



State of Delaware
Department of Natural Resources
and Environmental Control

FINAL
STATEMENT OF BASIS

Diamond State Port Corporation
Edgemoor Site (Formerly Chemours)

EDGEMOOR, DELAWARE

Prepared by
Remediation Section
Division of Waste and Hazardous Substances
April 29, 2021

Table of Contents

Section 1: Introduction.....	1
Section 2: Facility Background.....	2
Section 3: Summary of Environmental History	2
Section 4: Proposed Remedy	5
Section 5: Environmental Indicators.....	5
Section 6: Public Participation.....	6

Attachments

Attachment 1: Index to Administrative Record	9
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Figures

Figure 1: Location map

Figure 2: Facility layout

Section 1: Introduction

The Delaware Department of Natural Resources and Environmental Control (DNREC) has prepared this Statement of Basis (SB) on its final remedy decision for the Diamond State Port Corporation's Edge Moor Facility located on the Delaware River at 104 Hay Road in Edge Moor, DE. DNREC's review of available information indicates that there are no unaddressed releases of hazardous waste or hazardous constituents from the Solid Waste Management Units (SWMU) identified in the site investigation completed at the facility. Based on that assessment, DNREC's final decision is that no further investigation or cleanup is required for these units at the Facility. The DNREC has determined that its final remedy is protective of human health and the environment. This SB highlights key information relied upon by DNREC in making its final remedy decision.

The Facility is subject to EPA's Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901 et seq. (Corrective Action Program). The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property. The State of Delaware is authorized for the Corrective Action Program under Section 3006 of RCRA. Therefore, it retains primary authority in Delaware for the Corrective Action Program under 7 Del C., Chapters 60 and 63.

The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which DNREC's final remedy decision is based. The Index to the AR may be found in Attachment #1.

Concurrently with this SB, DNREC solicited comments on a final Corrective Action Permit (Permit). Pursuant to 40 C.F.R. §124.7 and Part 124 of Delaware's Regulations Governing Hazardous Waste, DNREC has prepared this SB to describe the background and basis for the final Permit and the reasons supporting the final remedy. The final Permit incorporates the remedies in this SB.

The DNREC has made a final decision on the draft Permit after considering all information submitted during the public comment period. Applicable public comments were addressed in a Technical Response Memo and determined to be non-substantive. The final Permit will be signed and will become effective upon signature. Otherwise, the final Permit will become effective forty-five (45) days after the service of notice of the final remedy or upon conclusion of any appeals filed. Information on the Corrective Action Program as well as a fact sheet for the Facility can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

Section 2: Facility Background

The Facility consists of 2 parcels of approximately 115 acres located in Edge Moor, Delaware on the Delaware River in New Castle County. The Facility is bounded by Hay Road to the west; industrial properties to the south; Fox Point State Park to the north; and the Delaware River to the east. The larger 112-acre parcel, is all located east of Hay Road. A 3-acre parcel is identified as SWMU 30 and is west of Hay Road at the former plant's main entrance. A location map and the former Facility layout with SWMUs delineated are attached as Figures 1 and 2, respectively.

DuPont purchased a TiO₂ production facility being operated on the site from the Krebs Company in 1935. The TiO₂ production facility was continuously operated by DuPont and later Chemours until 2016, when production ceased, and the plant was demolished prior to being sold to the Diamond State Port Corporation in February of 2017.

Gulftainer USA, the port operator, plans to redevelop the site as a two-berth shipping container offloading, storage and intermodal transportation facility.

Section 3: Summary of Environmental History

A November 2001 Consent Order with EPA required that DuPont obtain a RCRA Corrective Action Permit for the site to address previously identified SWMUs. DuPont prepared the Corrective Action Plan in 2004 to initiate the facility wide investigation per the Permit requirements. The initial Permit expired in 2014 while the site was transitioning to Chemours. Plant operations ceased in 2016 prior to the property's sale to the DSPC. The Permit being considered in conjunction with this SB is a renewal of the previous permit and is designed to be a Corrective Measures Implementation permit to regulate the remedy here proposed.

Over the site's corrective action history, a total of 30 SWMUs have been identified. Prior to conducting the Phase I RCRA Facility Investigation (RFI) a no further investigation status was granted to SWMUs 7A, 7B, 9, 10, 11, 12, 14, 19, 22, and 26. SWMU 2 continued to operate and SWMU 6 was closed in place and a PCCP (Post Closure Care Plan) implemented. Phase I and II RFIs were conducted at the remaining 19 SWMUs and reports generated. A site wide hydrogeologic investigation was completed which indicated a general lack of connectivity between water bearing zones onsite eliminating a pathway for the migration of groundwater to the Delaware River. This report is listed in the document appendix. Groundwater is not used for potable water on the site.

Table 1 below describes the 19 SWMUs covered and their status in this SB.

Groundwater monitoring will continue to be performed at the site per the Post Closure Care Plan (PCCP) associated with the closed surface impoundments, and as a function of the proposed remedy. Located at the northern portion of the site, this area is the only portion of the site which still contains any process waste. The waste in these 4 impoundments was stabilized in place, capped and surrounded by 10 monitoring wells. These wells will be extended to the new post construction grade and will continue to be monitored per the attached PCCP as a part of the Permit.

