

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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Ruth Ann Minner
Governor

John A. Hughes
Secretary

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Big Win for Fish and Wildlife! Unprecedented Funding Included in Federal Transportation Bill

After three years, two election cycles and 11 extensions, Congress passed the federal transportation bill, funding highways and transit over the next six years, to the tune of \$286.4 billion and including some important milestones for America's wildlife and outdoors enthusiasts.

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Gov. Minner Presents Young Environmentalist Award to Lake Forest Agri-Science Students

Students in the Lake Forest High School Agri-Science Program and their advisor, Mark Breeding, were honored with the 2005 Young Environmentalist of the Year award by Governor Ruth Ann Minner and Department of Natural Resources and Environmental Control Secretary John A. Hughes during Governor's Day at the State Fair last month.



Melanie Rapp

Gov. Ruth Ann Minner joins the 2005 Young Environmentalist of the Year students from the Lake Forest Agri-Science Program and their advisor, Mark Breeding.

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Calendar

*For information or registration for park events, please contact individual park offices and the parks website at: www.destateparks.com
A listing of park offices follows the calendar.*

AUGUST

9-11 – Eco-Camp at St. Jones Reserve, 9 a.m. – noon, pre-registration required. Contact Kate deGategno, (302) 739-3436.

10 – Wastewater Facilities Advisory Council meeting, 9 a.m., Delaware Technical and Community College, Conference Room 400B, 1832 N. DuPont Parkway, Dover. Contact Alan Farling or Janet Rettig, (302) 739-9941.

25 – Public hearing on “Control of Stationary Generator Emissions”, 6 p.m., DNREC Auditorium, Richardson and Robbins Building. Contact Mark A. Prettyman, (302) 739-9402.

30 – Public workshop on Total Maximum Daily Loads for nutrients, dissolved oxygen and bacteria for the Chester, Choptank, Marshyhope and Pocomoke River watersheds, 6 p.m., Hartly Fire Hall, 2829 Arthursville Road, Hartly, Del. Contact Hassan Mirsajadi, (302) 739-4590.

SEPTEMBER

1 - Public workshop on Total Maximum Daily Loads for nutrients, dissolved oxygen and bacteria for the Chester, Choptank, Marshyhope and Pocomoke River watersheds, 6 p.m., University of Delaware Cooperative Extension Service Research and Education Center, 16684 County Seat Highway (Route 9), Georgetown, Del. Contact Hassan Mirsajadi, (302) 739-4590.

7 – Public hearing on proposed TMDLs for Shellpot Creek and Naamans Creek, 6 p.m., auditorium of Mt. Pleasant Elementary School, 500 Duncan Road., Wilmington, Del. Contact Hassan Mirsajadi, (302) 739-4590.

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

Funding continued from page 1

The bill achieves full recovery into the Aquatic Resources Trust Fund (ARTF) of the 18.3 cents per gallon gasoline excise tax attributable to outboard motors and small engines. Previously, only 13.5 cents (or 73 percent) of the tax paid went into the ARTF to support the fishing and boating programs important to the nation's anglers and recreational boaters. Annually, this means an additional \$110 million of assured funding to the state fish and wildlife agencies for sportfish restoration, boating safety, boating access, and other programs under the ARTF.

"Delaware's angling and boating community is ecstatic about the bill's provisions," said Patrick Emory, director of Delaware's Division of Fish and Wildlife. "This is definitely the 'shot in the arm' fish and wildlife agencies nationwide need during these times of budgetary constraint."

"The angling and boating community has worked for many years to restore this "user-pay-user-benefit" excise tax to the sportfishing and boating programs it was originally intended to benefit," said John Cooper, secretary of the South Dakota Game, Fish and Parks Department. "I know the states are all very grateful to the work of Congressman Don Young (AK) and Sen. James Inhofe (OK) for their work to move this bill through. It speaks volumes of their dedication to fish and wildlife."

Likewise, Greg Duffy, director of Oklahoma Department of Wildlife Conservation said, "It is encouraging to see the fish and wildlife provisions in this bill. It demonstrates how we can work across agencies to accomplish broad goals to benefit our nation's wildlife. We're proud that our Oklahoma Senator, James Inhofe, helped provide the leadership to make this happen."

In addition to the International Association of Fish and Wildlife Agencies, there were several organizations in particular who led the charge on these Wallop-Breaux provisions. They include: the Congressional Sportsman's Foundation, American Sportfishing Association, National Marine Manufacturers Association, and the National Association of State Boating Law Administrators.

"Transportation programs can have a profound effect on wildlife and their habitats," says IAFWA executive vice-president John Baughman. "It is vital that transportation projects consider science-based data during the earliest phases of planning to protect valuable habitat through appropriate design and through mitigation if impacts are unavoidable."

