

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 134

December 16, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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www.dnrec.state.de.us

DNREC Awards Grants to Protect Coastal Resources

The Delaware Coastal Programs office of DNREC's Division of Soil and Water Conservation is pleased to announce grant awards through three grant programs: (1) Community and Local Government Natural Resource Management, (2) Coastal Nonpoint Pollution Prevention, and (3) Green Infrastructure Implementation. This funding was made available to the Delaware Coastal Programs by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Following is a list of grant funding recipients:

Appoquinimink River Association: Grant funding awarded to implement a backyard habitat program within the Appoquinimink Watershed. The backyard habitat program teaches homeowners how to naturally manage their yards with a focus on activities that reduce nonpoint source pollution.

City of Dover: Grant funding awarded to perform a comprehensive resource evaluation of street trees, park trees and open space areas to develop a community green infrastructure management plan.

City of Milford: Grant funding awarded to improve the ecological health of Goat Island, an eight-acre island located on the Mispillion River. Invasive species on the island will be controlled and native tree and shrub species will be planted. The primary objective of this project is to restore and enhance habitat for wildlife species and provide recreational and educational opportunities for visitors.

City of Wilmington: Grant funding awarded to draft and implement an urban stormwater ordinance that will reduce flooding and reduce stormwater runoff. The ordinance will, among other

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Calendar

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

DECEMBER

16 – Public workshop on the Guidance Manual to Assist Local Governments in Protecting Drinking Water Supplies, 7-9 p.m., Delaware Technical and Community College, Theater of the Arts and Science Center, Georgetown. Contact Doug Rambo or John Barndt, DNREC Water Supply Section, (302) 739-4793.

17 – Brandywine Creek State Park program, *Games Galore*, 9:30 – 10:15 a.m., Cost is \$5, nature center.

18 – Brandywine Creek State Park program, *Nature's Game Bag*, 9:30 – 10:15 a.m., Cost is \$2 per person, nature center

26-Jan. 17 – **Christmas Tree Recycling**, Bellevue, Brandwine Creek, Lums Pond, White Clay Creek, Killens Pond, Cape Henlopen and Trap Pond state parks accepting trees from individual families. To defray costs, donations of \$2 per tree will be accepted. Contact Gary Focht, (302) 284-4526.

JANUARY

10 – Murderkill Tributary Action Team meeting, Time and Location TBD. Contact Kathy Bunting-Howarth, Watershed Assessment Section, (302) 739-4590.

10 – Public hearing, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems, 6-8 p.m., DNREC Auditorium, Richardson & Robbins Building, Dover. Contact Dave Schepens, Ground Water Discharges Section, (302) 739-4762.

18 – Public workshop, Inland Bays Pollution Control Strategy, 5-8:30 p.m., Millsboro Civic Center. Contact Kathy Bunting-Howarth, Watershed Assessment Section, (302) 739-4590.

26 – Public workshop, Inland Bays Pollution Control Strategy, 5-8:30 p.m., Millsboro Civic Center. Contact Kathy Bunting-Howarth, Watershed Assessment Section, (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

things, consider management of storm drains, stormwater permits for new development and redevelopment, provide enforcement authority to the City for notices and fines, encourage the minimization of impervious surfaces and encourage use of green technologies.

Colton Meadow Maintenance Corporation: Grant funding awarded to restore approximately 16.7 acres of community owned open space. The primary objective is to restore and enhance habitat for wildlife species through reforestation and establishment of warm season grasses, control nuisance species and reduce nutrient input into the stormwater pond.

DNREC Division of Fish and Wildlife: Grant funding awarded to implement a model environmental and non-point source reduction program to reduce lead contamination at the Ommelanden Hunter Education Training Facility. This project will implement innovative stormwater management to prevent contaminant runoff into sensitive resources and can be used as a model for other firing ranges in the state.