Complete details, including sampling data, can be found in the individual reports which are listed in the Administrative Record (AR).

Table 1

Solid Waste Management Units/ Areas of Concern	Description	Current status
SWMU 1/3	Wastewater Treatment System	NFA (No Further Action), No Unacceptable Risks to HH&E (Human Health and the Environment)
SWMU 2	Pond E Process Water	No Longer in Use
SWMU 4	Former Solid Waste Landfill	NFA, No Unacceptable Risks to HH&E
SWMU 5	Waste Settling Area	NFA, No Unacceptable Risks to HH&E
SWMU 6	Ponds A, B, C and D	Stabilized in Place, PPCP Approved 2010
SWMU 8	Former <90 Day HW Accumulation Area	NFA No longer in Use
SWMU 13A	Process Sewers	NFA, No Unacceptable Risks to HH&E
SWMU 13B	Process Sewers	NFA, No Unacceptable Risks to HH&E
SWMU 15	Former Unpaved Ditch	NFA, No Exceedance of Direct Contact (DC) or Ingestion of Groundwater (IGW) Screening Criteria
SWMU 16	Scrap Metal Area	NFA, No Unacceptable Risks to HH&E

SWMU 17A	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 17B	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 17B	Former UST Area	NFA, No Unacceptable Risks to HH&E
SWMU 18	Iron Rich Staging Area	NFA, No Unacceptable Risks to HH&E
SWMU 20	Former Fuel Oil ASTs	NFA, No Unacceptable Risks to HH&E
SWMU 21	Copper Vanadium Sludge Pad	NFA, No Exceedance in DC or IGW Screening Criteria
SWMU 23	Recovered Ore Storage Area	NFA, No Unacceptable Risks to HH&E
SWMU 24	Oil Water Separator	NFA, No Exceedance of DC or IGW Screening Criteria
SWMU 25	Ferric Chloride Railcar Area	NFA, No Unacceptable Risks to HH&E
SWMU 27	Fuel Oil Stained Soil Area	NFA, No Unacceptable Risks to HH&E
SWMU 28	Caustic Storage Area	NFA, No Exceedance of DC or IGW Screening Criteria
SWMU 29	Southland Tank	NFA All pH Results Above 2

SWMU 30	Former Yard Waste Site Across Hay Road	NFA, No Unacceptable Risks to HH&E
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Section 4: Final Remedy

DNREC has determined that the units described in Table I do not pose any unacceptable risk to human health or the environment and DNREC proposes these units for No Further Action. The final remedy is presumptive and is being considered based upon the results of the extensive site investigation, site specific geology and hydrogeology, the human health and environmental risk assessment, and the site's proposed reuse. The remedy is being prescribed to assure that the low levels of contamination identified in the site investigation do not pose any future threat to human health or the environment. The final remedy is asphalt capping, a contaminated materials management plan (CMMP) to be implemented during construction and institutional controls in the form of an environmental covenant per the Uniform Environmental Covenant Act (UECA) covenant to be established after the remedy is complete. The covenant will establish areas where institutional controls will remain in place in perpetuity.

Current site conditions do not present an unacceptable risk of vapor intrusion.

Preliminary construction plans call for paving 80 percent of the site or more. It is anticipated that site regrading will consist mainly of filling with minimal cutting. Offsite disposal of media encountered during construction will not be required if the media can be reutilized on site. Any materials requiring disposal will require adequate characterization per the CMMP.

As regrading and pavement capping is the final remedy, upon construction completion, a cap inspection, maintenance and repair plan shall be submitted for review and approval.

Groundwater monitoring will continue to be conducted at the site as described in the PCCP for the four (4) closed surface impoundments and as required in the Corrective Action Permit. This monitoring is currently required as process waste was stabilized in place here as a part of an interim corrective action measure.

With the exception of the monitoring wells surrounding the closed surface impoundments, wells associated with the RFI, process wells and any other wells discovered during the construction phase must be properly abandoned by a Delaware licensed well driller.

Section 5: Environmental Indicators

EPA sets national goals to measure progress toward meeting the nation's major environmental goals. For Corrective Action, EPA evaluates two key environmental indicators for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. The EPA has determined that the Facility met the current human exposures under control indicator on 9/28/2012. The EPA has determined that the Facility met the migration of contaminated groundwater under control indicator on 9/08/2012.

Section 6: Public Participation

A public hearing was held on September 29, 2020, followed by an extended public comment period that concluded on December 1, 2020. While comments were received from the public concerning this matter, no comments specifically related to this SB were received. Thus, the Department may now move forward directly to issue a Final Decision and Response to Comments (FDRTC) for the remedy chosen.

In response to public comments received regarding the draft Corrective Action Permit (proposed concurrently with the remedy SB), a Technical Response Memo determined that all such comments were adequately addressed by the site investigation and that no substantive changes would be required to the proposed draft permit. Therefore, a Corrective Action Permit will be finalized as HW31B04 and signed to implement the remedy chosen in the final SB.

