

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 119

January 30, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

Inside

CALENDAR	2
GRANT FUNDS COASTAL RESOURCES	4
KC BURNHAM PENALTY	6
PUBLIC HEARING TA INSTRUMENTS - WATERS CZA PERMIT	6
EDGEMOOR ODOR STUDY	7
CREP ENROLLMENT ..	7
ART EXHIBIT	8
SOURCE WATER MEETING	8
REGULATORY UPDATE	9

Visit our Website:
www.dnrec.state.de.us

Secretary Hughes Announces New Brownfields Coordinator at DNREC

Department of Natural Resources and Environmental Control Secretary John A. Hughes announces a new level of focus on the issue of developing former industrial and other sites for reuse with the hiring of a Brownfields Coordinator.

Marcus Henry, formerly employed with the Delaware State Housing Authority as Executive Assistant to the Director, began as Brownfields Coordinator with DNREC on Jan. 20.

“We have long wanted to put more focus on redeveloping used sites for new industrial, commercial and residential use and are pleased to have someone of Marcus’ caliber to coordinate our brownfields efforts,” Secretary Hughes said.

The Brownfields Redevelopment Program is a key component of Governor Ruth Ann Minner’s “Livable Delaware” land use initiative, aimed at curbing sprawl by encouraging the use of land in existing developed areas. Hiring a coordinator is the latest in a series of efforts designed to improve Delaware’s brownfields program.

Other efforts announced over the past year include:

- award of a \$1 million federal grant to help speed cleanups;
- development of a new simplified re-development process that emphasizes early community involvement;
- passage last year of a bill to limit liability of developers who wish to clean up properties for re-use and who are otherwise not responsible for the contamination in the first place;
- dedication of matching grant funds from the Delaware Economic Development Office (DEDO) of up to \$100,000 to cover the cost of environmental investigation and cleanup;
- DNREC grants and low interest loans to help offset site cleanup costs;
- a Blue Collar Job Creation and Capital Investment Tax Credit

continued on page 3

Calendar

For information or registration for park events, please contact individual park offices. A listing follows the calendar.

JANUARY

30 – Nature-Themed Art Exhibit opens at Cape Henlopen, 10 a.m.-3 p.m., Biden Environmental Center.

31 – White Clay Creek State Park program, *Animal Tracks & Signs*, 1 p.m.

FEBRUARY

1 – Brandywine Creek State Park program, *Ground Hog Sightings*, 1 p.m. Cost is \$2 per person.

2 – National Wild Turkey Federation’s Northern Delaware Chapter Open House, 6:30 p.m., Division of Fish and Wildlife’s Ommenlanden Range, located off Route 9 south of New Castle. Contact Barbara Woodford, Brandywine Creek State Park, (302) 655-5740.

2 – Workshop on proposed revisions to the state’s septic system regulations, 6-9 p.m., DNREC auditorium, Richardson and Robbins Building, Dover. Contact Rodney Wyatt, (302) 739-4762.

3 - Public meeting, Delaware River Basin Commission, Water Resources Plan for Basin, 3-5 p.m. DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Victoria Lawson, DRBC, (609) 883-9500, or DNREC Water Resources, (302) 739-5690 (Watershed Assessment)

4 – Brandywine Creek State Park program, *Fireside Storytime with a Park Ranger*, 4:30 p.m. Cost is \$1 per person. Pre-registration suggested.

4 – Citizens Source Water Assessment Committee meeting, 9 a.m.-noon, second floor conference room, Department of Public Safety building, Dover. Contact Doug Rambo, Water Supply, (302) 739-4793.

4 - Public meeting, Metachem, EPA/DNREC discussion of current and future removal and remedial activities, Southern Elementary School, 795 Cox Neck Road, Delaware City. Contact Marjorie Crofts, (302) 739-4764.

9 – Shellfish Advisory Council meeting, 7:30-10 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Roy Miller, Fisheries section, (302) 739-3441.

11 – Public hearing, Coastal Zone Act Permit application of TA Instruments-Waters, 6 p.m., DNREC’s office building, 391 Lukens Drive near New Castle. Contact Dennis Brown, (302) 739-3091.

11 – Appoquinimink Tributary Action Team meeting, 7-9 p.m., St. Ann’s School, Middletown. Contact Cortney Worrall by e-mail at cworrall@earthlink.net, or call Jennifer Campagnini, Watershed Assessment Section, (302) 739-4590.

12 – Murderkill Tributary Action Team meeting, 3-5 p.m., Killens Pond State Park Office, Felton. Contact Kathy Bunting-Howarth, (302) 739-4590.

