

# DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

Vol. 131

September 1, 2004



Ruth Ann Minner  
*Governor*

John A. Hughes  
*Secretary*

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## Cape Henlopen's Point and Gordons Pond Beaches Reopening After Piping Plover Chicks Fledge



Jay Davis

Now that the last of this year's eight surviving piping plover chicks is flying, Cape Henlopen State Park's Gordons Pond beach reopened to the public Monday, Aug. 30, and the historic nesting habitat on the ocean side of the Point will reopen today, Sept. 1. The bayside beach at the Point will remain closed until Oct. 1 for use by shorebirds migrating south for the winter.

"Despite getting off to a good start with 12 active nests, this was a disappointing nesting season for Delaware's endangered beachnesters," said Marnie Pepper, the Division of Fish and Wildlife's plover monitor. The park's red foxes were major culprits, causing plover parents to abandon more than half the nests.

Of the 19 chicks that hatched, there were six fledglings from seven Gordons Pond nests and two fledglings from five nests at the Point of the Cape. In 2003, 14 chicks fledged, the most since DNREC began keeping records.

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## Calendar

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

### SEPTEMBER

- 1 – White Clay Creek State Park program, Delaware Folklife Local Singer/Songwriters Concert,** 6:30 p.m., nature center.
- 2 – Murderkill Tributary Action Team meeting,** 3-5 p.m., Killens Pond State Park Office, Felton. Contact Jennifer Campagnini, Watershed Assessment Section, 302-739-4590.
- 2, 9, 16, 23, 30 – Brandywine Zoo State Park program, Story Time at the Zoo,** 10:30 a.m., free with paid park admission.
- 4 – White Clay Creek State Park program, Caterpillar Count,** 10 a.m., nature center.
- 4 – Delaware Solid Waste Authority (DSWA) event, Household Hazardous Waste Collection,** 8 a.m.-4 p.m., Old Curtis Paper Mill, Paper Mill Road., Newark. For more information, call DSWA's Citizens' Response Line, 1-800-404-7080.
- 5 – White Clay Creek State Park program, Stream Watch at White Clay Creek,** 2 p.m., nature center.
- 5, 6, 7 – Brandywine Zoo State Park program, Close Encounters of the Wild Kind: Endangered Species,** 10 a.m.-4 p.m. Admission: age 12 to adult, \$4, seniors and children \$2, under age 3 free.
- 8 – Recycling Public Advisory Council meeting,** 1-4 p.m., Buena Vista Conference Center on Route 13, New Castle. Contact Janet Manchester, 302-739-3689.
- 8 – Wastewater Facilities Advisory Council meeting,** 9 a.m., Delaware Technical and Community College, Conference Room 400A, 1832 N. DuPont Parkway, Dover. Contact Louise Holt, (302) 739-5081.
- 10 – Brandywine Creek State Park program, Owl Prowl,** 6:30 p.m., cost, \$4 per person.
- 11, 12 – Brandywine Zoo State Park program, Close Encounters of the Wild Kind: Bushmeat Crisis,** 10 a.m.-4 p.m. Admission: age 12 to adult, \$4, seniors and children \$2, under age 3 free.
- 11, 12 – Brandywine Zoo State Park program, Zippity Zoo Days,** 10 a.m.-5 p.m., FREE ADMISSION thanks to the Brandywine Arts Festival. Tons of games and fun activities for all ages. Featured entertainers on Sept. 12, Griots Wa Umoja, African musicians.
- 13 – Public hearing, revisions to regulations governing on-site wastewater treatment and disposal (septic) systems,** 6-9 p.m., Downs Lecture Hall, Delaware Technical and Community College, Terry Campus, Dover. Contact Jack Hayes or Dave Schepens, DNREC Ground Water Discharges Section, 302-739-4762.
- 2, 9, 16, 23, 30 – Brandywine Zoo State Park program, Story Time at the Zoo,** 10 a.m.-4 p.m., free with paid admission.
- 18 – Delaware's Coastal Cleanup: Volunteers Needed,** 9 a.m.-noon. Go to [www.dnrec.state.de.us](http://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.**
- 18, 19 – Brandywine Creek State Park program, *Beyond B.O.W: Outdoor Survival Skills and Primitive Camping 201*, 9:30 a.m., cost, \$40 per person. Registration deadline is Friday, Sept. 10.**
- 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.**
- 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 Resources, 302-739-4793.**
- 30 – Brandywine Creek State Park program, *Indian Springs Trail*, 1 p.m., nature center. This is a 1.8 mile hike.**

#### **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

**Reopening Beaches** continued from page 1

Piping plovers return to Delaware in March or early April and build their nests in the sand between the dunes and the water. According to Pepper, this practice puts the species in danger from beachgoers, pets and predators. Both eggs and the young birds are so well camouflaged that they are in danger of being stepped on or otherwise disturbed by humans. Off-road vehicles also can degrade their habitat and destroy their nests.