Fairview Farms Maintenance Corporation: Grant funding awarded to restore approximately 10 acres of community owned open space. The primary objective of this project is to restore and enhance habitat for wildlife species and provide passive recreational opportunities for residents through meadow establishment.

Town of Fenwick Island: Grant funding awarded to develop educational and outreach materials for residents and tourists. These outreach materials will address beach litter and dune preservation, invasive species and non-point source pollution.

Millwood Maintenance Corporation: Grant funding was awarded to the Millwood Maintenance Corporation to restore 7.3 acres of community open space. The primary objective of this effort is to enhance habitat, reduce sediment and nutrient inputs into stormwater ponds and Back Creek.

Nanticoke Watershed Alliance and DNREC Division of Water Resources: Grant funding was awarded to increase the acreage of forested riparian buffers in priority areas within the Nanticoke Watershed. As part of this effort, an education and outreach program will be developed for private landowners and at least 35 acres of forested buffers will be planted.

The Nature Conservancy: Grant funding was awarded to the Nature Conservancy to develop a comprehensive private landowner outreach program as part of a strategy to preserve forest, wetland and agricultural resources in the Blackbird-Millington Conservation Corridor. A menu of available programs will be compiled with assistance from other State and Federal partners and individual landowners will be contacted regarding the programs. An estate and retirement program workshop will also be conducted for landowners in the region.

Neighborhood House/Southbridge Civic Association: Grant funding was awarded to the Southbridge Civic Association, in partnership with the City of Wilmington, to inventory brownfields and underutilized sites within their neighborhood and to develop a plan for re-use and redevelopment of these sites. The results of this project will be used in development of a Neighborhood Plan for Southbridge.

Sunset Meadow Maintenance Corporation: Grant funding was awarded to the Sunset Meadow Maintenance Corporation to restore approximately 8.5 acres of community open space. The primary objective of this effort is to restore and enhance habitat for wildlife species and provide passive recreational opportunities for residents through a combination of reforestation and meadow establishment.

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For more information regarding grant programs from the Delaware Coastal Programs, please contact Susan Love at Susan.Love@state.de.us, Kimberly Cole at Kimberly.Cole@state.de.us or David Carter at David.Carter@state.de.us or by phone at (302) 739-3451.

William Whitman Named State Conservation Coordinator
Position Established by Executive Order 61 Regarding Green Infrastructure

John A. Hughes, Secretary of the Delaware Department of Natural Resources and Environmental Control, announced last month the appointment of William R. Whitman as Delaware's Green Infrastructure Conservation Coordinator. A Conservation Coordinator appointed by the Secretary of DNREC was authorized by Governor Minner's Executive Order 61 Regarding Green Infrastructure. Executive Order 61 directed Delaware's state agencies to set an example of conservation and stewardship on state lands and in state operations.

Whitman, a seasoned environmental scientist with a long history of service in Delaware, New England and Canada, will be charged with coordinating and tracking tasks outlined in the Governor's Executive Order. Working with other state agencies—especially the Department of Agriculture and the Department of Transportation—Whitman will address conservation management needs and provide operational support and expertise. His job will involve regular consultation with representatives of the environmental, agricultural, academic and business communities as well as civic groups, state and local governments. His duties include preparing an annual report that describes the progress and achievements toward implementing Governor Minner's green infrastructure mandates and attaining the conservation acreage targets adopted by the Advisory Council on Planning Coordination.

"Bill Whitman is well suited for this job," said Secretary Hughes. "In the past two years he has organized and supervised a new private lands program focused on habitat restoration and enhancement of natural resources on private lands. This is a major responsibility and Bill will have a lot of assistance from a team of equally dedicated and competent staff from our various programs."

Whitman, a Maine native who currently resides in Milford, Del., has a PhD from the University of Maine in Forest resources. Other degrees include a BS degree in Wildlife Management from the University of Maine and a MS degree in Wildlife Science from the University of Rhode Island.