- 18 – Brandywine Creek State Park program, *Fireside Storytime with a Park Ranger*, 4:30 p.m.**
Cost is \$1 per person. Pre-registration strongly suggested.
- 20 - Brownfield Development Workshop, South Wilmington Residents**, 9-4 p.m., Neighborhood House in Southbridge, Wilmington. Contact Ed Cervone or Dave Carter, DNREC's Delaware Coastal programs, (302) 739-3451.
- 22 – Brandywine Creek State Park program, *Winter Resident Birds***, 1 p.m. Cost is \$2 per person. Pre-registration required.
- 24 – Environmental Appeals Board hearing**, Sierra Club appeal of a Subaqueous Lands Permit issued to North Shores for repair and rehabilitation of a large stone groin, 9:30 a.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, Planning & Compliance Assistance, (302) 739-6400.
- 24 – Community Involvement Advisory Council meeting**, 9:30-11:30 a.m., Appoquinimink State Service Center, 120 Silver Lake Road, Middletown. Contact Karen Garrison, DNREC Office of the Secretary, (302) 739-4403 x114.
- 24 – Nanticoke Tributary Action Team meeting**, 7-9 p.m., TBD. Contact Allen Girard by e-mail at agirard@cbf.org or call Jennifer Campagnini, Watershed Assessment Section, (302) 739-4590.
- 24, 26 – Delaware Urban Runoff Management Model computer training for consultants**, TBA at Poly Tech. Contact Jeanne Feurer, (302) 739-4411.
- 26 – Bethnic Mapping of the Delaware Bay Results Revealed**, 10 a.m., DNREC auditorium, Richardson and Robbins building, 89 Kings Highway, Dover. Contact Bob Scarborough, Delaware Coastal Programs, (302) 739-3436.
- 26 – POSTPONED: Public hearing on changes to Solid Waste Regulations, TBD** Contact Don Short, Air and Waste Management, (302) 739-3689.
- 28 – Brandywine Creek State Park program, *Bird Walk Series***, 8 a.m. This program is free with paid admission to the park.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740
 White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560
 Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540
 Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163
 Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724
 Fort Delaware State Park, (302) 834-7941
 Killens Pond State Park, (302) 284-4526
 Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

Brownfields continued from page 1

for Brownfields redevelopment projects; and

- development of a Brownfields Redevelopment Inventory through a cooperative project of the National Oceanographic and Atmospheric Administration and DNREC's Division of Soil and Water Conservation. The first step in developing a brownfields inventory will be a pilot project in south Wilmington, which will be launched at

continued on page 4

a public workshop to be held 9 a.m. to 4 p.m. Feb. 20 at the Southbridge Neighborhood House in Wilmington.

“By continuing to remove barriers to the process and by creating a cooperative working relationship between DNREC, other state agencies, developers and community interests, we hope to accelerate our ability to identify, cleanup and redevelop underutilized sites,” Gov. Minner said.

For further information, contact Phil Cherry, Policy Director (302) 739-4403 or Maria Taylor, Public Affairs Office (302) 739-4506.

DNREC Awards Over \$200,000 in Grant Funding to Protect Coastal Resources

The Delaware Coastal Programs office of DNREC’s Division of Soil and Water Conservation announces over \$200,000 in grant funding through two grant programs: Coastal Nonpoint Implementation Grants; and Habitat and Natural Resource Planning, Management and Protection Assistance Grant Program. The Delaware Coastal Programs received the grant funding from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Habitat and Natural Resource Planning, Management and Protection grants totaling \$97,271 have been awarded to ten local governments and communities for the purpose of enhancing the ability to conserve, manage, restore or protect habitat and natural resources within their jurisdictions. In addition, the grant program was expanded this year to include planning for restoration or redevelopment of abandoned/vacant properties and brownfield sites.

Coastal Nonpoint Program Implementation grants totaling \$111,000 have been awarded to support projects and activities that assist the implementation of the Delaware Coastal Nonpoint Program – a program that targets pollution prevention through seeking to limit polluted runoff from rainwater. Management measures have been developed to prevent polluted runoff resulting from a variety of land-based resources such as agriculture, forestry, urban sources, marinas, and stream and channel hydromodification. This competitive funding was made available to any municipal, county, state agency, local college or university, environmental organization, or not-for-profit organization for the purpose of implementing one of these management measures.

The following projects were selected for 2004 funding through the Habitat and Natural Resource Planning, Management and Protection grant program:

Augustine Creek Maintenance Corporation: Grant funding in the amount of \$2,477 was awarded to the Augustine Creek Maintenance Corporation to restore approximately 9 acres of open space within the Augustine Creek sub-division in New Castle County near Port Penn.

Back Creek Maintenance Corporation: Grant funding in the amount of \$4,000 was awarded to the Back Creek Maintenance Corporation to restore portions of 10 acres of open space within the Back Creek sub-division in New Castle County, near Middletown.

Town of Cheswold: Grant funding in the amount of \$10,000 was awarded to the Town of Cheswold to update the Town’s existing zoning ordinances and institute a subdivision and land development ordinance as part of the Town of Cheswold Comprehensive Plan.

Colton Meadow Maintenance Corporation: Grant funding in the amount of \$4,345 was awarded to the Colton Meadow Maintenance Corporation to begin restoration of approximately

continued on page 5

35 acres of open space within the Colton Meadow sub-division in New Castle County, in the Red Lion Hundred.

Town of Ellendale: Grant funding in the amount of \$10,000 was awarded to the Town of Ellendale to develop environmental design standards and recommend policies and action projects as part of the 2004 Greater Ellendale Comprehensive Plan.

Kent County: Grant funding in the amount of \$20,000 was awarded to Kent County to restore ten acres of riparian forest, scrub/shrub and forested wetland within Big Oak County Park, near Smyrna.

Mariner's Watch Maintenance Corporation: Grant funding in the amount of \$4,345 was awarded to the Mariner's Watch Maintenance Corporation to begin restoration of approximately 44 acres of open space within the Mariner's Watch sub-division in New Castle County in the Red Lion Hundred.