Congress also decided to incorporate provisions that will place wildlife conservation among the top priorities in transportation planning. Historically, highway projects were planned, funded and designed before considering the potential impacts to wildlife and habitat, leading to costly delays, lawsuits and habitat loss. Under the new law, transportation planners will work with state fish and wildlife agencies to avoid sensitive habitat locations. Congress also commissioned a comprehensive study on the effects and impacts of wildlife-vehicle collisions, and fully funded the Enhancements Program that provides funding for wildlife passages.

"This bill marks a significant step forward for wildlife, and our research on wildlife crossings here in Arizona," says Duane Shroufe, director of the Arizona Game and Fish Department. "We are hopeful that this will result in a better understanding of wildlife crossings and wildlife-highway relationships, and in the long run lead to safer highways for both the public that travel the highways and the wildlife that cross them."

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Other fish and wildlife conservation provisions included in the bill:

- \$10M per year to enhance fish passage on Nat'l Forests (road culvert maintenance, repair, etc).
- Increase in funding for National Wildlife Refuge system roads and trails from \$25M to \$29M per year.
- \$1M per year for signage for access for hunting and fishing on public lands.
- Establishment of a program to educate state highway officials on best management practices (including preference for native vegetation) for highway shoulders and medians to minimize attraction to large grazing herbivores and thus reduce vehicular collisions.
- Increase in funding for recreational trails from \$50M to \$75M per year.

“The significant conservation features in the bill show a strong commitment by Congress and the Administration to our nation’s fish and wildlife resources and the people who enjoy them,” said Wayne MacCallum, director of the Division of Fisheries and Wildlife of the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement.

“Wyoming is delighted at the attention Congress has given wildlife in the transportation bill,” said Terry Cleveland, Wyoming Game and Fish Department director. “The department looks forward to being more involved in highway planning and helping administer the other generous facets of this legislation to the benefit of the wildlife and citizens of Wyoming.”

About the International Association of Fish and Wildlife Agencies (IAFWA)

The International Association of Fish and Wildlife Agencies (IAFWA), founded in 1902, represents the government agencies responsible for North America’s fish and wildlife resources. IAFWA applies expertise in science, policy, economics and coalition-building to serve its members as a national and international voice on a broad array of wildlife and conservation issues. IAFWA can be found online at www.iafwa.org.

Young Environmentalist Award continued from page 1

The Lake Forest High School Agri-Science Program was nominated by Dawn Failing for “going above and beyond when educating the public on the environment.” The Agri-Science Program received a \$300 check and each student received a free boat rental at a Delaware State Park.

The students have led the way for the first Project Nature Share program, which is part of Gov. Minner’s Green Infrastructure initiative. The students planted more than 3,000 trees and shrubs and 11 acres of warm season grasses and wildflowers. A 2-acre wetland will be complete by fall of this year and will be used as an outdoor classroom to educate students on ways to protect the environment.

The Lake Forest students also took part in the Delaware Greenwings event, where they helped educate the public on the importance of protecting wetlands for the future of waterfowl. It was the largest Youth Field Day in the world, with over 2,000 youth and their families in attendance.

The Young Environmentalist award was established in 1993 in honor of Dr. Edwin H. Clark II, who served as Secretary of the Department of Natural Resources and Environmental Control from 1989 to 1993. The award, coordinated through the Office of Public Affairs, is based on actions that result in the protection, restoration or enhancement of Delaware’s natural resources through one or more of the following means: innovation, public awareness, environmental ethics or environmental stewardship. Nominations are submitted by teachers and group leaders based on activities which took place between July 1, 2004 and June 3, 2005.

For more information, contact Jennifer Knotts, Public Affairs Office, (302) 739-9902.

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2005 Youth Fishing Awards Presented by Gov. Minner Governor Proclaims Sept. 24 Delaware's National Hunting and Fishing Day

Governor Ruth Ann Minner presented the 2005 Youth Fishing Awards to John Wilson from New Castle County, Robert Roth from Kent County and Kevin Bailey representing Sussex County during Governor's Day at the State Fair July 28.

John Wilson, age 14, from Bear, Del. is the overall state winner. John was able to seize fish with a combined weight of 8.5 pounds. John, as the first place winner, received a trophy, fishing rod, a tackle box and other assorted fishing tackle along with a savings bond for his outstanding efforts.

Robert Roth, age 13, from Dover, Del. is the second place winner. Robert's catch totaled 3.6 pounds. Robert, as the second place winner, received a fishing rod, a tackle box, assorted fishing tackle and a trophy for his hard work.

