

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 132

September 15, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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“Water Resources Plan for the Delaware River Basin” Celebrated in Wilmington

Elected and environmental leaders from Delaware, New Jersey, New York and Pennsylvania and the federal government, along with other interested watershed stakeholders, met Monday, Sept. 13 at Dravo Plaza on Wilmington’s Christina Riverfront to celebrate the completion of the *Water Resources Plan for the Delaware River Basin*.

“Today’s event marks an important milestone that was initiated by a 1999 challenge from the governors of our four basin states along with the federal government to lay out a policy



John W. Schneider

Federal and state officials at the Sept. 13 signing ceremony, l-r: Anthony Kramer, USDA Natural Resources Conservation Service; Benjamin Grumbles, acting assistant administrator, Office of Water, EPA; Joe DiBello, Northeast Region, National Park Service; Jane Kenny, regional administrator, EPA Region II; Marvin Moriarty, regional director, U.S. Fish & Wildlife Service Region V; Brigadier General Meredith W.B. Temple, U.S. Army Corps of Engineers; Catherine Hill, regional hydrologist, U.S. Geological Survey, Northeast Region; Gov. Minner; Donald Welsh, regional administrator, EPA Region III; Pennsylvania Lt. Governor Catherine Baker Knoll; Fred Nuffer, current chair, Delaware River Basin Commission, State of N.Y.; Commissioner Bradley Campbell, N. J. Department of Environmental Protection; Carol Collier, executive director, Delaware River Basin Commission

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Calendar

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

SEPTEMBER

15 – Quality Deer Management Seminar, 7 p.m., Ommelanden Hunter Education Training Center, 1205 River Road, Route 9, between Old New Castle and Delaware City. Contact Ken Reynolds, Fish and Wildlife, 302-653-2883.

16 – Quality Deer Management Seminar, 7 p.m., Room 529 of the William A. Carter Partnership Center, Delaware Technical and Community College Owens Campus, Georgetown (Route 18). Contact Ken Reynolds, Fish and Wildlife, 302-653-2883.

16 – Brownfields Redesign Implementation Work Group meeting, 9 a.m.-1 p.m., Buena Vista Conference Center, Route 13, New Castle. Contact Marjorie Crofts, Air and Waste Management, 302-739-4764.

16, 23, 30 – Brandywine Zoo State Park program, *Story Time at the Zoo*, 10 a.m.-4 p.m., free with paid park admission.

18 – Delaware’s Coastal Cleanup, 9 a.m.-noon. Go to www.dnrec.state.de.us and click on “Register for the 2004 Coastal Cleanup” in the upper right hand column of the DNREC homepage or contact Jason Gleockler, coordinator, 302-739-4506 for more information.

18 – Brandywine River Cleanup, 8:30 a.m., nature center. Volunteers in canoes will help clean the Brandywine River at Brandywine Creek State Park. Lunch provided following the cleanup. Call the nature center to reserve a paddle.

18 – White Clay Creek State Park program, *Alien Invasion: An Exotic Plant Walk*, 1 p.m., nature center. Recommended for adults and young plant enthusiasts.

19 – Brandywine Creek State Park program, *Mystery of the Delaware’s “Blue Rocks,”* 1-2:30 p.m., nature center. Cost is \$2 per person.

21 – Nanticoke Tributary Action Team meeting, TBA, contact Jennifer Campagnini, Watershed Assessment Section, 302-739-4590.

22 – Recycling Public Advisory Council meeting, 9 a.m.-1 p.m., Grassdale Center off Route 9, Delaware City. Contact James Short, 302-739-4506.

24 – Brandywine Creek State Park program, *Autumn Hayrides*, 6:30 p.m., nature center. Bring a blanket along for this 45-minute scenic tour. Cost is \$5 per person. Pre-registration required.

25 – Brandywine Creek State Park program, *Autumn Hayrides*, 7 p.m., nature center. Bring a blanket along for this 45-minute scenic tour. Cost is \$5 per person. Pre-registration required.

