

# DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 133

November 5, 2004



Ruth Ann Minner  
*Governor*

John A. Hughes  
*Secretary*

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Visit our Website:  
[www.dnrec.state.de.us](http://www.dnrec.state.de.us)

## CIAC Seeking Applications for Community Environmental Projects

The Department of Natural Resources and Environmental Control's Community Involvement Advisory Council is soliciting applications for community environmental projects to be funded by the Community Environmental Project Fund established by House Bill 192.

HB 192 requires that 25 percent of all penalty moneys collected by DNREC be appropriated to the fund and available for environmental enhancement projects. The fund is administered by DNREC.

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## Conference Highlights Viability of Brownfields Development



Photo by Maria A. Taylor

Approximately 260 participants attended the statewide Brownfields Development Conference at the Bank One Center in Wilmington Oct. 14 sponsored by DNREC and the city of Wilmington. Attendees were provided the latest information on brownfield cleanup and development.

## Calendar

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

### OCTOBER

**26 – CANCELLED - Environmental Appeals Board hearing**, appeal of Town of Georgetown of the Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorous for Indian River, Indian River Bay and Rehoboth Bay. Contact Gail Donovan, 302-739-6400.

**27 – Workshop for Delaware Auto Body Self-Certification Program**, 6-9 p.m., Terry Campus, Delaware Technical and Community College, Dover. Contact Kimberly Chesser (302) 739-6400.

**28 – Workshop for Delaware Auto Body Self-Certification Program**, 10 a.m.-2 p.m., Owens Campus, Delaware Technical and Community College, Georgetown. Contact Kimberly Chesser (302) 739-6400.

**28 – Workshop, Stormwater Pond Maintenance**, hosted by Sussex Conservation District, in collaboration with Delaware Nonpoint Education for Municipal Officials Program, 10 a.m.-noon, Roxana Fire Hall, Route 20, Roxana. Contact Joe Farrell, University of Delaware, (302) 645-4250, or Jessica Watson, Sussex Conservation District, (302) 856-

**28 - Brandywine Zoo State Park program, Story Time at the Zoo**, 10:30 a.m., nature center.

**29 - Brandywine Creek State Park program, Autumn Hayrides**, 3:30, 4:30, and 5:30 p.m. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.

**29 – Brandywine Creek State Park program, Autumn Hayrides**, 5:30 p.m. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.

**30 – Brandywine Creek State Park program, Autumn Hayrides**, 3:30, 4:30, and 5:30 p.m. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.

**30 – Brandywine Zoo State Park program, Boo at the Zoo!**, 10 a.m.-4 p.m. Children are encouraged to wear Halloween costumes.

**30 – Brandywine Creek State Park program, Bird Walk Series**, 8 a.m., nature center.

**30 - White Clay Creek State Park program, Public Hayrides**, 3 p.m., nature center. Cost is \$5 per person and includes apple juice and marshmallows.

**30, 31 – White Clay Creek State Park program, Halloween Hayrides**, 3 p.m., nature center. Cost is \$5 per person and includes apple juice and marshmallows.

### NOVEMBER

**1 – DNREC Sediment and Stormwater Management Certified Construction Reviewer course**, 7:45 a.m., Modern Maturity Center, East Wing, 1121 Forrest Ave., Dover. Contact Jeanne Feurer (302) 739-4411.

**3 - Workshop for Delaware Auto Body Self-Certification Program**, 6-9 p.m., Stanton Campus, Delaware Technical and Community College, Stanton. Contact Kimberly Chesser (302) 739-6400.

- 5 – Brandywine Creek State program, *Owl Prowl*, 6:30 p.m., Cost is \$4 per person, nature center.**
- 6 – Brandywine Creek State Park program, *Autumn Hayrides*, 3, 4, and 5 p.m. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.**
- 6, 10, 17, 24 – St. Jones Reserve program, *Outdoor Photography Class*, noon – 3 p.m.**
- 6 – First Saturday in the First State, 9 a.m.-5 p.m., Downtown Dover.**
- 7 – Brandywine Creek State Park program, *Backpacking for Beginners*, 1 p.m., nature center.**
- 10 - DNREC Sediment and Stormwater Management Certified Construction Reviewer course, 7:45 a.m., Modern Maturity Center, East Wing, 1121 Forrest Ave., Dover. Contact Jeanne Feurer (302) 739-4411.**
- 10 – EPA public meeting, proposed Indian River Temperature TMDL, 5-7 p.m., Millsboro Civic Center Building, 322 Wilson Highway, Millsboro. Indian River TMDL report will be available at EPA Region III office or website on Oct. 27: <http://www.epa.gov/reg3wapd/TMDL>. Contact Lenka Berlin, (215) 814-5259.**
- 10 – Workshop, White Clay Creek State Park Master Plan, 6-8 p.m., UD Clayton Hall, 100 Pencader Way, Newark. Contact Cindy Todd, (302) 739-3423.**
- 10 – Brandywine Creek State Park program, *Nature Book Club*, 7 p.m., nature center. Cost is \$2.**
- 17 – DNREC Sediment and Stormwater Management Certified Construction Reviewer course, 7:45 a.m., Modern Maturity Center, East Wing, 1121 Forrest Ave., Dover. Contact Jeanne Feurer (302) 739-4411.**
- 17, 24 – St. Jones Reserve program, *Outdoor Photography Class*, noon – 3 p.m.**
- 18, 19 – Brandywine Creek State Park program, *Bare Branches*, 9:30 – 10:15 a.m., nature center.**
- 19 - Brandywine Creek State Park program, *Bare Branches*, 9:30 – 10:15 a.m., nature center.**
- 19 – Brandywine Creek State Park program, *Campfire Acoustic Jam*, 7 – 9 p.m., a \$2 donation per person is suggested.**
- 20 – Brandywine Creek State Park program, *Sleeping Trees*, 9:30 – 10:15 a.m., nature center**
- 21 – Brandywine Creek State Park program, *Brandywine Through the Ages*, 1 – 3 p.m., Cost is \$2 per person, nature center.**
- 24 - St. Jones Reserve program, *Outdoor Photography Class*, noon – 3 p.m.**
- 27 – Brandywine Creek State Park program, *Bird Walk Series*, 8 a.m., nature center.**

#### 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

## ***Community Environmental Projects*** continued from page 1

Eligible applicants include Delaware's civic and community organizations, non-profit organizations, educational institutions, counties, municipal governments, state agencies and quasi-state agencies that represent the community where the infraction or violation occurred that resulted in the penalty.