The U.S. Fish and Wildlife Service put the Atlantic Coast population of piping plovers on its list of threatened species in 1986. According to the federal agency, only 1,190 nesting pairs remained on the East Coast in 2000 – a level that puts these birds in danger of extinction.

The Department of Natural Resources and Environmental Control's Piping Plover Recovery Program has been a joint effort of the Division of Fish and Wildlife, the Division of Parks and Recreation and the Division of Soil and Water Conservation for 15 years.

**Piping Plover Summary**

Total nests: 12

Total chicks fledged: 8

**Gordons Pond**

GP-1 nest = 4 chicks; none fledged

GP-2 nest = 4 chicks; 2 fledged

GP-7 nest = destroyed by fox

GP-8 nest = abandoned; only had 1 egg

GP-9 nest = destroyed by fox

GP-10 nest = 4 chicks; none fledged

GP-11 nest = 4 fledged

**The Point**

PNT-3 nest = 3 chicks; 2 fledged

PNT-4 nest = abandoned; probably due to fox harassment

PNT-5 nest = abandoned; probably due to fox harassment

PNT-6 nest = abandoned; probably due to high tide

PNT-12 nest = destroyed by fox

*For further information, contact Marnie Pepper, Division of Fish and Wildlife, 302-382-4151; Steve Schilly, Division of Parks and Recreation operations, 302-739-4406; or Paul Faircloth, Cape Henlopen State Park, 302-645-8983.*

**Carper Announces National Park Proposal  
to Celebrate Coastal Heritage**

***Innovative Plan Would Link Historic Sites Across Delaware***

Claiming a national park would boost tourism in the state and enrich Delaware's sense of history and community, Sen. Tom Carper, D-Del., unveiled Aug. 30 an innovative and creative proposal to establish the Delaware National Coastal Heritage Park.

Currently, Delaware is the only state without a unit of the National Park Service. But after nearly two years of research and planning that involved state officials, community leaders and activists, Carper is recommending the creation of a national park that encompasses various historic and recreational sites highlighting Delaware's special coastal heritage.

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“Delaware has many historic places for people to explore and enjoy, but what’s lacking is a cohesive structure and theme to our various places of interest,” said Carper. “Establishing a national park to celebrate our coastal heritage would help make Delawareans and out of state visitors more aware of our unique history, as well as provide a significant boost to tourism and our state’s economy.”

When Congress returns in September, Carper plans to introduce legislation that would authorize the National Park Service to conduct a formal study of the proposal. The study, which would be done in cooperation with the state of Delaware, the coastal communities, and the general public, would more fully explore the proposal’s concept and direction. The Park Service would then recommend to Congress whether a national park in Delaware should be created and how much it would cost to construct. Based on those recommendations, Carper would then seek legislation to authorize and fund the park itself.

From beginning to end, the process to establish the national park could take several years. But Carper said the end result could reap substantial benefits for the state.

“Every year, millions of Americans plan their vacations around our national park system,” Carper said. “They log onto the Park Service website and search for ideas for their family vacations. Right now, that search will turn up nothing in Delaware. With a national park here in Delaware, that will change. A national park would put Delaware on the map, and make the state a more attractive place to visit.”

### **Concept**

Unlike other national parks, such as the Grand Canyon or Yellowstone National Park, Carper’s proposal would not set aside a giant land area for preservation or recreational purposes. Instead, the proposal would create a national park unique both in its physical dimensions and overall theme.

The park would link various sites across the state that tell the story of the state’s coastal heritage, from the days of the area’s earliest inhabitants to the bustling financial, tourism and recreational area Delaware has become. Among the themes the park will highlight: the history of indigenous peoples, colonization and establishment of the Frontier, the nation’s founding, industrial development, transportation, coastal defense, the Underground Railroad, and the coastal environment.

### **Proposal**

The proposal calls on the National Park Service to construct a series of four interpretive centers, or hubs, that would help local residents and tourists learn more about how our coastline has contributed to the development of our state and nation. The centers would provide information and guidance about the many existing historic sites, natural areas, recreational opportunities and other attractions that are part of our coastal region.