City of New Castle: Grant funding in the amount of \$20,000 was awarded to the City of New Castle to initiate a tree inventory to provide information regarding location, species and health of the City's trees.

Sunset Meadow Maintenance Corporation: Grant funding in the amount of \$2,104 was awarded to the Sunset Meadow Maintenance Corporation to begin restoration of approximately 18.8 acres of open space owned and managed by the Sunset Meadow Maintenance Corporation in New Castle County in the Red Lion Hundred.

City of Wilmington: Grant funding in the amount of \$20,000 was awarded to the City of Wilmington to identify, assess and promote preservation and restoration of wetlands, riparian areas, greenways and habitat as well as identify locations and redevelopment potential of brownfield and underutilized sites as part of the sustainable development plan for South Wilmington.

The following programs and projects were selected to receive funding in 2004 for the Coastal Nonpoint Implementation Grant Program:

Delaware Clean Marina Program: Grant funding in the amount of \$26,000 was awarded to the Delaware Clean Marina Program which is a voluntary, incentive-based program that offers information, guidance, and technical assistance to marina operators, local governments, and recreational boaters on best management practices that can be used to prevent or reduce **pollution**.

Delaware NEMO Program: Grant funding in the amount of \$25,000 was awarded to Delaware Sea Grant to expand the Delaware NEMO Program (Nonpoint Education for Municipal Officials). NEMO is an educational program for local land-use decision makers that addresses the relationship between land use and natural resource protection, with a focus on water quality.

City of Rehoboth Beach: Grant funding in the amount of \$35,000 was awarded to the City of Rehoboth Beach to improve the water quality and shoreline conditions of Lake Gerar.

City of Wilmington: Grant funding in the amount of \$25,000 was awarded to the City of Wilmington to conduct detailed analyses and make recommendations for nonpoint source pollution reduction opportunities as part of the creation of a comprehensive sustainable development plan for South Wilmington.

For more information regarding Coastal Nonpoint Implementation grants, please contact Kimberly Cole at Kimberly.Cole@state.de.us or (302) 739-3451. For more information regarding Habitat and Natural Resource Planning, Management and Protection grants please contact Susan Love at Susan.Love@state.de.us or (302) 739-3451.

DNREC Issues Notice of \$81,000 Penalty to K.C. Burnham & Associates for Water Pollution Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued notice of an \$81,000 Administrative Penalty Assessment and Order to K.C. Burnham & Associates Inc., Pittsford, N.Y., for water pollution violations in Delaware at its Mobile Gardens Mobile Home Park. K.C. Burnham & Associates was also assessed \$2,400 for costs incurred by the Department in its investigation.

K.C. Burnham & Associates is the owner of Mobile Gardens Trailer Park located on County Road 481 near Seaford, Sussex County, Del.

A National Pollutant Discharge Elimination System (NPDES) permit issued by the Department to Mobile Gardens MHP LLC effective Feb. 1, 2001, authorizes the discharge of treated wastewater from the small wastewater treatment plant located on the property to a tributary of the Nanticoke River, subject to permit conditions.

In discharge monitoring reports submitted to the Department for December 2002 through October 2003, with the exceptions of February and July, the company reported discharges of pollutants in levels that exceeded its permitted effluent limitations.

K.C. Burnham & Associates violated Delaware laws and regulations governing the control of water pollution and specific terms and conditions of its NPDES permit by discharging pollutants in excess of its NPDES permit limitations, and failing to maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) used to achieve compliance with the terms and conditions of its permit.

The company has 30 days to request a public hearing on the penalty assessment and order.

For further information, contact Peder Hansen, manager, Surface Water Discharges, (302) 739-5731 or Melinda Carl, Public Affairs, (302) 739-4506.

Public Hearing on TA Instruments-Waters Coastal Zone Permit Application Set for Feb. 11

The Department of Natural Resources and Environmental Control invites the public to attend a public hearing for a Coastal Zone Act Permit for TA Instruments-Waters LLC at 6 p.m. Wednesday, Feb. 11, at DNREC's office building, 391 Lukens Drive near New Castle.

TA Instruments-Waters, located at 109 Lukens Drive in New Castle, proposes to initiate manufacturing of a refrigeration cooler and rheological instruments (Rheology is a technique that determines how materials deform/flow under force). Both products are desktop sized instruments used to test materials for stress fractures in a laboratory.

The proposed project will generate minor paper waste and an estimated 10 gallons of hazardous waste per year. This new waste will be more than offset by the elimination of a small air emission, the recycling of all cardboard and most other waste paper. No natural habitat will be destroyed by this project.

The application is available for public review at DNREC's offices at 715 Grantham Lane near New Castle and 89 Kings Highway in Dover, and at the Delaware City and Hockessin public libraries.

For more information, contact Dennis Brown at (302) 739-3091, or Melinda Carl, Public Affairs Office (302) 739-4506.

DNREC'S Edgemoor Odor Study Enters Phase II

As part of the Department of Natural Resources and Environmental Control's ongoing efforts to deal with persistent odor complaints by residents of the Edgemoor area northeast of Wilmington, a six-month study has identified the "chemical signatures" of industrial facilities in the I-495 corridor for use in pinning down the source of future incidents.