The Community Involvement Advisory Council evaluates proposed community projects on a quarterly basis and makes eligibility and funding recommendations to the Secretary of DNREC. The council was established to serve in an advisory capacity to DNREC's Secretary and charged with handling interactions between the Department and local communities on environmental issues pursuant to Senate Bill 33, signed into law by Governor Ruth Ann Minner in July 2001.

The next two application deadlines for the Council's consideration of applications at its quarterly meetings are Feb. 4, 2005 and April 1, 2005. Application forms and requirements, information on the Community Environmental Project Fund and copies of HB 192 can be found on DNREC's website at: [www.dnrec.state.de.us/CIAC/](http://www.dnrec.state.de.us/CIAC/).

A list of collected penalties and where the infraction occurred is also available and updated quarterly on the CIAC website. This list as well as the application information can be obtained by those without access to the internet by calling Karen Garrison, Office of the Secretary, (302) 739-4403.

Community environmental projects eligible for funding must meet two criteria under HB 192:

1. Proposed projects must have the purpose of eliminating, minimizing or abating pollution, or improving conditions within the environment to eliminate or minimize risks to human health. Projects designed to enhance natural resources by improving native habitats or recreational opportunities for Delawareans are also eligible.
2. Proposed projects must also benefit the same community in which the infraction or violation occurred that resulted in the civil or administrative penalty.

Preference will be given to projects that support DNREC's primary environmental goals and objectives and projects that have demonstrated community participation and support, such as those that include volunteer hours, matching funds and donated services. Projects that involve partnerships with other organizations are also encouraged, but not required.

*Applications may be submitted electronically (preferred) to: [Karen.garrison@state.de.us](mailto:Karen.garrison@state.de.us); or mailed to Attention: Karen Garrison, CIAC Administrative Support, Office of the Secretary, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901.*

## **New Community Ombudsman Named for DNREC's Division of Air and Waste Management**

Christina A. Wirtz has been named as the Community Ombudsman for DNREC's newly created position in the Division of Air and Waste Management. Wirtz recently acted as the environmental program manager for the Site Investigation and Restoration Branch within the Division. She

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brings to the position several years of superfund, voluntary cleanup, and brownfields experience while at DNREC's Site Investigation and Restoration Board, and an additional 15 years of extensive environmental experience while in the private sector.

"This position has been created to serve as a much needed resource for communities that are trying to resolve complex environmental issues," said Wirtz. "It is a privilege and honor to work closely with communities and organizations that are dedicated to addressing the environmental issues which have the potential to impact everyone's health and well being in Delaware."

The DNREC Community Involvement Advisory Committee recommended that DNREC have more than one community ombudsman and Division of Air and Waste Management Director John Blevins identified a need for a community ombudsman within the Division three years ago.

"Our programs and activities are not well understood by the general public, nor have they evolved to meet community and client needs," said Blevins. "Our experience over the past two years with the establishment of the ombudsman for the Department has shown that a majority of the high-priority issues center on the Division of Air and Waste Management. The creation of this position, and having Christina Wirtz, a seasoned environmental professional in it, will allow us to interface more effectively with communities."

Department Secretary John A. Hughes indicated that the new position will play a key role in carrying out activities that are critical to DNREC's mission. "By establishing an ombudsman for Division of Air and Waste Management, we will provide greater assistance to communities affected by air and waste issues, and allow the Department Ombudsman to focus on the Department's many other issues." The Department Ombudsman position was most recently held by Lisa Diaz Riegel, who left DNREC in September 2004.

In addition to serving as a resource for communities, the new ombudsman will also identify and implement mechanisms that assure greater community participation in the decision-making process for the division, train division staff on how best to communicate risk and proposed remedial actions, assist the Division in developing and implementing programmatic solutions to community environmental challenges, and ensure that communities are aware of the Division of Air and Waste Management programs, activities, assistance, and information available through the Division. The position will coordinate fully with the Department Ombudsman and the Community Involvement Advisory Committee in functioning as a liaison with community-based organizations and other federal and state agencies.

In addition to the ombudsman, there are two other changes within the Division. Kathy Stiller-Banning has accepted the position of Site Investigation and Remediation Branch Manager. Stiller-Banning was formerly the environmental program manager for the Tank Management Branch. Ellen Malenfant is now Acting Tank Branch Manager.

*For further information, contact John Blevins, Director DAWM (302) 739-4764 or Maria Taylor, Public Affairs Office (302) 739-4506.*

## **Fish and Wildlife Wins Award for Newport Boat Ramp Construction**

The States Organization for Boating Access has awarded the Delaware Division of Fish and Wildlife the Midsize Access Project of the Year award for the quality construction of the Newport Boat Ramp in Newport, Del. on the Christina River. The Division's project was one of three judged

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in the midsize access category.

“The judges liked that the Department developed abandoned real estate for public recreation and it was an added extra that helped us snag the award,” said Lacy Nichols, project manager. “This award lets us know that we are recognized for providing superior boating access areas for recreational boaters and anglers in the state of Delaware.”

A project award is presented to an agency, group, or corporation for quality, unique, useful, economical or innovative projects. The judging criteria are on utilization of sound engineering principles; innovative design; potential life span of the project; economy of design, materials, time; accessibility; safety; new or improved materials, methods, or construction practices; and the embodiment of the States Organization for Boating Access design guidelines on ease and cost of maintenance and operation.



*Newport Boat Ramp*

The States Organization for Boating Access is an organization devoted to the acquisition, development and administration of public recreational boating facilities nationwide. The organization (SOBA) provides a forum for the exchange of views, ideas, concepts and experiences related to all aspects of recreational boating facilities.

*For more information about SOBA, go to [www.sobaus.org](http://www.sobaus.org). For more information on Fish and Wildlife's boating projects, contact Lacy Nichols, (302) 739-5295.*

### **First State Heritage Park Interpreter Receives National Trust Diversity Scholarship**

Shaun Marie Newcomer of Dover, an interpreter for Delaware's new First State Heritage Park of Dover, has been selected as one of 66 National Trust Diversity Scholarship recipients of 2004. Newcomer received partial funding to attend the 2004 National Preservation Conference from Sept. 28 to Oct. 3 in Louisville, Ky.

