

TECHNICAL RESPONSE MEMORANDUM

TO: Lisa Vest, Regulatory Specialist – DNREC, Office of the Secretary

THRU: Timothy Ratsep, Director – DNREC, Division of Waste & Hazardous Substances
Qazi Salahuddin, Program Administrator – DNREC, Division of Waste & Hazardous Substances

FROM: Paul Will, Program Manager II – DNREC, Division of Waste & Hazardous Substances

RE: Technical Response Memorandum for the Remediation Branch Response to Comments on the Proposed Plan of Remedial Action for the Barbara Hicks Site, DE-1804 (Docket #2023-R-WH-0008)

DATE: September 27, 2023

On April 5, 2023 beginning at 6:00 PM you presided over a virtual public hearing. The subject of the public hearing was the Proposed Plan of Remedial Action for the Barbara Hicks Site (Proposed Plan).

PROJECT SITE

The Barbara Hick’s Park Site OU-1 (Site) is located at 410-420 Bradford Street in Wilmington, Delaware, and consists of eight tax parcels: 26-058.00-002, 26-058.00-006, 26-058.00-009, 26-058.00-003, 26-058.00-004, 26-058.00-005, 26-058.00-007 and 26-058.00-008. It is approximately 1.35 acres in size. The site is a community park and recreational space surrounded by residential and commercial buildings.

In response to the legal notice published on February 12, 2023, and March 5, 2023, the department received sixteen (16) comments (one comment submitted by 16 individuals) via email within the allotted public comment period. The legal notice published on February 12, 2023, granted the public an opportunity to submit written comments on the Proposed Plan until March 6, 2023. The legal notice published on March 5, 2023, extended the comment period until April 21, 2023.

This memorandum provides a summary of the Remediation Section’s (RS) response to the written comments received through April 21, 2023. All comments received can be found on DNREC’s website: <https://dnrec.alpha.delaware.gov/events/public-hearing-proposed-plan-of-remedial-action-for-barbara-hicks-site/> .

Submitted Comments Overview

Comments received from February 22 through April 22, 2023, expressed a collective request for an in-person hearing in the Southbridge neighborhood of Wilmington to engage the public and provide an opportunity for in-person comments regarding the Proposed Plan. Additionally, these comments stated that the Proposed Plan fails to identify a specific remedial action and cited, “Placement of a one-foot soil, stone, or impervious cap/cover over impacted areas to restrict access to the underlying soil, or excavation of soil with elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) or metals was not acceptable and that DNREC should require off-site disposal of the impacted soils,” as one of the reasons why residents should offer comments for a specific remedial action. These comments also addressed ‘park upgrades’, which were not part of the Proposed Plan or in the Department of Natural Resources and Environmental Control’s (DNREC, the Department) purview. They were subsequently directed to the City of Wilmington (the City).

Response

After a review of the submitted comments, a common concern was the Proposed Plan’s failure to identify a specific remedial action. The Department indicated at the virtual hearing and the community meetings mentioned below, that the Proposed Plan outlines ‘proposed remedial actions’ that would adequately address the contaminated soil issues within the park’s area. DNREC also indicated that prior to the commencement of the remedy, a Remedial Action Work Plan (RAWP) would be required from the City of Wilmington. The RAWP will outline the procedures specific to remediating the contaminated soil at the Site. It was communicated at both the virtual public hearing and the SBCA meetings that, “the placement of a one-foot soil (clean fill), stone, or impervious cap over the impacted areas will adequately contain the contaminants to ensure that the public is not coming into direct contact with the underlying soil. As a result, the community will not be exposed directly to an unacceptable short or long -term risk of the soils at the Site.” Both types of remedies presented in the Proposed Plan: 1. Excavation and disposal of soil, and 2. Containment of underlying soil with a cap adequately address the health risk posed by the contaminants presented in the site’s soil. The Proposed Plan also gives the City of Wilmington the option of implementing either remedy. Additionally, the Department would require a Contaminated Materials Management Plan (CMMP) be in place at the Site that will aid construction workers with handling any contaminated soil at the Site. A subsequent implemented Long-Term Stewardship (LTS) Plan would specify the cap monitoring requirements and schedule to monitor the Site’s capped areas.

The written comments also voiced concerns regarding overall conditions of the park, which are outside the purpose of the Proposed Plan. DNREC has relayed those concerns to the City of Wilmington, as the current property owner, and encourages the community to continue to engage the City to address those concerns.

The Department places a high priority on engaging with stakeholders in Delaware’s communities in a transparent and public process during the issuance of its Proposed and Final Plans of Remedial Action. DNREC is particularly interested in hearing concerns from residents who live in environmental justice (EJ) impacted communities. DNREC has heard from EJ advocates in this area regarding concerns about this project and its potential impact on EJ communities nearby. Subsequently, DNREC-RS staff met with members of the Southbridge Civic Association (SBCA)

on several occasions, including: 10/18/22, 12/20/22, 02/21/23 and 03/21/23. At the 10/18/22 SBCA meeting, DNREC provided attendees with a handout that explained the anticipated cleanup process and schedule for the Barbara Hicks Park Investigation. DNREC reached out directly to the President of the Southbridge Civic Association, to be placed on the 10/18/22 meeting agenda and to offer support for investigation and cleanup of the park. On 3/8/23, prior to the public hearing, DNREC issued the public hearing notice and tips for public comments during the hearing process, to the list serve for the South Wilmington Planning Network (SWPN).

In addition to the SBCA meetings, DNREC also attended virtual meetings held by the SWPN on 9/29/22, 11/28/22 and 2/28/23 where information was presented by DNREC and discussion was held on the anticipated cleanup process for the Barbara Hicks Park.

Conclusion

The Department acknowledges the public's concerns about an in-person hearing and a specific remedy not being applied to the Site. The Department provided the public with multiple avenues to provide comments about the Proposed Plan. DNREC has been conducting virtual hearings since 2020 and continuously provides the public ample opportunities to attend and provide comments by signing up for comments, providing the links on the website, sending emails to SBCA members, and by legal notices. It was also communicated at the virtual public hearing, the DNREC-attended Southbridge Civic Association, and South Wilmington Network Planning meetings, that: "the placement of a one-foot soil (clean fill), stone, or impervious cap over the impacted areas will adequately contain the contaminants and ensure that the public is not coming into direct contact with the underlying soil. This ensures the community is not being exposed directly to an unacceptable short or long -term risk of the soils at the Site." The City of Wilmington will be able to choose between two (2) remedies which are presented in the Proposed Plan: 1) excavation and disposal of soil, and 2) containment of underlying soil by placement of a cap over the impacted soil. Both options adequately address the health risk posed by the contaminants presented in the site's soil. The Department continuously strives to protect the public from exposure to contaminated materials by assessing and remediating hazardous substances to minimize and/or eliminate the threat to human health.