Under the proposal, the “gateway” hub would be located at the Rocks in Wilmington, site of the Fort Christina monument. The proposal calls on the National Park Service to examine the possibility of constructing a formal visitors center, a park headquarters and perhaps a re-creation of the original Fort Christina. Others hubs, to be determined, would be located in southern New Castle, Kent and Sussex counties – all at locations along the coastline.

For the most part, the National Park Service would not purchase or manage any of the various historic sites or other attractions. Rather, the Park Service would form partnerships with current owners and help provide information, direction and guidance to visitors who want to travel to these attractions. An exception to this might be the 7th Street Peninsula where the area around The Rocks and the Fort Christina Monument might be developed as a destination point in its own right includ-

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ing the park headquarters and visitors center.

**Possible attractions in each county include:**

New Castle: The Fort Christina hub would be within walking distance of various historic sites, including the Old Swedes Church, the oldest Episcopal Church in America still in use; the Kalmar Nyckel, a replica of the ship that carried early Swedes to our shores; and the Tubman-Garrett Park, located at a point in Wilmington where escaping slaves crossed the Christina River as part of their journey on the Underground Railroad. A second hub would likely be located along the Delaware River in southern New Castle County and would highlight other attractions, including the city of New Castle's renowned Landmark historic district, as well as Fort Delaware State Park on Pea Patch Island and Fort DuPont near Delaware City.

Kent County: The Kent County hub would likely be located along the coast of the Delaware Bay and provide information on existing preservation areas, such as Bombay Hook, as well as the John Dickinson Plantation, the Octagonal School Museum, and the fishing villages of Leipsic, Little Creek and Bowers Beach, and Barratt's Chapel.

Sussex County: A Sussex hub would be located in the Lewes area and provide information on numerous historic sites and natural areas that have made the area's coastal region so pivotal to Delaware. These would include the Zwaanendael Museum, the National Harbor of Refuge, Fort Miles (Cape Henlopen State Park), the Indian River Lifesaving Station, the Nanticoke Indian Museum, the Fenwick Island Lighthouse, the Lightship Overfalls, the Harbor of Refuge Light, and the Breakwater Light.

**Background**

Senator Carper first began the process of trying to establish a national park in 2003 through surveys, web polls and phone calls. Carper received hundreds of responses and suggestions for possible Park sites, ranging from Fort DuPont to Cape Henlopen State Park to the Underground Railroad to the World War II Towers. After several months of hearing from the public at large, Carper established a National Parks Committee in fall 2003.

The committee was comprised of twelve people, including Dr. James Soles, the head of the committee, Dr. Wilma Mishoe, Ms. Norma Lee Derrickson, the Honorable John Schroeder, Mr. O. Francis Biondi, Mr. Ernst Dannemann, Dr. Linda Johnson-Gilliam, Ms. M. Jane Richter, Ms. Maria Matos, Mr. Ruly Carpenter, Mr. Bill Powers and Mr. Edwin Mongan III. For several months, the members met and discussed extensively each of the suggestions offered by the public. They held workshops in each county, where the public could attend, participate, and offer suggestions. The committee members then took a tour of the proposed sites to determine which location would make the best national park.

After months of deliberation, the committee came to its final recommendation: the creation of "The Delaware National Coastal Heritage Park." This National Park would memorialize the rich and diverse history of Delaware's coastal areas, bringing that history and related attractions into sharp focus for area residents and visitors alike.

*For further information, contact Meredith Rosenthal, 302-573-6457, or Bonnie Wu, 302-573-6462.*

**More than 45 Sites Available for Coastal Cleanup Volunteers**

More than 45 sites are still available in New Castle, Kent and Sussex counties for Delaware's 18th annual Coastal Cleanup Saturday, Sept. 18 from 9 a.m. to noon.

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According to Jason Gleockler, coordinator, 682 volunteers are registered but an additional 1,300 volunteers are needed to make the event a success.

*To register, go to [www.dnrec.state.de.us](http://www.dnrec.state.de.us) and click on "Register for the 2004 Coastal Cleanup" in the right hand column of DNREC's home page, or call Jason Gleockler, 302-739-4506.*

## **Army Continues Investigation of Ordnance Found in Delaware Clamshells *Toll Free Number Established***

The Army is continuing to investigate recent reports of munitions found in crushed clamshells used to pave driveways in Delaware. Anyone with concerns about recent deliveries of crushed clamshells in the mid-Atlantic region should contact the U.S. Army Corps of Engineers' Baltimore District via a toll-free number at (800) 434-0988.

The Army advises the public to be aware of the potential dangers posed by these munitions and to report any known or suspected munitions to local law enforcement. The Army is taking steps to determine the location of all crushed clamshells that may inadvertently contain munitions. Once these locations are identified, steps will be taken to investigate these sites and remove all munitions found.