Since 1992, the National Trust's Diversity Scholarship program has provided financial assistance to almost 1,100 preservationists from diverse racial, ethnic and cultural backgrounds. The National Trust seeks applicants whose attendance at the conference will benefit their communities, whose commitment to historic preservation will be strengthened by their participation, who will contribute valuable perspectives to conference dialogue, and who will take advantage of National Trust programs after the conference. Awards cover partial registration, transportation and accommodation costs.

The National Trust for Historic Preservation is a private, nonprofit membership organization

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dedicated to protecting the irreplaceable. Its Washington, D.C. headquarters staff, six regional offices, and 25 historic sites work with the Trust's 200,000 members and thousands of local community groups in all 50 states. For more information, visit the Trust's website at [www.nationaltrust.org](http://www.nationaltrust.org).

*For more information, contact Shaun Marie Newcomer or Helen Haughey, Division of Parks and Recreation, 302-739-4413.*

**Love The Outdoors But Your Photos Don't Quite Capture Those  
Autumnal Moments? Sign Up for Outdoor Photography at St. Jones  
Delaware National Estuarine Research Reserve hosts free outdoor photography class**

The Delaware National Estuarine Research Reserve (DNERR) is hosting a free Outdoor Photography class this fall at the St. Jones Reserve, 818 Kitts Hummock Road, Dover. Dr. Richard Weber, Associate Researcher with DNERR and retired professor from the University of Delaware, will teach the class.

This college-level workshop is for 35 mm single-lens-reflex camera users, and will feature the use of slide film. One 36-exposure roll of 35 mm slide film will be given to each participant at each class meeting. Processing of film will be at each participant's expense.

The first meeting will feature an instructional slide show followed by individual photography sessions around the St. Jones Center grounds to verify that all cameras are working correctly. The second, and subsequent meetings, will feature an instructional slide show and a review of slides produced by the participants since the last meeting.

The class will meet on the following dates:

Saturday, Nov. 6 – noon to 3:30 p.m.

Wednesday, Nov. 10 – 6-9 p.m.

Wednesday, Nov. 17 – 6-9 p.m.

Wednesday, Nov. 24 – 6-9 p.m. (tentative)

Wednesday, Dec. 1 – 6-9 p.m.

Class size is limited to 25 and is filled on a first come, first served basis. Because there is limited room, the Reserve staff requests that only persons able to attend ALL sessions register for the class.

*For more information or to register, please call Katy O'Connell, DNERR Education Coordinator, (302) 739-3436 ext. 20, Monday through Friday from 8 a.m. to 4:30 p.m.*

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

**Public Invited to White Clay Creek State Park Master Plan Workshop**

The state Division of Parks and Recreation has scheduled the fourth in a series of workshops to collect public input on the development of a master plan for White Clay Creek State Park. It will be held from 6 to 8 p.m. Wednesday, Nov. 10 in the University of Delaware's John M. Clayton Hall, 100 Pencader Way, Newark. Anyone with an interest in White Clay Creek State Park is invited to

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attend.

Division staff is working with local citizens in a planning process that will give everyone the opportunity to participate in the preparation of White Clay Creek State Park's master plan, a document which will determine long-range plans for the park, including facility development and management.

Environmental education and park facilities will be the focus of this workshop. Previous workshops have focused on the park's trail system, the Carpenter Recreation Area and wildlife habitat management. Roads and parking will be topics of future workshops

"The purpose of these workshops is to give park neighbors and visitors an opportunity to provide input on issues they feel should be addressed in a master plan that will guide management decisions for the park over the next 15 to 20 years," according to Matt Chesser, manager of the Division's Planning, Preservation and Development Section.

White Clay Creek State Park was created in 1968 when the state purchased 24 acres. Today it protects 3,384 acres in the White Clay Watershed, one of the few relatively unspoiled river systems in the urbanized corridor between Philadelphia and Newark, Delaware.

*For more information, contact Cindy Todd in the Division of Parks and Recreation's Preservation, Planning and Development Section, (302) 739-3423.*

## **DuPont Coastal Zone Permit Application Available for Review**

The Department of Natural Resources and Environmental Control invites the public to review the application for a Coastal Zone Act Permit from the DuPont Company for chemical additives (dispersants/surfactants) to a manufacturing process at its Edgemoor plant located at 104 Hay Road.

DuPont proposes to add the dispersants/surfactants to the titanium dioxide currently manufactured at its Edgemoor plant to make a new grade of pigments that will have a specific coating property.

The proposed project will have an air emission of one pound per day.

The application, currently under review by DNREC, is available for public review at the Hockessin 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.

Comments concerning the application should be sent to: DNREC, 89 Kings Highway, Dover, DE 19901, attention Dennis Brown.

DNREC will conduct a public hearing on the application after it is determined to be administratively complete. The public will be notified of the time and place.

*For questions or additional information, contact Dennis Brown, Planning and Compliance Assistance, (302) 739-3091.*

## **Division of Air and Waste Management Enforcement Officers Handled 1,383 Complaints for Third Quarter 2004**

The Department of Natural Resources and Environmental Control's Enforcement Section in the Division of Air and Waste Management handled 1,383 complaints, took 150 enforcement actions,

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and performed 331 proactive patrol checks during the third quarter 2004.

The Division's Environmental Protection Officers enforce the state's air, waste and water pollution laws and participate on DNREC's Environmental Response Team by responding to environmental emergencies.

Following is a breakdown of the third quarter complaint/enforcement statistics per county:

|                            |      |
|----------------------------|------|
| Total Complaints           | 1383 |
| New Castle County          | 787  |
| Kent County                | 276  |
| Sussex County              | 320  |
| Total Enforcement Actions: | 150  |
| New Castle County          | 74   |
| Kent County                | 43   |
| Sussex County              | 33   |

DNREC's Environmental Enforcement Officers receive complaints through the toll-free, intrastate 24-hour Environmental Complaint Line: 1-800-662-8802. Verizon Wireless customers can reach the complaint line by calling #DNR on their cell phones.

*For further information, contact Chief Kurt Reuther or Capt. William P. (Chip) McDaniel II, DNREC Enforcement, (302) 739-5072.*

### **Governor's House is Latest Addition to 'First Saturday in the First State' Lineup**

Woodburn, the official residence of Delaware's governors since 1965, and Hall House next door, the governor's guest house since 1983, will be open for tours on "First Saturdays in the First State" beginning Nov. 6. Located on Kings Highway near downtown Dover, they will be open from noon until 3 p.m.