"The next time an odor event occurs, DNREC will better be able to identify the source and take appropriate response actions," said Joseph Martini, air monitoring program manager for the Division of Air and Waste Management. "Unfortunately, being able to identify exactly where an odor came from may not be as easy as taking a single sample during an odor event. The mixing of odors from more than one source, winds and other environmental conditions may make it difficult to prove the source of the odor."

During Phase One of DNREC's odor study, which ran from June to December 2003, air emissions from facilities were sampled to determine a unique chemical signature for each.

Phase Two, which is now underway, includes air sampling in neighborhoods with odor complaints by either DNREC staff or community volunteers who have been trained to take samples.

Laboratory tests will be done on the samples to determine the chemical compounds that make up the odor. The results will be compared to facility "chemical signatures" and hopefully come up with a match. DNREC will use the information to work with facilities to reduce or eliminate odors.

According to Martini, samples will be taken from 9 a.m. to 4 p.m. Monday through Thursday to give the lab time to do an analysis.

In addition to the Phase Two odor tagging, DNREC and Delaware Division of Public Health staff will attend training in February to learn to recognize various odors as a tool in implementing corrective actions.

The odor study was proposed by the Odor Roundtable, a group of DNREC staff, legislators and industry representatives who monitor the odor issues in the Edgemoor area. DNREC is funding the work.

For more information, contact Joseph M. Martini, Air Monitoring, (302) 323-4542, or joseph.martini@state.de.us or Jason Gleockler, Public Affairs, (302) 739-4506.

Farmers Must Enroll in CREP by Feb. 15 for Hardwood Plantings

Delaware farmers must enroll in the state's Conservation Reserve Enhancement Program (CREP) by Feb. 15 if they intend to do a spring hardwood planting.

"Farmers can enroll in CREP throughout the year, but the U.S. Fish and Wildlife Service needs time to order the trees," said Dale Churchey, Delaware's CREP coordinator.

CREP, which is an enhancement of the federal Conservation Reserve Program, aims to improve Delaware's water quality and wildlife habitat by offering rental payments to farmers who voluntarily restore riparian buffers, filter strips and wetlands through approved conservation practices such as grass filter strips, wildlife corridors, hardwood tree plantings and wetland restorations.

In addition, rental payments of \$110 to \$150 per acre are paid to eligible cooperators for periods of 10 to 15 years. These payments are made jointly by the U.S. Department of Agriculture and the Department of Natural Resources and Environmental Control's Division of Soil and Water Conservation.

continued on page 8

The conservation practices funded by CREP are designed to improve water quality by retiring marginal farm land and filtering nutrients, thus preventing them from entering water bodies. Additionally, they greatly improve wildlife habitat for a number of game and non-game species.

In the past four years, Delaware farmers and landowners have enrolled nearly 5,000 acres in CREP. Farms with cropland adjacent to streams, ditches, ponds or wetlands are generally eligible to be enrolled in the program.

Delaware farmers and landowners interested in CREP should contact their local Farm Service Agency, Conservation District office, or CREP coordinator Dale Churchey at 302- 242-9943.

Nature-Themed Art Exhibit Opens Jan. 30 at Cape Henlopen State Park's Biden Center

"Art Comes Naturally," an exhibit of photographs, paintings and pen and ink drawings by state Division of Parks and Recreation staff members, will open Friday, Jan. 30 at Cape Henlopen State Park's Biden Environmental Training Center.

"We have a lot of talent we didn't even know about," said Mary Wagner, the Center's manager. "I think the public will be quite impressed."

The all-new exhibit, which can be viewed from 10 a.m. to 3 p.m. Monday through Friday until March 31, is part of an on-going effort to give nature art a home at the Center.

Delaware's state parks are perfect spots to explore art in nature, but First State subject matter was not a requirement. "For example, we have an intricate drawing of a horseshoe crab, but we also have a beautiful painting of a lion in repose," Wagner said.

Housed in a renovated naval training facility, the Biden Environmental Training Center is located near Lewes, right along the Atlantic Ocean. The Center provides spacious meeting rooms, overnight dormitory-style accommodations, and ample seating in its dining room for organized groups. When the meetings end for the day, the private seaside setting offers guests a chance to enjoy one of the prettiest beaches on the East Coast.

Meeting rooms accommodate from 30 to 80. The dining room offers seating for 64. Overnight accommodations house 21 to 55 guests, three per room. For those with special needs, an accessible suite is available.

For more information on the exhibit or the Center, contact manager Mary Wagner; (302) 644-5005.

Citizens Source Water Assessment Committee to Meet Feb. 4

The Citizens and Technical Advisory Committee (CTAC) of the Source Water Assessment and Protection Program will meet Feb. 4 from 9 a.m. to noon in the second floor conference room of the Department of Public Safety building in Dover.

Key agenda items for the meeting include:

- Update: Source Water Protection Best Management Practices Manual
- Results of Confirmatory Sampling of Public Water Supplies within 1 Mile of Superfund Sites; and
- First Report to the Governor and General Assembly on the Status of the Source Water Assessment and Protection Program in Delaware.

Delaware's Source Water Assessment Plan was approved by the U.S. Environmental Protec-

continued on page 9

tion Agency in October 1999. The program is charged with delineating source water areas around all public water supply wells in the state, identifying all existing and potential sources of contamination within those areas and making the information available to the public.