Kevin Bailey, age 5, from Georgetown, Del. is the third place winner. Kevin caught 1.4 pounds of fish, which secured his victory in Sussex County. Kevin was honored with a fishing rod, a tackle box, assorted fishing tackle and a trophy for his active involvement.

DNREC's Division of Fish and Wildlife has been

hosting an annual Youth Fishing Tournament since 1986. The tournament was established to introduce youth to the sport of fishing and to teach the 'catch and release' approach to fish conservation.

This year's 19th Annual Tournament took place on June 11. The tournament was designed for youth ages 4-15. Participants under the age of 12 were accompanied by an adult. The tournament was free to the public and prizes are awarded in three age groups: 4-7; 8-11; and 12-15. The Youth Fishing Tournament is held in each of the three counties and throughout the past 19 years, the event has grown in popularity and exposed several hundred youth to sport fishing.

Gov. Minner also read and signed a proclamation declaring Saturday, Sept. 24, 2005 as National Hunting and Fishing Day in Delaware.

The proclamation acknowledges that conserving the state's natural wildlife resources is and has been one of the most essential obligations we have to future generations. The environmental protection programs sustained and financed by Delaware hunters and anglers have benefited several different wildlife species that all Delawareans can enjoy.

For further information, contact Jennifer Knotts, Public Affairs Office, (302) 739-9902.



Melanie Rapp

Gov. Minner, DNREC Secretary John A. Hughes and Division of Fish and Wildlife Director Pat Emory with the 2005 Youth Fishing Tournament winners, (l-r) John Wilson, 14, of Bear, Robert Roth, 13, of Dover, and Kevin Bailey, 5, of Georgetown.

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Parks and Recreation Volunteer of the Year Honored

Governor Ruth Ann Minner presented this year's 2005 Division of Parks and Recreation Outstanding Volunteer of the Year Award to Richard Thatcher of Lewes, Del. on July 28 at the State Fair.

Each year, DNREC's Division of Parks and Recreation acknowledges one outstanding citizen for his exceptional volunteer efforts in Delaware's state parks. This year, Richard Thatcher was acknowledged for his outstanding contributions at Cape Henlopen State Park.

Thatcher is being recognized for his tireless energy and outstanding dedication to the natural world. He has devoted 100 percent of his considerable volunteer time to the growth of the Friends of Cape Henlopen State Park, a 200 member non-profit organization whose mission is to promote the protection and wise management of the diverse resources within the park. His efforts were not only critical in the leadership of the Friends but also the institution and continuation of fundraising events that generate funding to enable programs that benefit both the park and the public. For example, the Friends-sponsored Peddlers Program provides free bikes for visitors to use during their stay in the park.

Because of Richard Thatcher's selfless acts, Gov. Minner and the Department of Natural Resources and Environmental Control, Division of Parks and Recreation recognized him as the 2005 Outstanding Volunteer of the Year Award.

For more information, contact Jennifer Knotts, Public Affairs office, (302) 739-9902 or Glen Stubbolo, Parks and Recreation, (302) 739-9200.



Melanie Rapp

Division of Parks and Recreation Volunteer of the Year Richard Thatcher and his wife, Mirth, of Lewes, Del. pose with Gov. Minner at the State Fair.

DuPont Requests Coastal Zone Status Decision for Pollution Prevention Project at Edge Moor

The Department of Natural Resources and Environmental Control invites the public to review a request for a Coastal Zone Act status decision from E. I. du Pont de Nemours and Company for a project at its Edge Moor plant. DuPont is requesting the status decision from DNREC Secretary John

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A. Hughes to determine if a Coastal Zone permit is required for a project to reduce the generation of chlorinated organic compounds, such as dioxins, furans, PCBs and chlorinated benzenes in the facility's waste stream by 90 percent.

The project will require installation of new equipment inside the plant's footprint on less than 0.1 acre and will also result in a reduction of a generated solid waste known as iron-rich by 120 tons per year.

According to the application, new air emissions generated from the installation of a low NOx burner would not exceed air permit limitations and would be offset by installation of another low NOx burner on an existing vaporizer and by running the ore roaster an additional 50 days per year on natural gas instead of No. 6 fuel oil.

The application is available for public review at the Hockessin, Wilmington and Delaware City public libraries as well as DNREC's offices at 715 Grantham Lane south of New Castle and 89 Kings Highway in Dover. The public is invited to review the application and send written comments until close of business Aug. 24, 2005. Comments should be sent to: DNREC, 89 Kings Highway, Dover, DE 19901, attention Dennis Brown.

The public will be notified of the Secretary's decision.