Woodburn, which dates from the late 18th century and is considered one of the finest Middle Period Georgian house in Delaware, is known for its ghosts - Charles Hillyard, the builder of the house, who reportedly enjoys a glass of wine if given a chance, and a little girl in gingham who carries a candle and wanders the grounds. It is also said to have been a station on the Underground Railroad in the 1840s and 1850s.

Hall House, named for Governor John Wood Hall, is built in the Eastern stick style with gingerbread details and has been restored to its original colors with period furnishings. It is not normally open for tours.

The November "First Saturday" also will feature a presentation on America's patriotic music, and the Delaware Heritage Commission's annual Book Fair.

"First Saturdays in the First State," which are sponsored by The First State Heritage Park in Dover Initiative, are a chance for Dover residents and visitors to the Capital City to get a sampling of the area's rich history. The sites linked by the new "park without boundaries" include Legislative Hall, Delaware Public Archives, the Old State House Museum and other Delaware State Museum sites, and the Biggs Museum of American Art. Tours and exhibits will be offered at all the sites which are open Saturday from 9 a.m. until 5 p.m. Admission is free. The public information number is 302-739-1173.

Honoring the patriotic spirit of both Election Day and Veterans Day, November's "First Saturday" will present award-winning author and storyteller Ed Okonowicz at

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3 p.m. at the Delaware Public Archives. Okonowicz's program – "America's Patriotic Music from the Revolution to September 11" – presents the music and interesting facts associated with such songs as Yankee Doodle, God Bless America, the Star Spangled Banner, Stars and Stripes Forever. This program is made possible by a grant from the Delaware Humanities Forum.

Delaware State Museums' newly opened exhibition at the State Visitors Center – Stitches of Art and Comfort: Delaware Quilts, 1740-2002 – features quilts from all the recognized period styles of quilt history, including pieces representing all areas of the state. Each quilt reflects the personality and passion of its maker. Quilts were made to commemorate births, engagements, marriages, friendships, partings and deaths - serving as a remembrance of an event.

The Delaware Heritage Commission Book Fair, which showcases Delaware writers as well as books about Delaware, will take place from 10 a.m. to 3 p.m. at the Delaware Agricultural Museum and Village. More than 50 authors will be in attendance from throughout the state, with a variety of new and used books available for purchase. Lunch by Pizzadilli Catering will be available for \$5.

"'First Saturdays in the First State' is a wonderful way to make a day of experiencing the many historical and cultural sites and activities that Delaware's capital city has to offer," said First State Heritage Park project director Elaine Brenchley. "In November, in addition to taking in the new quilt exhibition at the Visitors Center and other sites in downtown Dover, you will want to include a visit to the Delaware Agricultural Museum and Village, which is hosting the Delaware Heritage Commission's book fair. Also, since in November we exercise our democratic rights on Election Day and honor the contributions and sacrifice of our military on Veterans Day, the presentation on patriotic music by Ed Okonowicz is an enjoyable way to acknowledge these two days."

The First State Heritage Park in Dover is an interagency partnership between the Delaware Department of State, the Delaware Department of Natural Resources and Environmental Control, and the Delaware Economic Development Office. Governor Ruth Ann Minner created the First State Heritage Park Task Force by executive order in April 2004.

**If You Go:**

**DELAWARE PUBLIC ARCHIVES**

121 Duke of York Street

Open Saturday 9-5.

3 p.m. Free presentation by Ed Okonowicz on "America's Patriotic Music from the Revolution to September 11."

Ongoing special exhibit celebrating the 300th anniversary of Delaware's General Assembly.

The "Jewel Box" at the Archives now features Delaware's official copy of the U.S. Constitution. This copy is one of only seven that survive from the first official imprint of the Constitution.

**DELAWARE STATE MUSEUMS:**

Open Saturday 9-5.

**Delaware State Visitors Center**

406 Federal Street, Dover

Special Exhibition: Stitches of Art and Comfort: Delaware Quilts, 1740-2002

The American tradition of quilting is celebrated in this display of 100 unique Delaware-made quilts whose colors and patterns provide clues to the history and culture of the state, the region and the nation from the 18th century to the present. The quilts featured in this exhibit have been selected from the permanent collection of Delaware State Museums and include eight quilts on loan.

The State House Museum

The Green, Dover

First federal elections and Delaware's early constitutions highlighted. Ongoing tours.

**Museums Square:**

- Johnson Victrola Museum  
375 S. New Street, Dover  
Patriotic music featured
- Delaware Archaeology Museum  
316 S. Governors Avenue, Dover
- Museum of Small Town Life  
316 S. Governors Avenue, Dover

**Legislative Hall**

Legislative Avenue, Dover

Open Saturday 9-5.

Guided tours hourly from 9 a.m. through 4 p.m. Tours include the General Assembly chambers, the Governor's ceremonial office, the portrait gallery of Delaware's Governors and military heroes, Jack Lewis murals and Delaware State Museums' exhibit of a selection of items recovered from the De Braak shipwreck.

**THE BIGGS MUSEUM of AMERICAN ART**

406 Federal Street, Dover

Open Saturday 9-5.

**Special Exhibition: Delaware Blanket Chests**

Opens Oct. 20 and features nearly 20 examples of Delaware blanket chests. Early in the state's history, colonists owned very few pieces of furniture for their domestic needs, but these hinge-lidded chests were found in many households. Delawareans kept their chests as a sign of status, a place to sit, and often a surface to decorate. These examples of a common textile storage form from the eighteenth and nineteenth centuries hold many histories including those of the craftspeople who made and decorated, the families that used, and the homesteads that housed these objects. The exhibition will be enhanced with regional maps, architectural drawings and biographical sketches in order to offer visitors a socio-historical view of Delaware's past.

**BIGGS KIDS:** Hands-on Activities—2-3:30 p.m. *“Put the furniture in the right room”* Using magnetized images, kids can match blanket chests and other furniture with the appropriate rooms from different time periods. This activity gives youngsters an opportunity to see how people viewed simple pieces of furniture—such as beds—differently than we do today. They will sketch their own home and one from the 18th century to compare and take home. Call 302-674-2111 to reserve a free space.