Further information about the Source Water Assessment and Protection Program can be found on the program web site: <http://www.wr.udel.edu/swaphome>. For additional information about the meeting, contact Doug Rambo, Water Supply Section, (302) 739-4793, or Melinda Carl, Public Affairs Office, (302) 739-4506.

Plan Your New Year with DNERR

The Delaware National Estuarine Research Reserve (DNERR) near Dover announces expanded volunteer opportunities for diverse groups, organizations, school groups, corporations, and individuals with enough wonderful opportunities to meet anyone's needs. Wherever your interests lie, the reserve has the proper openings for you.

- Environmental Education Associate. Receive free training at the reserve from qualified staff and reach out to your friends and communities.
- Weekend Reserve Guide. Explore along with visitors at the reserve the unique estuarine environment that awaits them.
- Research Assistants. Horseshoe crab and shorebird study helpers.
- Engage your group/organization/individual/school community service projects at DNERR. Join the team at the Reserve as a volunteer. You'll find it's time well spent.

The Delaware National Estuarine Research Reserve is a partnership between the Delaware Department of Natural Resources and Environmental Control (DNREC) and the National Oceanic and Atmospheric Administration (NOAA). The program is administered through DNREC's Division of Soil and Water Conservation in the Delaware Coastal Programs section.

Visit DNEER on the web at: www.dnrec.state.de.us/DNREC2000/Divisions/Soil/DNERR

For more information about volunteer activities, public presentations (the first 2004 Public Presentation Lecture was held Jan. 20 with Dr. John Gardner, Ph.D., former history professor at Delaware State University), or directions to the reserve, contact: Cameron Haughey, DNREC Division of Soil and Water Conservation, DNERR volunteer coordinator, (302) 739-3436, cameron.haughey@state.de.us, 818 Kitts Hummock Road, Dover, DE 19901.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2003-13: New regulation to establish date for the first and subsequent lotteries for available commercial gill net permits and authorization for commercial hook and line permits, and commercial crab dredge, conch pot and conch dredge licenses. The date for the first lottery is Jan. 2, 2004 with subsequent lotteries held the first working day in January. Participants include those in the apprentice program who have completed the required and properly documented 150 days of commercial fishing activities over no less than a 2-year period from the apprentice sign-up date. Contact Roy Miller, 739-3441. **Effective date - Jan. 2, 2004.**

98-08: **Establish a Total Maximum Daily Load (TMDL) for the Inland Bays Sub-basin** — This TMDL includes the tidal portions of Indian River, Indian River Bay and Rehoboth Bay. The TMDL process determines the pollutants causing water quality impairments, identifies maximum permissible loading capacities for the waterbody in question, and, for each relevant pollutant, assigns load allocations from point and non-point sources to each of different sources in the Sub-basin. These limits are designed to achieve water quality criteria and promote healthy populations of fish and other aquatic life. Contact: John Schneider – 739-4590. **Effective date – Dec. 1, 1998**

Environmental Appeals Board voted to stay appeals of Town of Rehoboth and Town of Georgetown on April 27, 1999 pending a decision by Superior Court.

97-11: **Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions.** This regulation reduces NOx emissions from fossil fuel fired boilers or indirect heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

April 16, 1999 - Appealed to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil action for a review of the Order in Superior Court for New Castle County.

Regulatory Actions Underway:

2003-24: **Development of a new regulation that will be added to the Regulations Governing Solid Waste.** This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact Rick Perkins, 739-3689

2003-23: **Amend Tidal Finfish Regulations, Striped Bass Possession Size Limit; Exceptions.** This action would change the recreational daily size and creel limits and seasons for striped bass; and change the minimum commercial size limit for striped bass taken from all tidal waters of the state other than the Delaware River and Bay and its tributaries to 28 inches total length. During the commercial season of March 1-April 30, the minimum commercial size limit would remain 20 inches for the waters of Delaware River, Delaware Bay and their tributaries, but would revert to 28 inches total length minimum for the remainder of the year. Contact Roy Miller 739-3441

Public hearing – Jan. 29, 2004, 7:30 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover.

2003-22: **Amendment to Delaware’s Phase II Attainment Demonstration State Implementation Plan (SIP) for attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005.** This action would change the mid-course review

due date to Dec. 31, 2004 and will allow inclusion of the NOx Transport SIP Call implementation (a significant part of the overall attainment strategy) in the analysis and put Delaware on the same timeline with other states in the region to enable Delaware to work cooperatively and conduct the mid-course review as a regional effort. Contact Frank Gao, 323-4542

Public hearing – Jan. 28, 2004, 6 p.m., Priscilla Building Conference Room, 156 S. State St., Dover, Del.