During his career Whitman has helped to establish a National Wildlife Area system in Canada and introduce the Canadian Migratory Bird Hunting Permit and population surveys based upon it and to expand Ducks Unlimited (Canada) as a partner in habitat restoration.

Whitman has conducted research to develop effective wetlands restoration and management. He was involved in the creation of a Wildlife Division for the government of Jamaica; the study of coastal impoundments of the Mid-Atlantic; the successful development of the North American Wetlands Conservation Act (NAWCA) grants to acquire, restore and enhance more than five thousand acres of tidal wetlands in Delaware; and in representing the Atlantic Flyway on the NAWCA council staff. He was also the state farm bill coordinator and helped to write the rules that facilitate its on-the-ground implementation.

"I feel blessed to have played a part in 38 years of historic wildlife management progress in North America," said Whitman, "and I am truly honored to be given the opportunity to continue to make a contribution by leading this unique multi-agency program advanced by Governor Minner, which will protect and restore natural habitats and biodiversity – first on Delaware's state owned

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lands, and ultimately throughout the state.”

Executive Order 61 and Governor Minner’s news release announcing it can be found by going to the Governor’s webpage at: <http://www.state.de.us/governor>. The October 29th news release is listed under her message and the link to the Executive Order is “Information.” The direct link to Executive Order 61 is:

<http://www.state.de.us/governor/orders/webexecorder61.shtml#TopOfPage>

For further information, contact Robert Zimmerman, DNREC Director of External Affairs, (302) 739-4403, or Maria Taylor, Public Affairs Office, (302) 739-4506.

DNREC Issues Permits to Premcor for Air Emission Control Equipment

The Department of Natural Resources and Environmental Control issued permits Nov. 30 to the Premcor Refining Group that allow the company to begin the first phase of construction for the largest industrial air pollution control project in Delaware’s history.

The permits, issued under the Coastal Zone and Air Quality programs, clear the way for the company to begin installation of a wet gas scrubber on the fluidized coking unit (FCU) at the company’s Delaware City refinery. The second phase of the project requires the installation of a wet gas scrubber on the refinery’s fluidized catalytic cracking unit (FCCU) and other pollution control measures. When completed, the project will result in a reduction of approximately 30,000 tons annually of sulfur dioxide emissions.

The project is the result of the settlement of alleged violations of the Clean Air Act at the Delaware City refinery and others owned by Motiva, which sold the Delaware City facility to Premcor in May of this year.

Premcor is required to carry out the commitments made by Motiva in federal and state consent decrees that were finalized in 2001 and settled the alleged violations. Under the consent decree requirements, Premcor must begin operation of the FCU scrubber by June 2006 while the FCCU scrubber must be operational by December 2006. DNREC was obligated under the consent decree to issue permits by November 30, 2004 for phase one of the project. Motiva submitted applications earlier this year seeking permits to construct the pollution control equipment and to make a number of upgrades at the refinery designed to achieve efficiencies in production and improve profitability.

Part of the basis for the State and Federal action was increased production over time that led to increased air emissions. The state and federal governments alleged that Motiva had failed to obtain the proper permits or permit modifications to reflect the increased air emissions.

The Department has included conditions in the permits that limit the amount of oil that can be processed through the refinery’s crude refining unit and FCU without appropriate permits. The limits are established on a rolling 30-day average basis in order to accommodate variations in daily production at the facility.

“This is a significant milestone in Delaware’s environmental history,” said DNREC Secretary John A. Hughes. “There is nothing in this permit that will prohibit Premcor from beginning construction in a timely manner on this critical project. We are looking forward to working with Premcor toward completion of this project which will result in cleaner air for all Delawareans.”

Hughes added that the permit conditions limiting throughput were included to provide a baseline for possible expansion of refinery activities into the future. “We are not prohibiting increases in production at the refinery,” said Hughes. “The throughput limits provide us with a yardstick

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against which to measure activity at this facility. Should the refinery choose to increase production which results in increased emissions, those emissions must be more than offset under the Coastal Zone Act requirements. We are using the tools available to us in order to seek environmental improvements in our precious and fragile Coastal Zone.”