For further information, contact Dennis Brown, Planning and Compliance Assistance, (302) 739-9909.

DNREC Issues Notice of \$24,000 Administrative Penalty to SMO Realty of LaPlata, Md.

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Administrative Penalty Assessment and Secretary's Order to SMO Realty LLC of La Plata, Md. for violations of Delaware's Regulations Governing Underground Storage Tank Systems. The Order includes a cash penalty of \$24,000 and an additional \$220 as cost recovery reimbursement to the Department for expenses associated with its investigation.

SMO Realty owns a gasoline dispensing facility at Routes 113 and 24 in Millsboro, Del. which has three 12,000 gallon gasoline underground storage tanks. Delaware's underground storage tank regulations require inventory control records as a form of release detection for regulated petroleum UST systems. SMO Realty was unable to produce inventory control records after repeated requests by the Department following an inspection of the facility in May 2004.

SMO Realty violated Delaware Law and underground storage tank regulations by not maintaining inventory control records and for failing to submit requested records.

The company has 30 days to request a public hearing.

For further information, contact Alex Rittberg, Tank Management Branch, (302) 395-2500.

Departure of Lifeguards Will Leave Cape Henlopen State Park's Gordons Pond Beach Unguarded

The lifeguards have left Cape Henlopen State Park's Gordons Pond beach as of Friday, Aug. 5, the state Division of Parks and Recreation has announced.

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“It’s that time of year,” according to Park Superintendent Pat Cooper. “Lifeguards are starting to leave for college and sport camps and we won’t have enough to guard every swimming area. Gordons Pond will remain open, but we highly recommended swimming at the guarded beach areas.”

“Unguarded Beach” signs will be posted at all dune crossings, fee booths and other beach access areas.

All other state park beaches – Cape Henlopen’s main beach, Delaware Seashore State Park and Fenwick Island State Park – are still being guarded. The Division will announce any changes.

For more information, call the Division’s Operations Section, (302) 739-9200.

DNREC Adopts Statewide Activity Approval for Tidal Artificial Lagoon Systems

The Department of Natural Resources and Environmental Control’s Wetlands and Subaqueous Lands Section has adopted a new Statewide Activity Approval (SAA) for construction in tidal artificial lagoon systems.

As of July 18, applicants who meet the design criteria and conditions of the new SAA can receive faster approvals for construction of docks, piers, boat lifts, shoreline stabilization projects and other related construction within tidal artificial lagoon systems.

Applicants, contractors and consultants can obtain the SAA design criteria, permit conditions and application form by contacting the Wetlands and Subaqueous Lands Section, (302) 739-9943.

Wastewater Facilities Advisory Council Meeting Set for Aug. 10

The Wastewater Facilities Advisory Council will meet at 9 a.m. Wednesday, Aug. 10 at Delaware Technical and Community College, Conference Room 400B, 1832 N. DuPont Parkway, Dover.

Agenda items include: Administrator’s Report; Financial Report; Town of Laurel-Supplemental Funding Request; Water Pollution Control Revolving Fund-Project Priority List Criteria Revisions; Interest Rate Policy for the Water Pollution Control Revolving Fund and the Wastewater Management Account; and Regulation of Invested Owned Wastewater Utilities.

For further information, contact Alan Farling or Janet Rettig, DNREC Financial Assistance Branch, Division of Water Resources, (302) 739-9941.

Public Workshop Set for Aug. 25 on Regulations Concerning Stationary Generator Emissions and Permits

The Department of Natural Resources and Environmental Control’s Division of Air and Waste Management will hold a public workshop concerning stationary generator emissions and permits at 6 p.m. Thursday, Aug. 25 in the department’s auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover.

The hearing is on the planned adoption of Regulation No. 1144, which concerns the control of stationary generator emissions, and corresponding amendments in Regulation No. 1102 concerning the construction and operating permits as they apply to stationary generators.

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Delaware is not in compliance with federal standards for ground-level ozone and fine particulate matter. Among other things, the purpose of Regulation No. 1144 is to help ensure that the air emissions from new and existing stationary electric generating units do not cause or contribute to these existing air quality problems. Regulation No. 1102 is being amended to clarify construction and operating permitting requirements as they apply to stationary generators.

The proposed regulation and amendments may be inspected at DNREC's offices located at 156 S. State St., Dover, or as the last two items at www.dnrec.state.de.us/air/aqm_page/RegulationNo.1144.htm

Interested parties may submit comments in writing on these proposed amendments by Aug. 31, 2005 to Mark A. Prettyman, DNREC – Air Quality Management Section, 156 S. State St., Dover, DE, 19901. Individuals interested in presenting statements at the public hearing are asked to register in advance.