**DELAWARE HERITAGE COMMISSION BOOK FAIR**

10 a.m. – 3 p.m.

Delaware Agricultural Museum and Village

866 North DuPont Highway, Dover

*For more information, contact Elaine Brenchley, The First State Heritage Park in Dover project director, (302) 739-4413.*

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## **EPA Awards \$1 Million Grant for Wilmington Sewer Project**

The U.S. Environmental Protection Agency announced Oct. 6 it has awarded a \$1,060,700 grant to the city of Wilmington to support upgrades to the city's sewer system that will help alleviate raw sewage from polluting streams during wet weather.

Communities nationwide are working to clean up waterways by improving inadequate sewer systems. This grant to Wilmington will help upgrade the city's sewers and better protect public health," said Donald S. Welsh, regional administrator for EPA's mid-Atlantic region.

During heavy rains or after large snow melts, large amounts of sewage are sometimes released into Wilmington streams because Wilmington's sewer system cannot handle the increased water flow.

EPA's grant will support two priority projects that are designed to help eliminate a large portion of wastewater overflows.

The first project includes constructing diversion sewer lines that will redirect the polluted storm water to a newly constructed Canby Park storm water storage facility, where it will be treated after storm water flow subsides.

The second project involves constructing new sewer lines along Rockford Road that will separate the storm water flow from the waste water flow. Surface runoff from the new storm sewer will be discharged through an existing permitted storm water outfall and eventually into the Brandywine Creek. The waste water will be sent to a sewage treatment plant.

The grant will pay for 55 percent of the project's \$1,928,500 eligible costs. The total cost for both projects is \$3,246,000.

*For further information, contact Roy Seneca, EPA Region III, (215) 814-5567.*

## **DNREC Issues Notice of Conciliation Proceedings and Order to FP International of Newark for Air Pollution Violations**

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Conciliation Proceedings and Secretary's Order to FP International for violations of Delaware's regulations governing the control of air pollution. The Order requires FP International to install, maintain and operate a digital recorder and data acquisition system to monitor the operation of its regenerative thermal oxidizer.

FP International produces polystyrene packing peanuts from recycled polystyrene at its facility located at 111 Alan Drive in Newark. Emissions from the process include the volatile organic compounds, isobutane and isopentane, which are controlled by a regenerative thermal oxidizer.

During a facility inspection, the control device was observed operating below the temperature required by its operating permit and regulatory requirements. A review of the temperature charts for a 10-month period indicated the company operated the control device (thermal oxidizer) below the required temperature for 97 three-hour periods over a period of 14 days.

In lieu of an administrative penalty assessment for the violations, FP International was ordered to install, maintain and operate within 90 days, a digital recorder and data acquisition system with the capability to demonstrate compliance or noncompliance with applicable Departmental regulations.

FP International has 30 days to request a public hearing.

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*For further information, contact Robert Taggart, Division of Air and Waste Management, (302) 323-4542 or Melinda Carl, Public Affairs, (302) 739-4506.*

## **Deer Drop Off Locations Open for Donation of Deer to Help Feed the Needy**

Drop off locations for hunters wishing to donate deer to help feed Delaware's needy are now available. To enhance this effort, the Division of Fish and Wildlife has placed refrigerator trailers at several locations throughout the state to make it more convenient for hunters to donate their deer. This service is provided by Fish and Wildlife in partnership with Delaware Sportsmen Against Hunger, Farmers and Hunters Feeding the Hungry and the Delaware Branch of Quality Deer Management Association. The Division has been a supporter and co-sponsor of this program for many years and has helped to defray the processing costs associated with supplying ground venison to families in need of food.

Refrigeration trailer locations will be open from 7 a.m.-7 p.m. during the November shotgun season Nov. 12-20. (They were also open Oct. 8-16 for muzzleloader season.) Refrigeration units will be located in Sussex County at Trap Pond State Park, the Sussex County Conservation District Office, Route 113, Georgetown, and the Greenwood Farm Supply Store, Route 13, Greenwood. In Kent County, deer can be dropped off at the Aquatic Resource Education Center-Woodland Beach Wildlife Area Route 9 east of Smyrna and the Williamsville Store on Williamsville Road west of Milford. In New Castle County, the Ommelanden Range on River Road, New Castle will be accepting donated deer.

"We're hoping to receive more donated deer this year," said Ken Reynolds, program manager. "That's why we're providing refrigerator trailers at several locations on these days."

All deer brought to these locations must be field dressed before they can be donated. Locations will also serve as checking stations to record information needed to manage the deer herd. All deer donated to the program will be transported to area butcher shops for processing and distribution to needy families. The Division will cover the butchering fees for all donated deer.

Hunters may also take their deer to any of the participating butcher shops contracted through the Division for the Farmers and Hunters Feeding the Hungry Program during all deer seasons including those listed above.

The program began in 1996 and in its first year collected 6,342 pounds of venison. In 2003 the program collected 25,604 pounds of venison and delivered it to 17 charities throughout the state.

*For more information about a donation site or nearest participating butcher shop, contact the Wildlife Section, (302) 739-5297 or visit the Division's web page, [www.dnrec.state.de.us/fw](http://www.dnrec.state.de.us/fw).*

## **Ducks Unlimited Teams Up With Division of Fish and Wildlife Delaware Private Landowners Benefit**

Last year, Ducks Unlimited formed a partnership with the Delaware Division of Fish and Wildlife to implement habitat projects on private lands in Delaware under the Delaware Landowner Incentive Program. Program funds are leveraged with state and private conservation organizations like Ducks Unlimited in order to provide landowners with financial assistance for implementing

various conservation practices, including enhancing and/or establishing wetland, grassland and riparian forest habitat to benefit species-at-risk.

Although Landowner Incentive Program money targets species-at-risk in Delaware, habitat work for the target species always translates to benefits for a whole suite of species, including many of the waterfowl species that migrate and winter on the Delmarva Peninsula.

In addition to financial assistance, DU and the Division are providing technical expertise for designing wetlands. The Landowner Incentive Program offers 100 percent cost-share to private landowners for wetland restoration and other habitat projects. In less than a year, DU and the Division have partnered and leveraged funds for several wetland restoration projects. For example, two 5-acre shallow water wetlands were recently restored in New Castle County. These projects were placed on poorly drained farmland and will provide excellent fall and spring migration habitat for waterfowl and shorebirds.