For further information, contact Maria Taylor, Public Affairs Office (302) 739-4506 or cell (302) 632-1078.

BP Requests Coastal Zone Status Decision Application Available for Public Review

The Department of Natural Resources and Environmental Control has received a request for a Coastal Zone Act status decision for a liquefied natural gas docking facility from Crown Landing LLC, a subsidiary of BP.

The company is seeking approval to construct and utilize a docking facility in Delaware’s portion of the Delaware River to convey liquefied natural gas (LNG) to a facility in New Jersey. The proposed pier is planned to be 2,000 feet long with a single berth at the end to accommodate LNG carriers from 138,000 to 200,000 cubic meters in size.

Due to significant public interest, this application is being made available now during DNREC’s initial review of the application. Once the application is determined to be administratively complete, DNREC will announce that determination in a legal notice and news release.

The official public comment period on this status decision request will begin with publishing of a legal notice in local newspapers. The public comment period will close 10 business days following publication of the notice. DNREC will accept comments at any time up to the close of the 10-day period, which will be determined when the legal notice is published.

The State’s Coastal Zone Act regulates certain land uses along the Delaware Coast and the entire C&D Canal. Specifically, the Act regulates industrial, manufacturing and offshore bulk product transfer facilities. Some of these uses are prohibited, while others are allowed by acquiring a State Coastal Zone Act permit.

A company proposing new activity in the Coastal Zone can file a request for a Coastal Zone Act status decision so that a determination can be made if the proposed project/activity is prohibited or allowed by the Act. DNREC’s Secretary will review the information in the application along with public comments and staff reviews to determine the new facility’s status under the Act. BP (as Crown Landing LLC) proposes in its application that its proposed pier in the Delaware River is exempt under provisions of the Coastal Zone Act.

The application is available for review at DNREC’s Dover office, 89 Kings Highway, Dover. Contact Dennis Brown for information, (302) 739-3091.

Public Workshop Set for Dec. 16 on Guidance Manual to Assist Local Governments in Protecting Drinking Water Sources

The Department of Natural Resources and Environmental Control and the Source Water Protection Citizens and Technical Advisory Committee will hold a public workshop from 7 to 9 p.m. Thursday, Dec. 16 on the Source Water Protection Guidance Manual developed for Delaware’s local

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governments. The workshop will be held at Delaware Technical and Community College in Georgetown in the Theater of the Arts and Science Center.

The guidance manual was developed to assist local governments as they implement measures to protect the quality and quantity of their public water supplies. Delaware's Source Water Protection Law requires local governments with year-round populations of 2,000 or more residents to protect the critical areas surrounding public wells or upstream of surface water intakes.

The manual is a catalog of possible measures local governments and citizens can take to better protect the sources of their drinking water. Recommended practices cover areas such as impervious cover, stormwater management, nutrient management, pesticide use, conservation or land acquisition, and zoning.

The Water Resources Agency of the University of Delaware prepared the guidance manual for DNREC. It was reviewed and approved by the Source Water Protection Citizens and Technical Advisory Committee. The committee has worked with DNREC since 1998 on the state's plan for both assessing and protecting sources of public drinking water. Delaware's Source Water Protection Plan describes methods for delineating source water areas around all sources of public drinking water and identifying all existing and potential sources of contamination within those areas. This information is provided to the public through their public water suppliers.

The guidance manual can be accessed online at: www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html.

For information about the workshop or guidance manual, contact Doug Rambo or John Barndt, Water Supply Section, Division of Water Resources, (302) 739-4793.

Fort Miles Added to National Register of Historic Places

Delaware State Historic Preservation Officer Daniel R. Griffith announced last month that Fort Miles, a nationally important World War II era military installation that is now part of Cape Henlopen State Park, was listed on the National Register of Historic Places in September.