For additional information, please contact Mark A. Prettyman, (302) 739-9402.

DNREC to Hold Public Workshops Aug. 30 and Sept. 1 on TMDLs for Chester, Choptank, Marshyhope and Pocomoke River Watersheds

The Department of Natural Resources and Environmental Control will hold public workshops Aug. 30 and Sept. 1 on the proposed total maximum daily loads (TMDLs) for nutrients, dissolved oxygen, and bacteria for the Chester, Choptank, Marshyhope and Pocomoke River watersheds in Delaware. TMDLs establish the maximum amount of pollutants that can be discharged to a waterbody from point and nonpoint sources while maintaining water quality standards.

The first workshop will be held at 6 p.m. Tuesday, Aug. 30 at the Hartly Fire Hall, 2898 Arthursville Road in Hartly. The second will be held at 6 p.m. Thursday, Sept. 1 at the University of Delaware Cooperative Extension Service Research and Education Center, 16684 County Seat Highway (Route 9) in Georgetown.

Copies of the draft regulations and supporting documents will be available on August 12 on the Department's website at: <http://www.dnrec.state.de.us/water2000/Sections/Watershed/TMDL/tmdlinfo.htm> or by request by contacting Brad Smith at (302) 739-4590.

Comments, questions and suggestions may be presented either orally or in writing prior to, or at the workshop. To present written materials, please submit them (preferably by email) to Hassan.mirsajadi@state.de.us or by regular mail or facsimile to: Hassan Mirsajadi, Watershed Assessment Section, Department of Natural Resources and Environmental Control, Silver Lake Plaza – Suite 220, 820 Silver Lake Boulevard, Dover, DE 19904-2464; fax: (302) 739-6140.

For further information, contact Brad Smith, Watershed Assessment, (302) 739-4590.

DNREC Extends Public Hearing Record to Oct. 3 for Written Comments on Delaware Solid Waste Authority's Applications to Expand Cherry Island Landfill

The Department of Natural Resources and Environmental Control has extended the time period for members of the public to submit written comments on Delaware Solid Waste Authority's applications to expand the Cherry Island Landfill in Wilmington to 4:30 p.m. Monday, Oct. 3, 2005.

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DSWA has submitted applications to renew and modify the existing solid waste permit, which entails changes to the design, construction and operation of the landfill; and to modify the existing construction permit for the landfill issued by the Department's Air Quality Management Section.

The time extension for written comments – based upon public interest in the project – was announced at the close of the public hearing on the applications held this week on Aug. 1 and 2. Approximately 70 people attended the hearing and presented comments. Any additional written comments should be sent to Office of the Secretary, DNREC 89 Kings Highway, Dover, DE 19901, attention: Robert P. Haynes.

The applications to modify the existing permits consist of the following:

- constructing a stabilizing berm around the perimeter of Phases III, IV and V of the disposal area;
- installing prefabricated vertical drains (PVDs) beneath the berm;
- constructing a liner system over a new section of Phase V (Phase V) and between the perimeter berm and the edge of the landfill;
- constructing a new leachate transmission system;
- expanding the landfill gas management system;
- changing the way they manage and monitor stormwater; and
- increasing the maximum height of the landfill from 172 feet-msl (above mean sea level) to 195 feet-msl.

DSWA estimates that the proposed changes would provide sufficient disposal capacity for an additional 15 years of waste disposal assuming current recycling efforts (existing “drop-off” recycling program and no yard waste ban).

The permit applications are available for review during business hours at the Department's offices in the Richardson and Robbins Building, 89 Kings Highway, Dover, at 715 Grantham Lane in New Castle, and at the Wilmington Institute Library at 10th and Market Streets in Wilmington. A large portion of the applications is available at the following website address: <http://cherryisland.geosyntec.com/default.aspx> (please note, this is not a DNREC website).

For further information, contact Robert Hartman, Solid and Hazardous Waste Management Branch, (302) 739-9403.

Secretary Issues Permit Amendment Order for Cherry Island Landfill Gas Collection System

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Secretary's Order to amend the permit for the horizontal landfill gas collection system with surface collectors at the Cherry Island Landfill. Located in New Castle County, the Cherry Island Landfill is owned and operated by the Delaware Solid Waste Authority (DSWA).

The Secretary's Order instructs DNREC's Air Quality Management Section to re-issue the construction permit with a condition, which requires DSWA to upgrade the existing gas collection system to improve the processing and transmitting of landfill gas. The Order stipulates that all gas collected at the landfill shall either be processed by the gas compressor system or burned at a flare or flares.