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

25 – Brandywine Creek State Park program, *Birds and Breakfast*, 8 a.m., nature center. A sausage and pancake breakfast will be served after the hike. Pre-registration required by Thursday, Sept. 23. Cost is \$6 for adults and \$3 per child under age 12.

26 – Brandywine Creek State Park program, *Hawk Watch Series*, 11 a.m.-noon, nature center. Cost is \$2 per person.

26 – Brandywine Creek State Park program, *Monarch Mania: Part II*, 2 p.m., nature center. Cost is \$2 per person.

- 28 – Brandywine Creek State Park program, Owl Prowl**, 6:30 p.m., nature center. Cost is \$4 per person.
- 29 – Source Water Program Citizens and Technical Advisory Committee meeting**, 9 a.m., second floor conference room of the Department of Public Safety and Homeland Security building, Dover. Contact Doug Rambo, DNREC Water Supply Section, 302-739-4793.
- 30 – Brandywine Creek State Park program, Indian Springs Trail**, 1 p.m., nature center. This is a 1.8 mile hike.

OCTOBER

- 2 – White Clay Creek State Park program, Public Hayrides**, 3 p.m., nature center. Cost is \$5 per person and includes apple juice and marshmallows.
- 3 – Brandywine Creek State Park program, Hawk Watch Series**, 8 a.m.-noon, nature center. Cost is \$2 per person. Walk-ins welcome.
- 3 – Brandywine Creek State Park program, Stashing, Caching Squirrels**, 1 p.m., nature center.
- 6 – Brandywine Creek State Park program, Rocky Run Trail**, 12 p.m., nature center. This moderately difficult hike is a 1.9 mile loop.
- 7 – Public workshop, Premcor Refining Group application for a Coastal Zone Act Permit to install wet gas scrubbing equipment and other machinery to reduce air emissions of sulfur dioxide from its Delaware City refinery under the consent decree with the State of Delaware and the US EPA** (Premcor is the legal successor to Motiva Enterprises, which filed the application March 26, 2004), 6:30 p.m., Grassdale Center, 108 Old Reedy point Bridge Road, Delaware City. Contact Dennis Brown, 302-739-3091.
- 7, 14, 21, 28 – Brandywine Zoo State Park program, Story Time at the Zoo**, 10:30 a.m., nature center.
- 8, 9 – Brandywine Creek State Park program, Autumn Hayrides**, 5:30 p.m. and 6:30 p.m., nature center. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.
- 9 – Grant workshop on Coastal Resource Management**, 10 a.m.-2 p.m., State Police Troop 2 in Bear. Contact David Carter, Coastal Programs, (302) 739-3451.
- 9, 16, 23, 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.
- 14 – Public hearing, Premcor Refining Group application for a Coastal Zone Act Permit to install wet gas scrubbing equipment and other machinery to reduce air emissions of sulfur dioxide from its Delaware City refinery under the consent decree with the State of Delaware and the US EPA**, 6:30 p.m. Grassdale Center, 108 Reedy Point Road, Delaware City. Contact Dennis Brown, 302-739-3091.
- 14 – Brownfields Development Statewide Conference**, 8 a.m.-4:30 p.m., Bank One Center on the Riverfront, 800 S. Madison St., Wilmington. Contact Charles Bussey, DNREC Site Investigation and Remediation Branch, (302) 395-2600.
- 15 – Brandywine Creek State Park program, Autumn Hayrides**, 5 p.m. and 6 p.m. Cost is \$5 per person. Bring a blanket for this 45-minute tour. Pre-registration required.
- 16, 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.
- 16 – Grant workshop on Coastal Resource Management**, 10 a.m.-2 p.m., Delaware Technical and Community College in Georgetown. Contact David Carter, Coastal Programs, (302) 739-3451.