Fort Miles was built at the mouth of the Delaware River to house the most advanced fortifications and armament available at the time to protect the Delaware River. It was the hub of military activity along the river and nearby Atlantic coastline.

Today Fort Miles is under the care of the Parks and Recreation Division of the Delaware Department of Natural Resource and Environmental Control. Efforts are underway to restore a bunker and its associated encampment, as well as to bring in armament to display what fort life was like during World War II.

The National Register of Historic Places program of the National Park Service documents and recognizes the places important in the history of this country from the local, state and national perspectives and are worthy of preservation. Established in 1966, the National Register program has listed over 8400 buildings, sites, structures and objects in Delaware. To find out more information about listing a property on the National Register, contact the National Register Coordinator at the Delaware State Historic Preservation Office, 21 The Green, Dover, 19901 302-739-5685.

For more information, contact Helen Haughey, Division of Parks and Recreation, (302) 739-4413 or helen.haughey@state.de.us

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Toxics Release Inventory e-Data for Calendar Year 2003 Available

The national Toxics Release Inventory (TRI) data for calendar year 2003 is now available electronically through an Environmental Protection Agency (EPA) database on its web site, <http://www.epa.gov/tri-efdr/>, and includes Delaware facilities that report to the TRI program.

EPA launched the Electronic-Facility Data Release (e-FDR) as a first phase release of TRI data in a format similar to that used by individual facilities when reporting their TRI information. The e-FDR does not include any analysis or national, state, facility or chemical totals. Historically, this data and accompanying analysis was not available from EPA until the second June following the year for which it was reported. EPA expects to provide its Public Data Release of 2003 data in the traditional format, which includes data analysis, trends and totals, in spring 2005.

The Department of Natural Resources and Environmental Control (DNREC) also receives and maintains a database of TRI data from Delaware facilities. This data is still being reviewed by the reporting facilities and revisions may take place prior to the Public Data Release. For the 2003 calendar year, 84 facilities reported on 103 different TRI chemicals in Delaware.

DNREC has published technical reports annually detailing TRI data for several years, and a non-technical data summary and report explaining the TRI program was added in 2002. The 2003 reports will also be published in early 2005. Reports from 1998 to 2002 are available on-line at: <http://www2.state.de.us/serc/reports.htm>.

The Delaware 2002 TRI data, as well as data for earlier years back to 1995, is also available in an easy to use, on line searchable format at: <http://www2.state.de.us/serc/search/index.htm>. Data for 2003 will be added in early 2005. Copies of submittals from individual facilities are available upon request.

TRI covered facilities in Delaware and throughout the United States are required to submit information annually for certain toxic chemicals manufactured, processed, or otherwise used above threshold amounts. Covered facilities include primarily manufacturing facilities, oil and coal fired electric utilities and bulk petroleum terminals. Submittals contain information on the amount of each toxic chemical released to the environment and/or managed as waste by the reporting facility.

Because the program reporting requirements change each year, comparison with prior years may not be valid without proper adjustments, and, this data does not indicate the amount of human exposure from the release of or on-site management of the reported chemicals.

For further information, contact John Parker, Air Quality Management, (302) 739-4791; or Melinda Carl, Public Affairs, (302) 739-4506.

Christmas Trees Can Be Recycled at Delaware State Parks

The state Division of Parks and Recreation, in conjunction with the state Division of Forestry, is conducting its Christmas Tree Recycling Program for the eleventh consecutive year. Bellevue, Brandywine Creek, Lums Pond, White Clay Creek, Killens Pond, Cape Henlopen and Trap Pond state parks will accept trees from individual families from Sunday, Dec. 26 through Monday, Jan. 17.

Christmas trees brought in for recycling must be free of ornaments, tinsel, plastic bags, stands, etc. Because of the wire frames and tie downs, wreathes will not be accepted. Trees from commercial haulers or tree vendors also will not be accepted.