On Feb. 28, 2005 DSWA appealed the construction permit dated Feb. 3, 2005 to the Environmental Appeals Board citing three permit conditions, surface monitoring, odor survey frequency, and

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the expansion of the landfill gas collection system, as issues on the appeal. After negotiation, the Environmental Appeals Board signed and issued a stipulation postponing the scheduled hearing to allow the parties time to settle. A mutually satisfactory settlement was reached which modified the landfill gas collection system as specified in the Secretary's Order. The permit conditions for surface monitoring and odor survey frequency remain unchanged from the original DNREC air permit.

Notice of DNREC's intent to amend one permit condition was published in the June 19, 2005 issues of The News Journal and the Delaware State News. The notice provided that the public could submit written comments on the proposed amendment to the permit until June 29, 2005. DNREC did not receive any written comments on the proposed amendment, and subsequently issued the Secretary's Order and permit amendment with the agreed upon change.

For further information, contact Paul Foster, Air Quality Management, (302) 323-4542.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2004-10: Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan by completing the mid-course review requirement. Delaware is required to submit to EPA a plan revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005. The mid-course review will analyze Delaware's ambient air quality and emission data to demonstrate (1) adequate progress in emission control has been made under the 1-hour ozone standard that will be revoked in 2005, and (2) such progress is consistent with attaining the new 8-hour ozone standard in 2010. Contact Frank Gao, 323-4542. **Effective date – July 11, 2005**

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action revises the cap in light of recently collected data. It amends the original regulation adopted in December 2001 and applies 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. **Effective date – June 11, 2005**

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action updates the regulations to include statutory changes that authorize DNREC to establish an inspector license category with inspection protocol for inspecting all septic systems in Delaware, and modifies requirements for the use of a community-sized on-site wastewater system. Contact Jack Hayes, 739-9948. **Effective date – April 11, 2005**

April 21, 2005 – Appeal filed by The Home Builders Association of Delaware with the Environmental Appeals Board.

2003-18: **New “Regulation, 45, Anti-Idling Regulation” of the state’s Regulations Governing the Control of Air Pollution.** This action regulates 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, 739-9402. **Effective date – April 11, 2005**

2005-01: **Amendments to Tidal Finfish Regulations affecting the 2005 recreational summer flounder fishery and recreational black sea bass fishery.** Delaware can maintain the same management measures used in 2004 for the 2005 recreational summer flounder fishery since the harvest cap was not exceeded in 2004. Another amendment to the tidal finfish regulations eliminates any reference to a closed season for recreational black sea bass anglers in 2005, because the coast wide requirements for recreational black sea bass fishermen in 2005 are a 12-inch minimum size length with a 25-fish creel limit and no closed season. Contact Richard Cole, 739-4782. **Effective date – April 11, 2005**

2004-11: **Amendment to Regulations Governing Tidal Finfish No. 3553: River Herring Creel Limit.** This action establishes a possession limit for river herring at 25 per day unless the possessor has a valid commercial fishing license or a receipt from a commercial fisherman for the river herring. The possession limit was proposed to prevent establishment of a bait fishery for river herring in tidal tributaries. This regulation does not affect normal commercial fishing operations but will impact recreational fishermen who take live river herring as bait for sale. Contact Roy Miller, 739-9914. **Effective date – March 11, 2005**

2004-08: **Amendments to Non-tidal Fishing Regulations.** This action makes it unlawful for anyone to transport, purchase, possess, stock into public or private waters of the state or sell live northern snakehead fishes without the written permission of the Director of the Division of Fish and Wildlife. Contact Roy Miller, 739-9914. **Effective date – March 11, 2005**

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:

2005-08: **Amendments to the Accidental Release Prevention Regulation.** This action reflects amendments to the delegated federal rule 40 CFR Part 68 made by the EPA in January 1999, March 2000 and April 2004, undertaken to prevent accidental releases and mitigate consequences of such

releases by focusing on prevention measures for extremely hazardous substances as listed. Contact Jay Brabson, 323-4542

2005-07: Amendments to Tidal Finfish Regulations affecting winter flounder. This action would increase the minimum size from 10 inches to 12 inches, establish a possession limit for recreational fishermen of 10 winter flounder per day and establish a 60-day open season per year for recreational fishing for winter flounder. Any open season during March and April must include a 20-day closure period each year for compliance with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder. Contact Roy Miller, 739-9914

2005-06: Revisions to Regulations Governing Underground Storage Tank Systems. This action reflects advances in underground storage tank system technology that have occurred since the last revision of the regulations in 1995 to ensure protection of Delaware's natural resources. The regulations impact owners and operators of underground storage tanks greater than 110 gallons containing a regulated substance with the exception of certain classes of heating fuel underground storage tanks. Contact Jill Hall, 395-2500