19 – Public hearing, Phase I, Air Permits, Premcor Refining Group application for the Pollution Control Upgrade Project, 6 p.m., Grassdale Center, 108 Old Reedy Point Bridge Road, Delaware City, Del. Applications, draft permits and supporting documents available for public review at Division of Air and Waste Management offices, 156 State St., Dover and 715 Grantham Lane, New Castle. The legal notice specifying units under Phase I is accessible on DNREC’s web site: www.dnrec.state.de.us. Public notices are located on the right hand column. For additional information or for an appointment to inspect the application/draft permits, contact Ravi Rangan or Bruce Steltzer, New Castle, 302-323-4542.

26 – 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, 9:30 a.m., Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, 302-739-6400.

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.

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

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direction for the use, protection, and enhancement of the basin’s water resources through the year 2030,” said Delaware River Basin Commission Executive Director Carol R. Collier.

Delaware Governor Ruth Ann Minner was joined by DRBC Federal Representative Brigadier General Meredith W.B. Temple, Pennsylvania Lieutenant Governor Catherine Baker Knoll, New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell, and New York State Department of Environmental Conservation Division of Water Assistant Director Fred R. Nuffer in a ceremonial signing of a resolution supporting the implementation of the basin plan.

A number of federal agency representatives also participated by signing the resolution in affirmation of their agency’s support of the basin plan. These participants included Jane M. Kenny, Region II Administrator, EPA; Joe DiBello, Northeast Regional Partnerships Programs Manager, National Park Service; Catherine L. Hill, Northeast Regional Hydrologist, U.S. Geological Survey; Marvin E. Moriarty, Region V Director, U.S. Fish and Wildlife Service; and Anthony J. Kramer, N.J. State Conservationist and designated Regional Representative for the U.S. Department of Agriculture National Conservation Service.

The basin plan is a 30-year, goal-based framework that will serve as a guide for all stakeholders – government and non-governmental alike – whose actions affect water resources in the 13,539-square-mile Delaware River Basin that drains portions of the four

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states. Nearly 15 million people (approximately five percent of the nation's population) rely on the waters of the basin for drinking and industrial use.

A Watershed Advisory Council, whose members represent a broad spectrum of basin interests ranging from business and industry to environmental advocacy groups, worked closely with DRBC staff, the commission's standing advisory committees, and ad hoc committees in the facilitated, consensus-building process used to forge the basin plan. Several public meetings were held throughout the basin since 2001 to gather input and broaden awareness of the plan beyond the valued group of stakeholders who participated most closely in its development over the past three years.

Support for enhancing public participation and regional cooperation in the development of the basin plan was generously provided by a grant from the William Penn Foundation.

The goal-based plan to guide policy and action includes five desired results:

- An adequate and reliable supply of suitable quality water to sustain human and ecological needs through 2030;
- Managing the system of waterway corridors to reduce flood losses, improve recreational experiences, and protect, conserve, and restore riparian and aquatic ecosystems;
- Integrating water resource management considerations into land use planning and growth management while recognizing the social and economic needs of communities;
- Strengthening partnerships for the management of water resources among all levels of government, the private sector, and individuals sharing an interest in sustainable water resources management; and
- Providing opportunities to enhance appreciation and commitment to the protection, improvement, and restoration of the basin's water resources.

The plan is prefaced by a set of 12 guiding principles against which all policy decisions and actions affecting water resource management should be measured. It also suggests a set of goals and objectives with milestones and indicators to measure progress towards achieving the plan's desired results.

The basin plan emphasizes integration and collaboration, and is not prescriptive or regulatory.

"Today we celebrate a visionary plan that reflects the investment of countless hours of discussion and creativity among many individuals from throughout the Delaware River Basin who responded to our governors' 1999 challenge," Collier said. "However, much work lies ahead as we now strive to develop strategies and take action to realize the goals laid out in that plan over the next 30 years."

Also on hand to join the celebration was Benjamin H. Grumbles, Acting Assistant Administrator for EPA's Office of Water, who offered remarks about the two-and-a-half day conference, "Watershed Summit on the Delaware: Making the Connection," which followed the ceremonial signing event. The Sept. 13-15 conference, also held in Wilmington, will cover a wide range of environmental issues in the Delaware River Basin by encouraging communication, outreach, and partnerships. One panel session will discuss the basin plan and how it provides a framework for water resources management. The summit is being sponsored by the EPA and DRBC, with the support and assistance of a number of additional agencies and organizations.