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“Our Christmas Tree Recycling Program is popular because it offers people an easy and environmentally sensitive way to dispose of their trees after the holidays,” said Gary Focht, Killens Pond State Park administrator and statewide tree recycling program coordinator. “Last year approximately 6,300 holiday trees were diverted from landfills. We want to make people aware that once you have used organic material like a Christmas tree, it can be recycled instead of going into a landfill.

In addition to saving precious landfill space, recycled trees provide an aromatic ground cover that reduces soil erosion and deters weed growth. The mulch also is used by the parks for trail maintenance.

Bellevue and Lums Pond, which usually recycle the most Christmas trees, will make any extra mulch available to the public free of charge on a first-come, first-served basis. The park offices can provide information on availability of mulch after Jan. 24.

Each park will have a marked drop off site. To help defray costs, donations of \$2 per tree will be accepted.

For more information on Christmas tree recycling at Delaware State Parks or to make a donation to the program, contact Gary Focht, (302) 284-4526.

One Gift for Four Seasons: A Delaware State Park Annual Pass

For anyone on your holiday shopping list who loves the outdoors – or who hopes to get in shape or reduce stress in the New Year – an annual pass to Delaware State Parks is the best deal in town. For just \$20, the recipient – along with a car full of family or friends – can have a year’s worth of fun and exercise in any or all of Delaware’s 14 state parks.

Annual passes may be purchased throughout the year, but they make great stocking stuffers. The windshield sticker pass allows a vehicle and its occupants to enter state parks, with the exception of Fort Delaware and Fenwick Island State Park’s unincorporated area, without paying the daily entrance fee.

A park entrance fee is collected daily from May 1 through Oct. 31. Season pass fees are:

- \$20 for Delaware registered vehicles
- \$40 for out-of-state registered vehicles
- \$20 for active military – proof of active duty status required
- half price for seniors

Annual passes may be purchased at any park office, pass agent, at the central office in Dover or by calling 302-739-4702. For online shoppers, this thoughtful and inexpensive gift now can be purchased at Delaware @ Your Service and mailed to your home. Season passes are nontransferable; a vehicle registration is not necessary.

And a great gift just got better. For the first time, Delaware State Parks is also selling surf fishing permits online. By entering information from a Delaware Motor Vehicle Registration Card, residents may get the permit that authorizes a specially equipped vehicle to access selected state beaches for the purpose of surf fishing.

Because Delaware State Parks are 65 percent self-sustaining, entrance fees are necessary to help cover costs of operations and maintenance. Annually park visitors – both resident and non-resident – buy approximately 30,000 annual passes valued at \$600,000. The sale of more than 10,000 surf fishing permits brings in another \$685,000.

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To order your annual pass or surf fishing permit, go to destateparks.com, click on the Delaware @ Your Service link, select the State Parks tab and proceed to Annual Passes/Surf Fishing. There is still plenty of time to receive your order for the holidays, but don't delay. And please remember that all proceeds go to the operations and programs in our state parks.

Delaware's state parks are saving a place for you!

For more information contact Andy Meanor or Mary Voshell, State Parks Business Office, (302) 739-4702.

DNREC Issues Notice of Conciliation and Secretary's Order to Louis Capano & Associates for Solid Waste Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Conciliation and Secretary's Order to Louis Capano & Associates Inc. for violations of Delaware's laws and regulations governing solid waste at a residential property in Newark, Del.

Louis Capano & Associates Inc. is a privately owned and operated homebuilder located in Wilmington, Del.

In response to a complaint regarding a sinkhole and areas of depression, the Department has determined that the company disposed of and buried wooded tree debris, primarily wood chips resulting from land clearing activities on property in the Beaulieu II subdivision in Newark. Burial of wood debris or any type of wood materials in a disposal site has been illegal since December 1988. The burial of wood chips on the residential property has caused sinkholes and created a potential for methane gas generation and migration to the adjacent homes.