2005-05: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Marshyhope Creek, Choptank River, Chester River, and the Pocomoke River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the Marshyhope Creek, Choptank River, Chester River and Pocomoke River. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-04: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the St. Jones River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the St. Jones River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-03: Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the Broadkill River, Delaware. This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of the Broadkill River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2004-17: Amendment to Regulation 25 "Requirements for Preconstruction Review" of Delaware Regulations Governing the Control of Air Pollution. This action will address the EPA new source review reforms. The Department will evaluate the revised federal requirements; either incorporate, incorporate with changes or not incorporate the new requirements into Regulation 25; and (as required) will ensure that Regulation 25 is overall, at least as stringent as the federal requirements. Contact Gene Pettingill, 323-4542

2004-16: **Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Shellpot and Naamans Creek in Delaware.** This regulation will establish a cap for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of Shellpot Creek and Naamans Creek. This action is necessary to improve water quality and help maintain fishable and swimmable waterways for citizens of the state. Contact John Schneider, 739-4590

2004-15: **Amendment to Regulations Governing the Control of Water Pollution.** This action would establish a general permit program for Confined Animal Feeding Operations (CAFOs). DNREC developed the proposed regulations cooperatively with the Department of Agriculture, Delaware Nutrient Management Commission, Natural Resources Conservation Service and the University of Delaware. Contact Peder Hansen, 739-9946

2004-14: **Amendment to Surface Water Quality Standards.** This action will clarify the way in which fecal enterococci determined to be of wildlife origin are considered when implementing water quality standards. Typographical errors in the existing regulation will also be corrected. Contact John Schneider, 739-4590

2004-09: **Delaware's proposed 2002 Milestone Compliance Demonstration.** This is a required step to attain the 1-hour National Air Quality Standard for ground-level ozone in Kent and New Castle counties. Delaware is required to submit a plan revision for each milestone year (1996, 1999, 2002 and 2005) to demonstrate that the actual emissions of volatile organic compounds and/or oxides of nitrogen in Kent and New Castle counties to not exceed the required emission targets specified in Delaware's Rate-of-Progress Plans. This action is to conduct a compliance analysis for the milestone year of 2002. Contact Frank Gao, 323-4542

2004-07: **Revisions to Regulations Governing Hazardous Substance Cleanup.** This action will establish procedures for implementing the Brownfields Development Program, including participation in the new program, presumptive project and investigation procedures and work plans, public notice requirements and risk sharing agreements. Contact James Poling, or Paul Will, 395-2636.

2004-05: **Amendments to Delaware Regulations Governing Solid Waste.** This action would update and enhance various sections of the regulations and help improve understanding and implementation of the solid waste requirements. Contact Karen J'Anthony, 739-9403

2003-24: **Development of a new regulation to 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 James Short, 739-9403

2003-19: 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, 739-9283

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

2003-10: Development of a new regulation to control the emissions from stationary generators. In general, emissions from on-site electric generating units, such as emergency generators as well as generators typically known as distributed generation units, are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and emit much higher rates of air contaminants per kilowatt-hour of power than larger units, and contribute to the 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 has initiated this action to specifically control this category of emitters. Contact Mark Prettyman, 739-9402

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

2003-07: 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, 739-9921

2003-03: Re-issuance of the Regulations Governing Storm Water Discharges Associated with Industrial Activities. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-9946

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

2002-08: Pollution 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 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 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

2000-23: Amendments to Regulation 24, Control of Volatile Organic Compound (VOCs) Emissions. This action would add a new section to the air pollution control regulations in order to control VOC emissions from lightering operations. 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