“By partnering with the Division of Fish and Wildlife and the Landowner Incentive Program, funds have enabled DU to bring 100 percent cost-share to the private landowners of Delaware. That level of cost share really gets wetlands on the ground,” said Spencer Waller, DU’s senior regional biologist.

Such partnerships offer the greatest potential to maximize return on conservation dollars invested. Future collaborations will continue to focus on restoring wildlife habitat and offering landowners alternatives for managing their private lands.

*For more information, contact Division of Fish and Wildlife biologist Bill Whitman, (302) 739-5297 or DU regional biologist Spencer Waller, (410) 677-3792.*

### **DNREC Issues Notice of \$31,500 Penalty to Laidlaw Corporation of New Castle for Air Pollution Violations**

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued a Notice of Administrative Penalty Assessment and Secretary’s Order in late September to Laidlaw Corporation for violations of Delaware’s regulations governing the control of air pollution. The Order includes a cash penalty of \$31,500 and an additional \$1,782.50 as cost recovery reimbursement to the Department for expenses associated with its investigation.

Laidlaw manufactures coated wire clothes hangars at its facility located at 300 Pigeon Point Road in New Castle, Del. Emissions from the dipping tanks used in one of the coating processes, include volatile organic compounds (VOCs).

Analyses of coating samples taken from the company’s dipping tanks in November 2003 and April 2004 indicated that the VOC content exceeded the permitted and regulatory limit of 3.0 pounds of VOC per gallon of coating less water and exempt compounds.

Laidlaw was found in violation of the air regulations and its operating permit for applying coatings that exceeded the allowable VOC content at its New Castle facility.

Laidlaw Corporation has 30 days to request a public hearing.

*For further information, contact Robert Taggart, Division of Air and Waste Management, (302) 323-4542 or Melinda Carl, Public Affairs, (302) 739-4506.*

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## **Wildlife Officers Arrest Three Men for Illegally Killing a Deer Rifle and Vehicle Seized During Arrest**

Last month, Delaware Division of Fish and Wildlife Agents arrested three Sussex County men for illegally killing a deer on Road 565 near Ellendale.

Paul S. Daniels, Jr., 35, of 607 S. Arch St., Blades, Del., Jonathan A. Nichols, 31, of Road 2 Box 215B, Georgetown, Del., and Alexander B. Varga, 51, of 501 E. 4th St., Laurel, Del. were charged with a total 16 of charges.

Each defendant was charged with hunting deer during closed season, loaded firearm in motor vehicle, hunting at nighttime, hunting from a motor vehicle, and conspiracy third degree.

Additionally, Alexander B. Varga was charged with resisting arrest.

Fish and Wildlife agents confiscated a 1996 Chevrolet pickup and a Remington 30.06 rifle.

The arrests followed an incident which began at 12:10 a.m., Sept. 16, when a citizen heard a rifle shot adjacent to his home. He observed a white pickup and was able to obtain a tag number. He later called Fish and Wildlife to report the incident.

Sr. Cpl. Winckoski responded and located a five point buck in the field. The buck had recently been shot and was left by the illegal hunters.

*For further information, contact Captain James Passwaters, Fish and Wildlife Enforcement, (302) 739-5295, cell (302) 856-5644, james.passwaters@state.de.us.*

## **Leaf Burning Prohibited in Delaware**

The Department of Natural Resources and Environmental Control reminds Delaware residents that burning leaves is prohibited statewide. This prohibition exists to lower people's exposure to toxic and cancer-causing chemicals.

According to David Fees, program manager in the Air Quality Management Section of the Division of Air and Waste Management, burning leaves produce a considerable amount of airborne particulate matter, carbon monoxide, and at least seven carcinogens.

One of the most notorious carcinogens produced from leaf burning is benz[a]pyrene, a polycyclic aromatic hydrocarbon. Benz[a]pyrene is believed to be a major factor in lung cancer caused by cigarette smoke. Like the secondhand smoke from cigarettes, benz[a]pyrene from leaf burning endangers us all.

Composting is one of the best alternatives to disposing of leaves. Leaves can be composted with yard trimmings and certain food scraps. When properly composted, these wastes can be turned into natural soil additives for use on lawns and gardens, and as potting soil for house plants. Finished compost can improve soil texture, increase the ability of the soil to absorb air and water, suppress weed growth, decrease erosion, and reduce the need to apply commercial additives. Leaves can also be disposed of at a licensed landfill.

DNREC also reminds everyone that in addition to the ban on leaf burning, there is a year-round ban on burning refuse such as old lumber, trash or garbage, grass, and tree stumps. Campfires, cooking fires, and bonfires are legal year-round, unless prohibited by local, town or county ordinances; however, only clean, unpainted wood, or charcoal is to be used in these fires.

Major Kurt Reuther, chief of DNREC's Enforcement Section warns that Environmental

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Protection Officers will be on the lookout for violators, and will be citing those performing illegal open burning activities. Penalties in Magistrate Court for conviction of violating open burning regulations range from \$50 to \$500 in fines, plus a criminal record.

Illegal burning can be reported by calling 1-800-622-8802. Cellular phone users can call #DNR, toll-free.

*For additional information on open burning, contact the Air Quality Management Section, 156 S. State St., Dover, Delaware, telephone (302) 739-4791.*

## **Insulation Can Save You Money**

Are you aware of what you could save with a little extra insulation? You could save up to 30 percent on your home heating and cooling costs! With winter just around the corner and heating prices on the rise, that could make a big difference.

Checking the insulation in your attic is a good place to start. Most homes built prior to 1986 do not have the proper amount of attic insulation. The Department of Energy recommends that an attic space have at least 9 to 12 inches of insulation.

While you are insulating your attic, don't forget your floor. That's right, your floor. An un-insulated floor over an unheated area such as a crawlspace or basement, could be costing you a lot of money.

An important factor in insulating your house is the "R" value. What is the "R" value? It is a rating of a product's heat resistance. The higher the R-value, the more effective the insulation. DNREC's Energy Office recommends that you use the following "R" factors in your house: Attic: R-49, Floor: R-25, and Exterior Wall: R-22 (based upon a house with an electric furnace).

To find out how much you should insulate with various heating options and how insulation would work for you, visit [http://www.ornl.gov/sci/roofs+walls/insulating/ins\\_16.htm](http://www.ornl.gov/sci/roofs+walls/insulating/ins_16.htm).