The Notice of Conciliation and Secretary's Order directs Louis Capano & Associates Inc. to perform the following work within 30 days:

1. Conduct a complete excavation of the debris disposal area and dispose of the wood debris in full compliance with all applicable state and local laws;
2. Back fill the excavated area with clean fill material approved by the Department and restore the area to original grade to allow for proper drainage;
3. Bring the disturbed area back to its original condition to allow for growth of grass and replace any landscaping trees that died or are currently dying as a result of the debris disposal area;
4. Submit waste receipts to the Department to verify the proper disposal of all waste material removed from the property.

Louis Capano & Associates has 30 days to request a public hearing.

For further information, contact: David Perrego, Solid & Hazardous Waste Management Branch, (302) 739-3689, or Melinda Carl, Public Affairs, (302) 739-4506.

DNREC Issues Notice of Conciliation and Secretary's Order to Gemcraft Homes for Solid Waste Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Conciliation and Secretary's Order to Gemcraft Homes, Inc. for violations of Delaware's laws and regulations governing solid waste at a residential property in Newark, Del.

Gemcraft Homes is an independent homebuilder in the Mid-Atlantic region. The company's Delaware/Pennsylvania Division that serves Northern Kent County, Del., New Castle County, Del. and Chester County, Pa., is located in New Castle, Del.

In response to a complaint regarding a sinkhole and areas of depression, the Department has determined that the company disposed of and buried wooded tree debris, primarily wood chips resulting from chipping and shredding operations used during land clearing activities on property in the Maulo subdivision in Newark. Burial of wood debris or any type of wood materials in a disposal site has been illegal since December 1988. The burial of wood chips on the residential property has created sinkholes, caused deterioration of existing trees within the immediate area, and created a potential for methane gas generation and migration to adjacent homes.

The Notice of Conciliation and Secretary's Order directs Gemcraft Homes to perform the following work within 30 days:

1. Conduct a complete excavation of the wood chip material from the affected property and dispose of the wood chips in full compliance with all applicable state and local laws;
2. Back fill the excavated area with clean fill material approved by the Department and re-grade the entire area to allow for proper drainage;
3. Re-seed the disturbed area to allow for growth of grass and replace any landscaping trees that died or are currently dying as a result of the debris disposal area;
4. Submit waste receipts to the Department to verify the proper disposal of all waste material removed from the property.

Gemcraft Homes, Inc. has 30 days to request a public hearing.

For further information, contact: David Perrego, Solid & Hazardous Waste Management Branch, (302) 739-3689, or Melinda Carl, Public Affairs, (302) 739-4506.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2004-04: **Amendments to Delaware Regulations Governing Hazardous Waste.** This action adopts amendments previously promulgated by EPA, which is necessary to maintain EPA authorization for Delaware to administer its own hazardous waste management program. The state is required to maintain a program equivalent to and no less stringent than the federal program. The amendments also include miscellaneous changes that address errors and needed clarification. Contact Karen J'Anthony, 739-3689. Effective date – Aug. 21, 2004

2004-03: **Amendments to Delaware's Wildlife and Non-Tidal Fishing Regulations.** This action provides additional shotgun hunting days in October for antlerless deer, lengthens the October Muzzleloader season by 1 day, increases the general deer bag limit from 2 antlerless deer to 4 antlerless deer, clarifies the use of additional antlerless deer tags that are purchased, clarifies deer checking/registration procedures and tagging requirements and allows squirrel hunting during fire-arms deer seasons in October where seasons overlap. Contact Ken Reynolds, (302) 653-2883. Effective date – Aug. 11, 2004

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. Effective date – Aug. 21, 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.