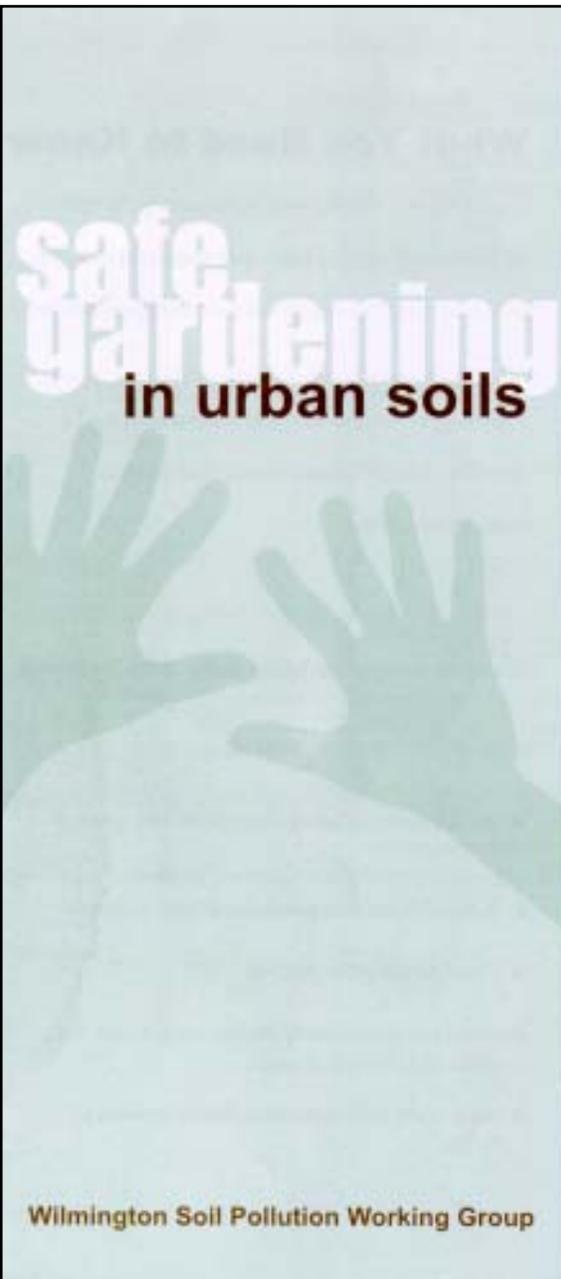
Hurricane Preparedness

It's that time of year when tropical storms develop. As they intensify, some turn into hurricanes that can wreak havoc along coastal shores as well as inland. The key to survival, according to the Delaware Emergency Management Agency, is advanced preparation. Keep basic supplies handy, not only for a hurricane, but for all emergencies as well.

- Emergency light sources, like flashlights (one per person), extra batteries and bulbs, along with a portable radio and batteries are extremely important.
- Create a first aid kit containing Band-Aids, aspirins, gauze pads and related supplies. Also, store all necessary medications that must be taken regularly in this kit.
- Have plenty of baby supplies on hand for infants, including food, canned milk or formula, disposable diapers and other necessities.
- Store food that does not need to be refrigerated or cooked, such as canned meats, vegetables, fruits, juices, etc. Store enough supplies to last for several days.
- Most importantly – Have a supply of stored water, for both drinking and for sanitation purposes. Store water in plastic jugs or covered containers. Plan on using one gallon per day per person for drinking and personal hygiene.
- Plan your escape route early. Consider the travel time for you to evacuate to a safe area during peak evacuation traffic.
- If you live near the seashore, plan to evacuate early. If you live in a mobile home, always plan to relocate.

A complete inventory of personal property will help in obtaining insurance settlements and/or tax deductions for losses. Inventory checklists can be obtained from your insurance representative. Don't trust your memory. List descriptions and take pictures. Store these and other important insurance papers in waterproof containers or in a safety deposit box.

Review your insurance policies and your coverage to avoid misunderstandings later. Take advantage of flood insurance. Separate policies are needed for protection against wind and flood damage, which people frequently don't realize until it is too late.



Garden Safely in Urban Soils

The Soil Pollution Working Group, a collaborative group concerned about residents' health and outdoor activities, has developed and published a brochure for safe gardening in urban soils.

Information on safe gardening in urban soils is targeted to residents living in or around areas with historic industrial pollution. These areas may be contaminated with chemicals that are left in the soil from leather factories, pressure treated wood, waste dumping, lead paint, leaded gasoline and other sources.

Soil contamination continues to happen when people dump trash, oil, paints, chemicals and pesticides on the ground, or when old lead paint peels fall onto the soil.

For additional information on how to prevent pollution in urban soils, or to request a brochure, contact the Soil Pollution Working Group by calling the Delaware Center for Horticulture, Jonathan Lukens, (302) 658-6262, ext. 35.

Yard Waste Piling Up? Compost it!

- Select a flat, well-drained spot that gets full sun. Try to build the pile in the middle of the garden.
- Construct a compost bin out of scrap lumber, bricks, concrete blocks, or wire. Make sure the bin has openings to let air penetrate the pile.
- Feed the pile, mixing coarse and fine materials in 6- to 8-inch layers. The bottom layer should contain twigs, chopped cornstalks, or other coarse material. Next, add a layer high in nitrogen such as grass clippings or manure. Top with soil and repeat the process. Sprinkle the pile with water.
- Mix the layers well and shape so the center is lower than the sides to help water flow into the pile. Turn the pile once a month and remoisten the material as you turn it.
- Plant material should decompose into compost within five months in warm weather, longer under cool/dry conditions. Spread compost in the garden and till it under to benefit soil and plants.

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