The DRBC was formed in 1961 by compact among the four basin states and the federal government. Its members include the four governors and a federal representative appointed by the president. Commission programs include water quality protection, watershed planning, water supply

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allocation, regulatory review, water conservation initiatives, drought management, flood control, and recreation. The creation of the commission marked the first time in our nation's history that the federal government and a group of states joined together as equal partners in a river basin planning, development, and regulatory agency.

For more information about the basin plan, visit the DRBC's web site at www.drbc.net.

Delaware Seashore State Park's Indian River Marina Recognized As Delaware's First Certified 'Clean Marina'

The crowd at Indian River Marina in Delaware Seashore State Park applauded as the official "Delaware Clean Marina" flag was hoisted Wednesday, Sept. 15, recognizing the state's first certified "clean marina."

The Delaware Clean Marina Program, launched last year, is a voluntary effort that enlists marina operators and boaters in reducing pollution of the state's waterways. It is a partnership of the University of Delaware Sea Grant College Program, the Department of Natural Resources and Environmental Control, the Boat US Foundation for Boating Safety and Clean Water, and the U.S. Coast Guard Auxiliary.

"This program is important for a Livable Delaware — for preserving the environment that's so critical to the quality of life of every Delawarean," said Lt. Governor John Carney during the ceremony at the marina. "It's a win-win effort for marina operators, the public and the environment."

David Chapman, marine transportation specialist for the UD Sea Grant Marine Advisory Service and chairman of the Delaware Clean Marina Executive Committee, emceed the event. Other speakers included DNREC Secretary John Hughes and Gary King, manager of Indian River Marina.

"There are about 50,000 registered boaters in Delaware and many others from out of state who enjoy boating in our waters," Secretary Hughes noted. "We're hoping that Indian River Marina is the first link in a whole chain of Clean Marinas that will soon be found throughout Delaware."

Since the program began last year, 14 of the state's estimated 100 marinas have taken the Clean Marina pledge, which is the first step in achieving certification.

"The Delaware Clean Marina Program is a positive initiative for our marine businesses, for boaters, and for our state's valuable waters," said Chapman, who coordinates the program. "Since marinas are located directly along the water's edge, activities associated with boating have a greater potential to affect water quality. That's why the help of marina operators is critical to the future of our natural resources. When the public sees the Clean Marina flag, they know that marina operator is working to protect the environment."

After taking the Clean Marina pledge, marina operators receive a guidebook and checklist for incorporating "best management practices" at their facilities in areas ranging from spill-proof fueling methods to oil recycling. They have a year to work through the checklist and implement necessary measures to achieve a passing score. Once certified, a marina can use the "Delaware Clean Marina" logo and flag in their advertising.

"I'm very pleased and proud that we accomplished this," said Gary King, who manages Indian River Marina for the state Division of Parks and Recreation. "As a state-owned facility, we felt we needed to set the standard and fulfill our stewardship call." King hopes the marina can now

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serve as “a user-friendly model” for other marina operators as they seek to incorporate changes at their facilities.

After the ceremony, King led a tour of the eco-friendly practices that are in place at Indian River Marina. The marina has made changes to a number of its procedures, “from the way we fuel boats to how we clean fish and handle the waste,” he said. In addition to such features as a pump-out station for boat sewage and a new system for recycling used oil, Indian River Marina has installed a state-of-the-art boat maintenance area that ties into a drainage system that separates oil from water.

“We also went to great lengths to preserve the natural vegetation around our site so that we can take advantage of nature to help clean our waste,” he added.

Currently, 14 states and the District of Columbia have Clean Marina programs, and 4 other states are developing programs.

For more information about Delaware’s program, please contact David Chapman, 302-645-4268 or dchapman@udel.edu.

DNREC Sets Timetable for Public Comments on Response Document to Premcor’s Title V Permit Application

The Department of Natural Resources and Environmental Control has set a period of 22 days for members of the public to submit comments on responses to questions and comments posed to the Department and Premcor Refining Group concerning the company’s Title V (Part 3) air permit application for its refinery in Delaware City, Del.