Date: _____

Figure 1

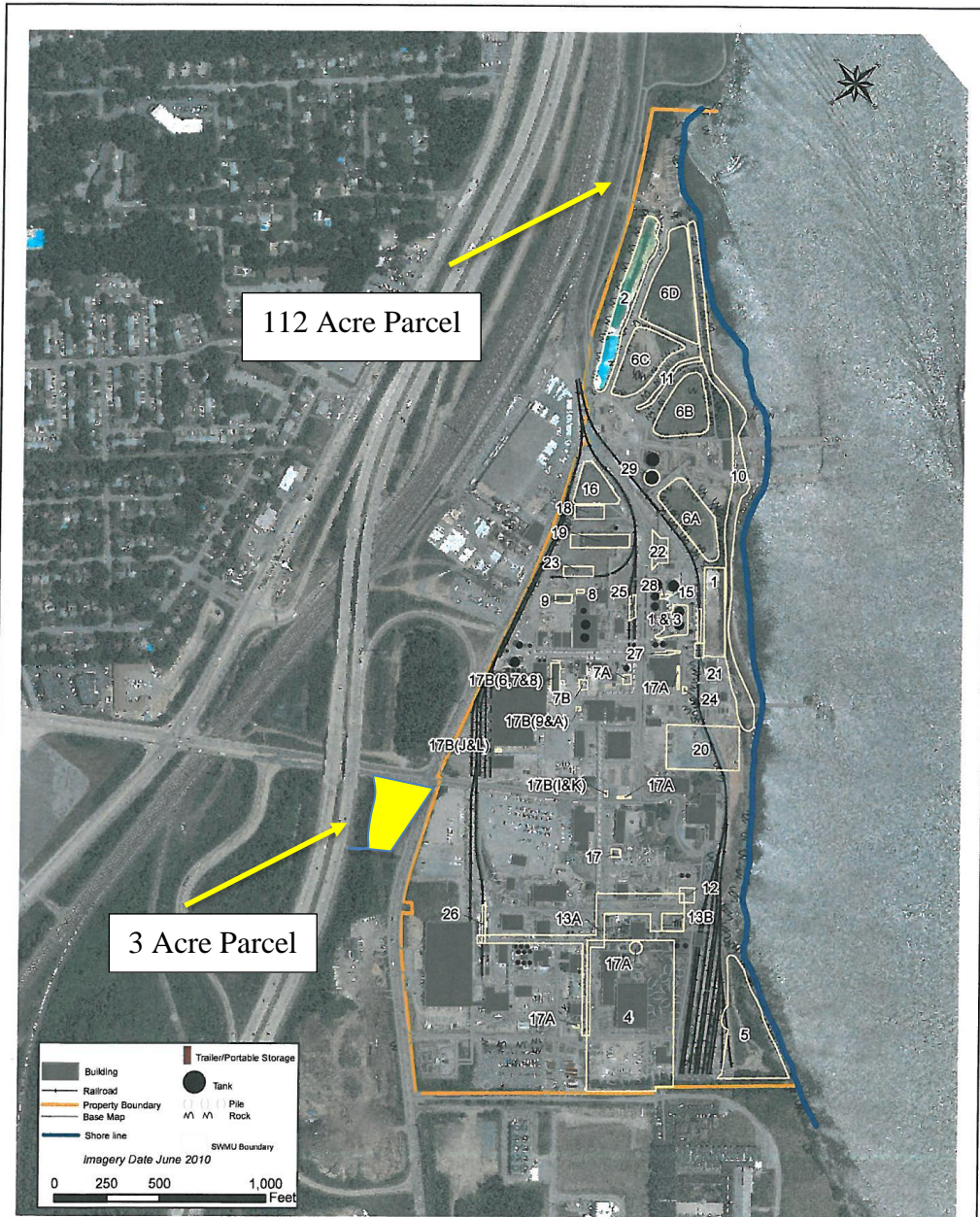


Former

DuPont Edge Moor Plant

1. Facility-Wide Corrective Action - Corrective Action Permit HW-03A16
2. Closure of Surface Impoundments (Ponds A-D)

Figure 2



PARSONS
 Parsons-Commercial Technology Group
 1601 Market Street - Suite 900
 Philadelphia, PA 19103

SWMU Location Map
 Site-Specific Risk Assessment
 DuPont Edge Moor Facility
 Edgemoor, Delaware

Created:	C. Oneal	DuPont Project Number:
Date:	09/29/2011	Parsons Project Number: 445384.01013
Revision:		Figure Number: 2
File Name:	SWMU_Location_Map.mxd	

Attachment #1

Index to Administrative Record

Title	Author	Date
Contaminated Materials Management Plan	Duffield	2019
Post Closure Care Plan for 4 Surface Impoundments	Parsons	2011
Environmental Indicator Determination Report Migration of Contaminated Groundwater under Control	Parsons	6/2012
Environmental Indicator Determination Report Human Health Exposure	Parsons	6/2012
Phase I RFI Data Summary Report	Dupont CRG	4/2009
Phase II RFI Data Summary Report	Parsons	3/2011

Acronyms:

CRG - Corporate Remediation Group

RFI – RCRA Facility Investigation