSCA) in 1990. The Legislature made sure that members of the public would be informed about environmental problems in their own neighborhoods and have a chance to express their opinion concerning the clean up of those environmental problems before DNREC takes action.

After DNREC studies a site, it summarizes the problems there and proposes one or more possible solutions in a Proposed Plan. The Proposed Plan contains enough information to allow lay persons to understand the site. More detailed information can be found in the reports and documents approved by DNREC. All of the documents and reports created by DNREC or consultants during the course of the investigation of the site are available to the public at the offices of DNREC-SIRB or at DNREC's website:

<http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/sitefiles.asp> .

DNREC issues the Proposed Plan by advertising it in at least one newspaper in the county where the site is located. The legal notices for the Proposed Plans and the Final Plans usually run on Wednesdays or Sundays in the legal classified section of the News Journal and/or the Delaware State News. The public comment period begins on the day (Wednesday), or the day after (Sunday) the newspaper publishes the legal notice for the Proposed Plan.

DNREC frequently holds public meetings during the comment period. Those meetings are usually held near the site in the evening. Citizens can request a public meeting if DNREC did not already schedule one.

Comments are collected at the public meetings, by phone or in writing. DNREC considers all comments and questions from the public before the Proposed Plan is finalized and adopted as a Final Plan.

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