Part 3 of Premcor’s Title V application addresses the company’s power plant and repowering project, which includes the gasifiers, combustion turbines, a flare, power plant boilers, a cooling tower and other components.

The public comment period will begin Friday, October 1 when a response document will be made available for public review on the Department’s web site and at its Air and Waste Management offices at 156 S. State St., Dover, and 715 Grantham Lane, New Castle. The public comment period will close at 4:30 p.m. Friday, October 22.

The response document will consist of responses to questions concerning Premcor’s permit application posed from members of the public prior to and during an Aug. 18 public hearing in New Castle.

“This process will allow citizens an opportunity to review the Department’s written responses to their questions and provide feedback on those responses prior to a decision being made,” said DNREC Secretary John A. Hughes.

Comments on the response document should be sent to: Robert Haynes, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901.

For questions regarding the response document, please contact Ravi Rangan, Division of Air and Waste Management, 302-323-4542.

Quality Deer Management Seminars Continue Sept. 15 and 16

Kip Adams, Northeast Regional Director of the Quality Deer Management Association began a series of three quality deer management seminars Sept. 14 in New Castle and will continue with seminars tonight (Sept. 15) and tomorrow, Sept. 16.

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The Wednesday, Sept. 15 seminar will begin at 7 p.m. at the Leipsic Fire Hall on Main Street, three blocks east of Route 9, in Kent County.

The last of the seminars will begin at 7 p.m., on Thursday, Sept. 16 in room 529 of the William A. Carter Partnership Center at Delaware Technical and Community College Owens Campus, Georgetown (Route 18).

Quality deer management is an effort that is growing rapidly in popularity around the country. It promotes adequate doe harvests to control population growth while taking harvest pressure off young bucks. This two-pronged approach helps to reduce the numbers of deer and at the same time, improve overall herd quality and health. Both agricultural producers and hunters can benefit from this type of deer management approach.

These seminars are being sponsored by the Delaware Division of Fish and Wildlife in cooperation with the Delaware Branch of the Quality Deer Management Association. Deer hunters, managers, and agricultural producers should all find these discussions very beneficial and informative.

For more information, call the Division of Fish and Wildlife, 302-739-5297.

Recycling Public Advisory Council to Meet Sept. 22

The Recycling Public Advisory Council will meet from 9 a.m. to 1 p.m. Wednesday, Sept. 22 at the Grassdale Conference Center off Rt. 9 in Delaware City.

The purpose of the meeting is to continue the council's discussion of the draft report of the assessment conducted in accordance with the Memorandum of Agreement entered into in January 2004 by the council, the Delaware Solid Waste Authority (DSWA), and the Department of Natural Resources and Environmental Control. Specific issues to be discussed include:

- A presentation by the contractor DSM on Yard Waste;
- A review of the council's decisions regarding curbside recycling made to date;
- A report by DSWA on the status of the MOA report public presentations;
- A presentation by DELEASI on Innovative Recycling Technology.

The Recycling Public Advisory Council was created by Executive Order No. 82 in September 2000 and charged by the Governor with advising DNREC and the DSWA on all aspects of recycling, including development of grant criteria and selection of applications; a methodology for measuring recycling rates; and possible outreach activities designed to achieve greater recycling rates.

Members of the council are: Paul Wilkinson, Delaware Environmental Alliance for Senior Involvement (DeLEASI); Patricia Todd, League of Women Voters; Pasquale Canzano, Chief Operating Officer, DSWA; Richard Cecil, Delaware Association of Counties; John Blevins, Director, DNREC, Division of Air and Waste Management; Donald Mulrine, Mayor, City of Newport; Robert Propes, Delaware Economic Development Office; Paul Bickhart, Recycling Express of Delaware; and Steve Masterson, Waste Management of Delaware.

For further information, or for directions to the meeting, contact James Short, 302-739-3689.