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

2003-20: Adoption of Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for Little Assawoman Bay, Buntings Branch and the tributaries and ponds of the Indian River, Indian River Bay and Rehoboth Bay. This regulation would establish a cap for the amount of nutrients and oxygen demanding materials that can enter these waters and is necessary to improve water quality and help maintain fishable waterways for Delaware citizens and visitors. The projected date for adoption is May 2004, five months past the deadline in the consent decree, due to unforeseen circumstances and technical issues regarding development of a new state-of-the-art water quality modeling system for the entire Inland Bays watershed. Contact John Schneider, 739-4590

2003-19: Adoption of a Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation. This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

2003-18: Adoption of a new "Regulation, 45, Anti-Idling Regulation" of the state's Regulations Governing the Control of Air Pollution. This action would regulate the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action would update the regulations to include statutory changes that authorize DNREC to establish a license for persons who inspect septic systems and other on-site wastewater treatment systems. It also sets an annual license fee for septic system designers, installers, site evaluators, liquid waste haulers, inspectors and percolation tests, similar to other license fees charged by DNREC. Contact John Hayes, 739-4761

Third public workshop:

Feb. 2, 2004, 6-9 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, Del.

2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination.

This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

2003-15: Amendments to Delaware Regulations Governing Solid Waste. These proposed amendments pertain to sanitary landfill daily cover performance standards; prohibition of certain wastes in industrial landfills; prohibition of non-permitted sub-contractors by permitted solid waste transporters; correct a reference in the requirements for resource recovery facilities; amend the definition of infectious waste generator; and clarify who is required to obtain an infectious waste generator number. Contact Karen J'Anthony or Donald Short, 739-3689

2003-14: Amendments to Delaware Regulations Governing Hazardous Waste. This action will adopt amendments previously promulgated by EPA to maintain authorization for administering Delaware's own hazardous waste management program. Also proposed are miscellaneous changes to correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations program. Contact Karen J'Anthony or Donald Short, 739-3689

2003-12: Modification of existing regulations for the Green Energy Fund (formerly the Environmental Incentive Fund). Senate Bill 93 moved the State Energy Office to DNREC and stated that the office would establish standards, procedures and regulations governing administration of the Green Energy Fund, formerly administered by the Delaware Economic Development Office. This action would modify DEDO's existing regulations to reflect movement of the Energy Office and the program, and amend the regulations for consistency with provisions in Senate Bill 93 and amendments in Senate Bill 145. Contact Charlie Smisson Jr., 739-5644

2003-11: Amendment to Regulation No. 30 (Title V State Operating Permit Program) of the Regulations Governing the Control of Air Pollution. This action would change the definition of "Major Source" by removing the phrase, "but only with respect to those air pollutants that have been regulated for that category." This will require all fugitive emissions to be included in major source determinations for sources subject to federal New Source Performance Standards or the National Emissions Standards for Hazardous Air Pollutants. Contact Deanna Morozowich, 739-4791

2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity. In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR). This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware’s air resources. Contact Gene Pettingill, 323-4542

2003-08: Revisions and amendments to Shellfish Regulations S-51 through S-61 and new regulations governing harvesting and use of horseshoe crabs. This action would conserve horseshoe crab resources by: revising reporting requirements for horseshoe crab collecting, changing the horseshoe crab permit renewal date and procedure, eliminating the possession limit of six horseshoe crabs per day for those without a valid horseshoe crab commercial collecting permit, establishing a period of time when commercial harvesting would be illegal, establishing harvest quotas including consideration of a harvest moratorium, requiring the use of bait saving devices in conch pots, restricting how many horseshoe crabs may be used in pots as bait and setting a quota on the amount of horseshoe crabs that dredgers may harvest prior to May 1 in any given year. Contact Roy Miller, 739-3441

2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983. This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

2003-05: Amendments to Shellfish Regulations S-51 and S-55 and enactment of new shellfish regulations. This action would require the use of bait saving devices in conch pots using horseshoe crab as bait; prohibit the harvest or landing of horseshoe crabs in Delaware between May 1 and June 7 of any year and cap the annual harvest and/or landings of horseshoe crabs in Delaware to 150,000. Contact Roy Miller, 739-3441

2003-03: Re-issuance of Regulations Governing Storm Water Discharges Associated with Industrial Activities. These regulations are required by law to be reissued once every five years. The current regulations expire Sept. 15, 2003. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories. These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

2002-26: Amendment to Regulations Governing the Control of Air Pollution, Regulation 2038, Reporting of a Discharge of a Pollutant or Air Contaminant. This amendment would change the reportable quantity for the flammable substance hydrogen, clarify flammable reportable quantities and correct several technical mistakes in the list of substances. Contact Jay Brabson, 323-4542

2002-25: Amendment to tidal finfish regulations regarding weakfish size and possession limits. The approved plan adopted by the Atlantic States Marine Fisheries Commission includes 7 weakfish per day at 12 inches minimum, 8 at 13 inches, 9 at 14 inches or 10 fish at any size equal to or greater than 15 inches. The amendment would also adjust the beginning and ending dates to adjust the days for the new calendar year. Contact Roy Miller, 739-3441

2002-21: Amendment to the Delaware State Parks rules and regulations needed to reflect changes in park resources and changes from the Delaware Code, including the Wilmington State Parks, Holts Landing Fishing Pier, protection of exhibits, established bicycle trails and facility rentals/special events. Contact Wayne Kline, 739-4405

2002-16: Development of new regulations for aboveground storage tanks, including requirements for leak detection, spill containment, construction, dismantling, operation, maintenance and cleanup of any leaks pursuant to the Jeffery Davis Aboveground Storage Tank Act signed into law by Governor Minner July 8, 2002. Contact Kathleen Stiller Banning, 395-2522