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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:

2004-13: Amendment to Tidal Finfish Regulation No. 3505. Striped Bass Commercial Fishing Season; Quotas; Tagging and Reporting Requirements. This action would increase commercial gill net season for striped bass to extend from Feb. 15 through May 31 instead of the present March 1-April 30 open season and require the use of drift nets for any gill nets having a mesh size of 4 inches or greater that are used to take striped bass during the February striped bass season extension. This action would also increase the duration of the commercial hook and line fishing season for striped bass from April 1 through and including Dec. 31 instead of Sept. 1 through Dec. 31; and would require the use of non-offset “circle hooks” when fishing with natural bait in the designated striped bass spawning areas during the April 1-May 31 spawning season to reduce mortality rates from catch and release recreational fishing. Required use of circle hooks would only apply to hooks having a gap greater than 3/8 inches as measured from the hook point to the shank. Contact Roy Miller, 739-3441

2004-12: Addition to Regulation No. 43 – Not To Exceed Heavy Duty California Engine Standards. This action would adopt the Heavy Duty Diesel portion of the federal rule on 2007 and later heavy duty engines in order to preserve the emission reduction benefits of that rule should EPA delay, diminish or even delete its adopted rule. This action is a “backstop” action that would only become necessary and in effect on 2007 and later model year heavy duty diesels if EPA takes any of the three options. Contact Philip Wheeler, 323-4542

2004-11: Amendment to Regulations Governing Tidal Finfish No. 3553: River Herring Creel Limit. This action will establish 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 is proposed to prevent establishment of a bait fishery for river herring in tidal tributaries. This regulation would not affect normal commercial fishing operations but will impact recreational fishermen who take live river herring as bait for sale. Contact Roy Miller, 739-3441

Public hearing – Jan. 4, 2005

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

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

2004-08: **Amendments to Non-tidal Fishing Regulations.** This action will make 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, 739-3441

Public hearing – Jan. 4, 2005

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, 395-2636, Paul Will, 3952626 or Alex Rittberg, 395-2642.

2004-06: **Amendments to Delaware Regulations Governing Aboveground Storage Tanks.** This action addresses the signage requirements passed in Senate Substitute 1 for Senate Bill 344 and provides clarification to portions of the regulations. The language for the signage requirements will be developed with the assistance of the Aboveground Storage Tank Technical Advisory Committee. The regulations impact all owners of hazardous substance aboveground storage tanks greater than 250 gallons, owners of petroleum aboveground storage tanks other than heating fuel, diesel and kerosene greater than 250 gallons, unless otherwise exempt, and owners of heating fuel, diesel and kerosene aboveground storage tanks greater than 19,999 gallons. This includes both large and small businesses, some agricultural companies and farms. Contact Kathleen Stiller Banning, 395-2522

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, 739-3689

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 Rick Perkins, 739-3689

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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

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 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

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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

2003-07: 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

2003-03: 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, 739-5731

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

2002-08: 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

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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

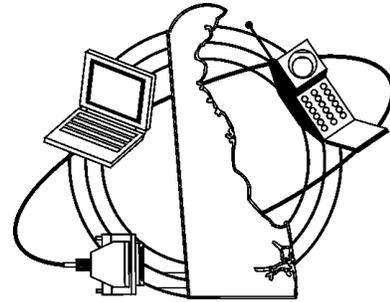
2001-21: **Amendments to Sediment and Stormwater Regulations.** This action would allow a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet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

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

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Hunting Season

10 Commandments of Hunter Safety

1. Treat every gun with the respect due a loaded gun.
2. Watch that muzzle! Control the direction of the muzzle even if you should stumble.
3. Be sure of your target and beyond before you pull the trigger; know identifying features of the game you hunt.
4. Be sure that the barrel and action are clear of obstructions and that you have only ammunition of the proper size for the gun you are carrying.
5. Unload guns when not in use. Take down or have actions open; guns should be carried in cases to the shooting area.
6. Never point a gun at anything you do not want to shoot; avoid all horseplay with a firearm.
7. Never climb a fence or tree or jump a ditch with a loaded gun; never pull a gun toward you by the muzzle.
8. Never shoot a bullet at a flat, hard surface of water; at target practice be sure your backstop is adequate.
9. Store guns and ammunition separately beyond the reach of children and careless adults.
10. Avoid alcoholic beverages and other mood altering drugs before and during shooting.

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