*For further information, contact Jenefer Russum, DNREC Energy Office (302) 739-1530 or Jennifer Knotts, Public Affairs Office (302) 739-4506.*

## **Gov. Minner Strengthens Livable Delaware Agenda to Preserve Green Infrastructure**

Governor Ruth Ann Minner has signed Executive Order 61, strengthening her Livable Delaware agenda by directing all state agencies to preserve Delaware's green infrastructure, which includes the state's natural areas, such as parks, preserves, wetlands, woodlands and agricultural land.

"I am directing that Delaware's state agencies lead the way and set an example of stewardship on state-owned lands and in state operations," Gov. Minner said. "In addition, the state will provide tools and assistance to local governments, non-government conservation organizations and private landowners who control 80 percent of the state's land base, encouraging them to follow our lead in making conservation a key value in land decisions. What I am outlining today are important steps toward achieving our goals of preserving valuable natural resources for future generations."

The executive order says state spending, development and land transfers will include a review to ensure the preservation of Delaware's green infrastructure. The Governor's goal is to preserve the state's biodiversity and functional ecosystems, protect native plant and animal species, improve air

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and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster eco-tourism.

“Following in the footsteps of her successful Livable Delaware and Energy Planning efforts, Governor Minner has taken another giant leap forward with her Green Infrastructure Executive Order,” said Carol Browner, former Administrator of the U.S. Environmental Protection Agency. “The Governor has once again put Delaware at the forefront of incorporating core environmental values into daily governmental operations.”

Executive Order 61 places the Department of Natural Resources and Environmental Control in a leadership position and specifies that DNREC appoint a conservation coordinator to work closely with the Departments of Agriculture and Transportation together with other state and non-government conservation agencies and lead efforts to:

- Compile an inventory of all state-owned green infrastructure which will include parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value,
- Use the green infrastructure maps which are incorporated into the Strategies for State Policies and Spending as the guide for making determinations of conservation impacts of projects, and
- Develop other science-based assessment tools and management strategies for green infrastructure conservation for use by all landholders.

The order supports the Governor’s long standing belief that state money should not be spent on projects where there are serious adverse impacts to the environment and that criteria for state funding should include an ecological impact assessment using the best available scientific tools.

“Delaware is the First State, but it is also a small state, which is one reason why Governor Minner’s Livable Delaware Program is so important,” said Ed McMahon, Senior Resident Fellow, Urban Land Institute. “Livable Delaware is not only helping to preserve farmland and open space but it is also helping to save taxpayers money while promoting new development that is more attractive, more efficient and more environmentally sensitive. Governor Minner is showing that even small states can come up with big ideas that work.”

Blaine Phillips, Delaware State Director, The Conservation Fund, also was supportive of Gov. Minner’s efforts to preserve the state’s natural areas.

“Governor Minner has been a stalwart for open space in Delaware and a real champion on tough environmental issues,” said Phillips.

*For further information, contact Kate Bailey, Governor’s Office, (302) 577-8229, cell (302) 382-0072; or Maria Taylor, DNREC, (302) 739-4506, cell, (302) 632-1078.*

## **DNREC Requests BP Withdraw Subaqueous Lands Permit Application – BP Agrees**

Department of Natural Resources and Environmental Control Secretary John A. Hughes today announced that the agency has requested that British Petroleum (BP) withdraw its subaqueous lands permit application in support of the Liquefied Natural Gas (LNG) terminal proposed for Logan Township, New Jersey. In response, BP has withdrawn its application in a letter to DNREC dated Nov. 4.

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DNREC notified BP by letter that the Department must await the company's application for a Delaware Coastal Zone status decision, and a determination from the Secretary on how the facility is to be treated under Delaware's Coastal Zone Act prior to acting on the subaqueous lands permit application. BP had recently filed an application seeking permission to conduct structural subsurface borings in the river bottom.

BP's proposal to construct an LNG terminal along the banks of the Delaware River are contingent on receipt of permitting approvals from DNREC, as well as New Jersey and the Federal Energy Regulatory Commission (FERC). DNREC previously informed BP that a coastal zone status decision should be the first application it should submit to DNREC. BP has informed DNREC that an application is forthcoming. In the meantime, a subaqueous lands permit application for test borings in the river bottom were the subject of a public notice published Oct. 13. DNREC received several requests for a public hearing on the application.

Delaware's Coastal Zone Act excludes new heavy industries and bulk product transfer facilities from Delaware's coastal zone. While BP's proposed facility is in New Jersey, the pier necessary for off loading of ships would extend into the Delaware River and over Delaware-owned public subaqueous lands. The status decision process under the Regulations Governing Delaware's Coastal Zone offers applicants a process for obtaining a ruling from the Secretary of DNREC as to how any proposed facility might be addressed under the Act.

"We can't determine the outcome of the status decision process without an application and supporting materials from the applicant. As soon as the application comes in, we'll process it and make a determination," said Secretary Hughes.

BP's application will be made available for public review as part of the status decision process.

*For further information, contact David Small or Philip Cherry, (302) 739-4403.*

### **Four Public Meetings Scheduled to be Held Statewide in November for Proposed Mandatory Curbside Recycling Program**

Four public meetings will be held in November to elicit public comments on a proposed mandatory curbside recycling program for all Delaware residents. The program was developed by the Recycling Public Advisory Council in cooperation with the Department of Natural Resources and Environmental Control and the Delaware Solid Waste Authority.

All four public meetings will be held from 7 to 9 p.m. on the following dates:

- Nov. 4 – Dover Sheraton
- Nov. 8 – Rehoboth Convention Center
- Nov. 16 – Carvel State Building
- Nov. 17 – Embassy Suites, Newark

The program's proposed residential recycling rate is expected to increase from the current 12 percent recycling rate to a goal of 30 percent. Monthly recycling costs are expected to be \$3-\$7 per household.

Draft recommendations for the program include: collection of the recyclables in a single curbside container, excluding glass; collection of materials through current trash haulers, municipal collection services or self hauler drop-off centers locating throughout the state; and separate collection of yard waste.

Residents would contribute to the success of the program by separating their yard waste and recyclables from their garbage.

Following the public meetings and public comment period, draft legislation will be developed for the next legislation session.