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“EstuaryLive” Broadcast Will Take Viewers on Interactive Field Trip *Delaware National Estuarine Research Reserve, Comcast Cable partner for program*

Want to visit some of our nation’s estuaries and ask questions about their ecosystems without leaving your home or classroom? On Sept. 23 and 24 you can do just that by participating in EstuaryLive – an interactive field trip offered as the main event for National Estuaries Day.

Delaware National Estuarine Research Reserve (DNERR) and Comcast Cable have partnered to offer this program to be aired from 9 a.m. to 1:30 p.m. Thursday, Sept. 23 and from 11:30 a.m. to 4 p.m. Friday, Sept. 24. Kent County residents and schools can view the program on Channel 21; Sussex County residents and schools can tune in to Channel 17. Wicomico, Worcester, Somerset, Dorchester, and Caroline Counties in Maryland can check on their respective Comcast channels for the broadcast.

This year’s program features seven estuaries from around the country:

- Rachel Carson site of NC Reserve, in North Carolina
- Mullica River-Great Bay, in New Jersey
- Puget Sound, in Washington
- Peconic Estuary, in Eastern Long Island, New York
- South Slough, in Oregon
- Weeks Bay, in Alabama
- Waquoit Bay in the Cape Cod area of Massachusetts

During the program, naturalists from the National Oceanic and Atmospheric Administration’s National Estuarine Research Reserve System and the U.S. Environmental Protection Agency’s National Estuary Program will take participants on a journey through each unique ecosystem.

You can register online to be able to interact with the tour guides by emailing questions during the field trips. Most questions will be answered live during the broadcast. An educator will respond to any questions not answered live during the internet broadcast by emailing the recipient directly. Teachers, please contact Katy Lamborn, DNERR Education Coordinator, at (302) 739-3436 to learn how you can involve your students on this free, virtual field trip.

Details about EstuaryLive and National Estuaries Day are available on-line at: www.estuaries.gov. For further information, please contact Katy Lamborn, Education Coordinator, or Mark Del Vecchio, Reserve Manager, at (302) 739-3436 or via email at katy.lamborn@state.de.us or mark.delvecchio@state.de.us.

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).

Citizens Source Water Assessment Committee to Meet Sept. 29

The Citizens and Technical Advisory Committee (CTAC) of the Source Water Assessment and Protection Program will meet Wednesday, Sept. 29 from 9 a.m. to noon in the second floor conference room of the Department of Public Safety and Homeland Security building in Dover.

The agenda includes the following items:

- Discussion of the final draft to the Source Water Protection Guidance Manual for the Local Governments of Delaware

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- A presentation on Delaware's Preliminary Land Use Service (PLUS) and how the Source Water Assessment and Protection Program contributes information to it.

Delaware's Source Water Assessment Plan was approved by the U.S. Environmental Protection Agency in October 1999. The program is charged with delineating source water areas around all sources of public drinking water in the state, identifying all existing and potential sources of contamination within those areas and making the information available to the public.

Further information about the Source Water Assessment and Protection Program can be found on the program web site: <http://www.wr.udel.edu/swaphome>.

For additional information about the meeting, contact Doug Rambo, DNREC Water Supply Section, 302-739-4793.

Grant Funding Available to Assist Coastal Resource Management

Grant workshops set for Oct. 9 and 16

The Delaware Coastal Programs of the Department of Natural Resources and Environmental Control's Division of Soil and Water Conservation announces the availability of competitive grant funding to support projects and activities for three program areas: Community and Local Government Natural Resource Management; Coastal Nonpoint Pollution Prevention; and Green Infrastructure Implementation.

Workshops will be held in October to explain these grant programs and to assist grant applicants with project proposals and grant writing techniques. The workshops will be held Oct. 9 from 10 a.m. to 2 p.m. at State Police Troop 2 in Bear and Oct. 16 from 10 a.m. to 2 p.m. at Delaware Technical and Community College in Georgetown. Potential applicants, particularly those with limited grant experience, are strongly encouraged to attend one of the workshops.