2002-13: Amendment to Tidal Finfish Regulations. This action pertains to recreational and commercial creel limits and season for tautog. The Atlantic States Marine Fisheries Commission's amendment of the Fishery Management Plan for tautog requires all east coast states to reduce fishing mortality by 48 percent by changing creel limits or imposing seasonal closures or a combination of both by April 1, 2003. Contact Jeff Tinsman, 739-4782

2002-08: Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries. The PCS will cover activities in the entire watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-07: Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries. The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-06: Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to

improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2001-22: Development of a new regulation on the definition of chronic violator, the process for determining when a facility or regulated party is declared a chronic violator and the terms and conditions for lifting the designation. Development and implementation of this regulation was mandated by Senate Substitute No. 1 for Senate Bill 33, An Act to Amend Title 7 and Title 29 of Delaware Code with respect to notification of environmental releases, facility performance, and establishment of the Community Involvement Advisory Council. Marjorie Crofts, 739-4764

2001-21: Amendments to Sediment and Stormwater Regulations. This action would allow a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet water quality requirements. Contact Frank Piorko – 739-6724

2001-14: Amendment to Regulation 24, Control of Volatile Organic Compounds, Section 26 (Stage I Vapor Recovery) and Section 36 (Stage II Vapor Recovery) of the Delaware’s Regulations Governing the Control of Air Pollution. This action is proposed to ensure that the Vapor Recovery Systems currently installed within the state maintain the required 95 percent control efficiency. Contact Deanna L. Morozowich, 739-4791

2001-04: Amendments to Regulations Governing the Use of Subaqueous Lands. This amendment updates the regulations to include the statutory changes made by the 140th General Assembly. The amendments deleted definition of the term, “navigable water,” increased the subaqueous lands lease term from 10 to 20 years, and granted exemptions for certain types of activities in subaqueous lands. Contact William Moyer, 739-4691.

2000-23: Amendments to Regulation 24, Control of Volatile Organic Compound Emissions, by adding a new section to control the emissions of VOCs from lightering operations, of the Regulations Governing the Control of Air Pollution. Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware’s 1-hour ozone attainment. Contact James Snead – 323-4542

2000-11: Development of the 1999 Periodic Emission Inventory. States with non-attainment areas for ground-level ozone are required under the Clean Air Act Amendments of 1990 to develop comprehensive periodic emission inventories of ozone precursor pollutants (volatile organic compounds, nitrogen oxides, and carbon monoxide) once every three years and incorporate them into the State Implementation Plan. This is the third of these inventories covering all three Delaware counties for the 1999 calendar year and ozone season. Contact Raymond Malenfant, 739-4791

2000-10: Amendments to Delaware's 2002 Rate-of-Progress Plan toward attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ground-level ozone in Kent and New Castle counties. Under the Clean Air Act Amendments of 1990, Delaware is required to submit to the U.S. EPA a State Implementation Plan every three years after 1996 to demonstrate how to achieve adequate rate-of-progress in reducing emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x), major precursors to form ground-level ozone. This action amends the 2002 plan submitted in February 2000. Contact Frank Gao, 739-3106

2000-05: Update of 1990 Base Year Inventory and 1993 Periodic Emission Inventory Revisions. The Clean Air Act Amendments of 1990 require states with non-attainment areas for ground-level ozone to develop the 1990 base year inventory and comprehensive periodic emission inventories of ozone precursor pollutants once every three years after 1990 and to incorporate them into the State Implementation Plan. This is a first update to improve the 1990 Base Year Inventory and 1993 Periodic Emission Inventory. Contact Bhavesh V. Amin, 739-4791

2000-03: Amendments to the Delaware Regulations Governing Hazardous Substance Cleanup. Amendments include adding mirex and gas additives to the definition of hazardous substance as well as clarify the petroleum issue; incorporating by reference the HSCA Guidance standards; and amend the provision concerning interference and failure of remedy.

99-12: Triennial Review of the State of Delaware Surface Water Quality Standards (as amended Feb. 26, 1993). This review will meet requirements of the federal Clean Water Act, which requires all states to review their surface water quality standards every three years and adopt revised standards to comply with the Act. Contact Dave Wolanski - 739-4590.

98-13: Adopt a new regulation (Regulation No. 20, Section 30) of the State of Delaware Regulations Governing the Control of Air Pollution. This regulation will require any small industrial-commercial-institutional steam generating unit (i.e., any unit that combusts any fuel and that produces steam or heats water or any other heat transfer media) to meet specified emission limits for sulfur dioxide and particulate matter. Contact: Ron Amirikian – 323-4542

97-19: Contingency Regulations for Ozone Attainment – The Clean Air Act requires states with non-attainment areas for ground-level ozone to implement specific control measures if an area fails to make reasonable further progress goals or fails to attain the national ambient air quality standard by the attainment date. This contingency, in the form of a regulation, may be either a point source cap and reduce program or a higher-level enhanced motor vehicle inspection and maintenance (I-M) program, or perhaps some other action or combination of actions. This regulation will ensure that 1999 and later ground level ozone progress goals for New Castle and Kent counties are achieved, and will be implemented in New Castle and Kent Counties if the specified emissions reductions do not occur in 1999. Contact: Al Deramo – 739-4791