*For further information concerning the public meetings, contact the Department of Natural Resources and Environmental Control, Solid and Hazardous Waste Section, (302) 739-3689, or Delaware Solid Waste Authority, 1-800-404-7080.*

## **Delaware's Iraqi War Vets Offered Free State Park Passes, Hunting and Fishing Licenses**

The Department of Natural Resources and Environmental Control announced Oct. 28 it is offering free one-year state park passes and fishing and hunting licenses to Delaware's Operation Iraqi Freedom or Operation Enduring Freedom veterans.

HB 326, which was initiated by the General Assembly and passed in June, authorizes the Division of Parks and Recreation and the Division of Fish and Wildlife to issue, respectively, a free annual park pass, hunting license and/or fishing license to any resident who served in Iraq for at least 90 consecutive days and has been honorably discharged.

"The men and women in our armed forces have made tremendous sacrifices, risking their lives while being separated from their families," said Secretary John A. Hughes. "DNREC is pleased to help the General Assembly express the State's gratitude for their service by offering them some much-needed relaxation and enjoyment."

Veterans interested in taking advantage of the offer can contact the Division of Parks and Recreation's Office of Business Services at 302-739-4702 or the Division of Fish and Wildlife's Coordination Section at 302-739-5296.

*For more information, contact Mary Voshell, Division of Parks and Recreation, at 302-739-4702, or Lynn Herman, Division of Fish and Wildlife, at 302-739-5296.*

## **Delaware State Parks Wayside Exhibit Honors Port Penn's Stewart Family Cemetery**

A wayside exhibit commemorating Port Penn's Stewart Family Cemetery and its role in the Delaware River town's history was unveiled by the state Division of Parks and Recreation on Thursday, Oct. 28. It is the seventh and last in a series celebrating Port Penn's heritage, including markers at the old school house, which is now the Port Penn Interpretive Center; the old cannery; the Cleaver House; the Stewart House; and the Hubb's House.

Port Penn founder Dr. David Stewart Jr. established the cemetery for his family. The exact date is unknown, but the oldest of the 30 marked gravesites dates to the late 18<sup>th</sup> century, the most recent to the early 1900s. By that time, most of the Stewart family had left the area and with no one to tend the site, it fell into disrepair.

Family cemeteries symbolize a brief period of American burial practice. In coastal cities, churchyard cemeteries predominated until the creation of large park-like cemeteries in the mid-19<sup>th</sup> century. Smaller family cemeteries occurred where people had both the land and the economic means to maintain their own burial ground. Many such cemeteries can still be found in Delaware.

In addition to Stewarts, the cemetery is the final resting place of individuals named Cox, Darrach, Kennedy, Kernohan, Kingsland, Nixon, O’Hea, Robinson, Sharp and Van Dyke.

In 2001, the Port Penn Area Historical Society joined forces with Delaware Wild Lands, owner of the farm where the cemetery is located, the Division of Parks and Recreation and concerned citizens to restore and preserve the cemetery.

Following a clean-up of vegetation by volunteers, the Historical Society commissioned Carr Conservation of Philadelphia to assess the stone markers for necessary repair and restoration. The conservators cleaned all the stones and repaired and reset several markers. This was accomplished with funds from the Historical Society and some private individuals.

Michael Miller, the Division of Parks and Recreation’s folklife program manager, told the gathering that “you never know what impact your actions may have. Here we are today, remembering Dr. Stewart and his contributions to Port Penn more than 200 years ago.”

*For more information, contact Michael Miller, folklife program manager, (302) 739-4413, or Helen Haughey, marketing, (302) 739-4413.*

## **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 firearms 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**

99-12: **Triennial Review of the Delaware Surface Water Quality Standards (as amended Feb. 26, 1993).** This review meets requirements of the federal Clean Water Act with the adoption of revised standards. Contact Dave Wolanski - 739-4590. **Effective date – July 11, 2004**

2002-26: **Amendment to Regulations Governing the Control of Air Pollution, Regulation 2038, Reporting of a Discharge of a Pollutant or Air Contaminant.** This amendment changes the reportable quantity for the flammable substance hydrogen, clarifies flammable reportable quantities and corrects several technical mistakes in the list of substances. Contact Jay Brabson, 323-4542. **Effective date – July 11, 2004**

2003-12: **Modification of existing regulations for the Green Energy Fund (formerly the Environmental Incentive Fund).** Senate Bill 93 moved the State Energy Office to DNREC and stated that the office would establish standards, procedures and regulations governing administration of the Green Energy Fund, formerly administered by the Delaware Economic Development Office. This action modifies DEDO's existing regulations to reflect movement of the Energy Office and the program, and amends the regulations for consistency with provisions in Senate Bill 93 and amendments in Senate Bill 145. Contact Charlie Smisson Jr., 739-1530. **Effective date – July 11, 2004**

2002-16: **New regulations for aboveground storage tanks, including requirements for leak detection, spill containment, construction, dismantling, operation, maintenance and cleanup of any leaks** pursuant to the Jeffery Davis Aboveground Storage Tank Act signed into law by Governor Minner July 8, 2002. Contact Kathleen Stiller Banning, 395-2522. **Effective date – June 11, 2004**

2003-22: **Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan (SIP) for attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005.** This action changes the mid-course review due date to Dec. 31, 2004 and allows inclusion of the NOx Transport SIP Call implementation (a significant part of the overall attainment strategy) in the analysis and puts Delaware on the same timeline with other states in the region to enable Delaware to work cooperatively and conduct the mid-course review as a regional effort. Contact Frank Gao, 323-4542. **Effective date – June 11, 2004**

2002-21: **Amendment to the Delaware State Parks rules and regulations needed to reflect changes in park resources and changes from the Delaware Code,** including the Wilmington State Parks, Holts Landing Fishing Pier, protection of exhibits, established bicycle trails and facility rentals/special events. Contact Wayne Kline, 739-4405. **Effective date – June 11, 2004**

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

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

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

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

### **Regulatory Actions Underway:**

**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

**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

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

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

**2002-08: 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

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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Delaware Department of Natural Resources and Environmental Control

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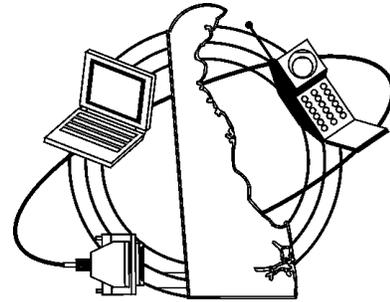
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## **Hunting Season**

### **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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