The Community and Local Government Natural Resource Management Grant Program seeks proposals that will improve the management of natural resources in the State of Delaware. This grant program provides an opportunity for local governments and communities to plan for preservation and enhancement of natural and community resources within their boundaries, as well as to improve management of habitat and community residential open space. These grants are available to communities, county and municipal governments as well as to civic associations and maintenance corporations. Total anticipated funding for this program is estimated to be \$100,000. Past awards ranged from \$2,000 - \$25,000.

The Coastal Nonpoint Pollution Prevention Grant Program seeks proposals for the implementation of the following types of projects: a) assessment, identification, and characterization of nonpoint sources; b) the development of transferable tools (nonstructural best management practices), such as guidance documents, model by-laws, and land use planning strategies, and outreach and education to improve nonpoint source control and management; c) and the implementation of innovative and unique demonstration projects that utilize nonpoint source best management practices. Total anticipated funding for this program is estimated to be \$70,000. Past awards ranged from \$6,000 - \$35,000.

The Green Infrastructure Implementation Grant Program seeks proposals that will support the recommendations of the Green Infrastructure Subcommittee to the Livable Delaware Advisory Council through planning and implementation of green infrastructure projects in urban, suburban and

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rural landscapes. This grant program provides an opportunity for installation, restoration, enhancement and/or maintenance of green infrastructure through planning, assessment or implementation projects. Total anticipated funding for this program is estimated to be \$52,000.

Details of the grant programs, the full Request for Proposals, application forms and workshop registration forms are available on-line at:

<http://www.dnrec.state.de.us/dnrec2000/Divisions/Soil/dcmp/RFP2004.htm>. Proposals must be submitted by Nov. 10, 2004. For further information, please contact Susan Love, David Carter or Kim Cole at (302) 739-3451.

For further information about the grant workshops, please contact Katy Lamborn, 302-739-3436 x20 or via email at katy.lamborn@state.de.us

Brownfields Development Focus of Oct. 14 Statewide Conference

Stakeholders involved in efforts to revitalize hundreds of underutilized, abandoned and idled commercial and industrial sites will host the Statewide Brownfields Development Conference on Thursday, Oct. 14 at the Bank One Center on the Riverfront, 800 S. Madison St., Wilmington.

Conference registration begins at 8 a.m. with the program ending at 4:30 p.m., and a reception immediately following.

Governor Ruth Ann Minner notes that the conference will provide attendees with a unique opportunity to review the State's latest efforts to revitalize brownfield properties.

"We are serious about these revitalization efforts in Delaware and this year, I signed legislation creating a separate, streamlined and more efficient Brownfields Development Program within the Department of Natural Resources and Environmental Control," said Governor Minner. "This all-day conference will highlight the collaborative efforts of government agencies, developers and civic groups to successfully redevelop dozens of brownfield sites into viable, productive and taxable properties, stimulating economic growth while protecting the environment and greenfields."

Delaware's 2004 Statewide Brownfields Development Conference is being sponsored by the Department of Natural Resources and Environmental Control (DNREC) and the City of Wilmington. Those encouraged to attend include: bankers, developers, real estate professionals, remediation consultants, environmental attorneys and community groups.

Attendees will be provided with the latest information on legislation and regulations impacting brownfield cleanup and development in Delaware and meet with key decision makers with DNREC.

Conference sessions will include presentations on public and private sector financing; protocols for fast-tracking environmental investigations; options for funding and cleaning up underground storage tanks at gas stations; the basics of brownfield development; and understanding the new Brownfields Development Agreement. In addition, participants will also be introduced to the new Brownfields Inventory, how it was created and potential applications for the brownfield sites database.

The registration fee for the conference is \$50 per person. Exhibitor spaces are available for \$200 per table. Scholarships are available for students and members of community groups and civic associations.

More information about the conference and the registration form can be found online at: <http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/bfconference.asp/> or by calling Charles A. Bussey, 302-395-2600.

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

continued on page 13

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:

2004-06: **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 Piorco – 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

Yard Waste Piling Up? Compost it!

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

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.

Hurricane Preparedness

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

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

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

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

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