You're Invited to Attend

DOVER, DE
DNREC Auditorium
Tuesday, February 3
3 to 5pm

BETHLEHEM, PA
Lehigh University
Iacocca Hall
Tuesday, February 10
2 to 4pm and 7 to 9pm

MILLVILLE, NJ
Riverfront Renaissance
Cultural Center
Thursday, February 19
2 to 4pm and 7 to 9pm

PHILADELPHIA, PA
Fairmount Water Works
Interpretive Center
Tuesday, February 24
2 to 4pm and 7 to 9pm

NARROWSBURG, NY
Tusten Town Hall
Wednesday, March 17
2 to 4pm and 7 to 9pm

Registration ½ hour prior to meeting. Directions to each meeting posted at www.drbc.net

The Delaware River Basin Commission (DRBC)

is coordinating the formation of a new Water Resources Plan for the Delaware River Basin. We invite your involvement and feedback on the Public Review Draft and the implementation of the Plan.

With your valuable input, our new Basin Plan will affect water resource policy into 2030. Together we can:

- *Maintain and improve the quantity and quality of the Basin's water supply*
- *Reduce flood losses, improve recreation, and restore the Basin's essential riparian and aquatic ecosystems*
- *Improve the integration of the Basin's resources with land use and development*
- *Strengthen Basin community partnerships for the management of the river's vital resources*
- *Provide new opportunities for learning how to protect and restore our river Basin*



water
resources
FOR THE
DELAWARE
RIVER BASIN
PLAN

The Public Review Draft of the Basin Plan is now available for your review on our web site at www.drbc.net

For additional information contact Victoria Lawson at 609.883.9500 x308 or e-mail vlawson@drbc.state.nj.us

DON'T FORGET TO RECYCLE

Most recycling centers in Delaware are located within a 5-mile radius of most households so that residents can easily drop off recyclables. For the center nearest you, call the Delaware Solid Waste Authority's Citizens Response Line, 1-800-404-7080.

Items accepted through RECYCLE DELAWARE, a voluntary program:

Paper – newspapers, magazines, phone books, newspaper inserts and paperback books.

Plastic – narrow-neck plastic bottles only (milk jugs, soda bottles, laundry detergent, salad dressing, cooking oil, shampoo, cleaning bottles). Rinse lightly, remove lids, and crush. Labels and rings can stay on.

Cans – aluminum, steel, and empty aerosol cans (drink/food cans, pet food, hair/bug spray). Rinse lightly. Crush if possible. Labels can stay on. Remove plastic spray knob from aerosols.

Glass – food/beverage containers, jars. Rinse lightly. Remove lids. Label and ring can stay on.

Cardboard – (specified locations, only, call 1-800-404-7080 for locations), corrugated cardboard only. Fold to fit in 60-inch by 5-inch opening.

Motor oil – specified locations only, call 1-800-404-7080 for locations) used motor oil, hydraulic or diesel oil.

Oil filters – (same locations as motor oil) used car and truck oil filters.

Batteries – small household batteries (A, C, D) and button type (watch, hearing aid, camera).

HOW TO KEEP SEPTIC SYSTEMS FUNCTIONING PROPERLY

Septic systems require periodic check-ups and proper care to function properly. They must have a healthy diet to prevent ground water and soil contamination as well as costly repair bills.

- Keep all toxic and hazardous chemicals out of your septic systems. Even small amounts can destroy your system's biological digestion.
- Avoid dumping grease/fats down kitchen drains. They can cause blockages in the system. Collect grease in a container near the sink.
- Have your septic tank pumped by a certified contractor every three years. Failure to pump can cause clogging and result in costly repairs.
- Don't drive over absorption fields. This can cause compacting, which can result in clogging. Do not plant trees over the system or construct walkways, patios, swimming pools, or other permanent structures over or within the leach line.
- Minimize the solids load. Minimize or avoid using a garbage disposal unit. Remove scraps with the garbage or compost them.
- Minimize the liquid load. The less wastewater you produce, the less the soil has to absorb. Repair leaky fixtures, wash clothes only with a full load. Use water-saving devices. Do not let water run while brushing teeth or washing dishes.
- If you have a holding tank, it should be pumped out every 10 to 15 days.

DNREC Division Directors:

Kevin Donnelly - Director, Division of Water Resources
Robert S. Baldwin - Director, Division of Soil and Water Conservation
Patrick J. Emory - Director, Division of Fish and Wildlife
Charles A. Salkin - Director, Division of Parks and Recreation
John B. Blevins - Director, Division of Air and Waste Management

DNREC Public Affairs Office

Maria A. Taylor, Director

DNREC NEWS is published by the Department of Natural Resources
and Environmental Control, Office of Information and Education.
Comments are invited and should be sent to: Melinda Carl, Editor,
DNREC NEWS, 89 Kings Highway, Dover, DE 19901
Telephone: 302-739-4506; Fax: 302-739-6242
www.dnrec.state.de.us

DNREC News Staff

Editor: Melinda Carl
Staff Writers and Contributors: Kathleen Jamison, Nancy Kimbro, Jason Gleockler
Production: Christy Shaffer
Printing: Grace Dowell
Circulation: Margie Witherspoon

DNREC
NEWS

89 Kings Hwy.
Dover DE 19901