Because the condition of these munitions is unknown, they should be treated as munitions and explosives of concern (MEC) until assessed by Explosive Ordnance Disposal personnel. MEC, which are munitions that did not function as intended during use, are considered the most dangerous category of munitions. Many people refer to MEC as "duds," however, they are extremely dangerous and should never be touched or moved as they can still explode and cause serious injury or even death. The fact that they may have been handled or moved in the past does not make them less dangerous in the present. Even souvenirs that have been handled frequently can still present a significant risk.

Munitions come in many different sizes, shapes and colors. Over time, the paint may wear off or fade. As munitions are exposed to weather, they will normally rust, making them more difficult to spot or recognize. In some cases, the munitions may also be encrusted in shell-like material, such as barnacles.

The Army is asking people who suspect they might have any items or know of any location that contains old munitions not to move, disturb or destroy it, but to immediately call local law enforcement (911).

*For concerns about recent deliveries of crushed clamshells in the mid-Atlantic region, call the U.S. Army Corps of Engineers, Baltimore, toll-free, 1-800-434-0988. For further information, contact Doug Garman or Chris Augsburger at the Baltimore office, 410-962-2809.*

*(Released by the U.S. Army Corps of Engineers Aug. 23, 2004)*

## **Recycling Public Advisory Council to Meet Sept. 8**

The Recycling Public Advisory Council will meet from 1 to 4 p.m. Wednesday, Sept. 8 at the Buena Vista Conference Center on Route 13, New Castle.

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

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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:

- Planning for public presentations of the report and draft legislation;
- Yard waste management recommendations;
- Projected collection costs for recyclables in different areas of the state;
- Proposal for measuring performance;
- Appropriate uses of enterprise fund to sustain recycling programs;
- Education about, and enforcement of, the proposed recycling mandate.

The Recycling Public Advisory Council was created by Executive Order No. 82 in September 2000 and charged 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 Janet Manchester, DNREC Solid and Hazardous Waste Management Branch, 302-739-3689.*

### **Wastewater Facilities Advisory Council to Meet Sept. 8**

The Wastewater Facilities Advisory Council will meet at 9 a.m. Wednesday, Sept. 8 in Conference Room 400A, Delaware Technical and Community College, 1832 N. DuPont Parkway, Dover, Del.

The agenda will include a Financial Report; Rehoboth Bay Conservancy Limited Liability Corporation – West Bay Park Wastewater Treatment Facility Funding Request; Town of Laurel SRF Funding Request Wastewater Treatment Plant Upgrades and Improvements; and 2004-2010 draft Long Term Report.

*For further information about the meeting, contact Louise Holt, DNREC Financial Assistance Branch, 302-739-5081.*

### **Public Hearing on Proposed Revisions to Septic Regulations Set for Sept. 13 in Dover**

The Division of Water Resources of the Department of Natural Resources and Environmental Control will hold a public hearing on proposed revisions to the regulations governing on-site wastewater treatment and disposal (septic) systems from 6 to 9 p.m. Monday, Sept. 13 in Downs Lecture Hall, Delaware Technical and Community College, Terry Campus, Dover, Del.

Proposed changes include:

- Creation of a Class H System Inspector License as required under HB 150;
- A revamped procedural process for subdivision feasibility studies and determination of the required system size (large system versus individual on-site systems);
- Updating and/or correction of certain exhibits and deletion of redundant sections.

Public workshops were held in each county during development of the proposed revisions

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prior to a final workshop held June 21 in Dover this year. The Division also held several community meetings on the regulations.

Electronic or hard copy versions of the proposed revised regulations may be obtained or reviewed at the Division's Ground Water Discharges Section offices at 89 Kings Highway in Dover or in Georgetown at 422 North DuPont Highway, Suite 1. The regulations can also be accessed on the Delaware Register of Regulations web site at: [http://www.legis.state.de.us/LIS/Register.nsf/vwRegisters/82/\\$file/August2004.pdf?openelement](http://www.legis.state.de.us/LIS/Register.nsf/vwRegisters/82/$file/August2004.pdf?openelement).

Comments can be presented at the hearing or submitted prior to the day of the hearing to: Jack Hayes or Dave Schepens, Ground Water Discharges Section, 89 Kings Highway, Dover, DE 19901.

*For more information or questions regarding the hearing, contact Jack Hayes or Dave Schepens, 302-739-4762.*

### **Printpack 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 Printpack Inc. to modernize its production facilities located on Route 9, south of New Castle.

Printpack manufactures printed packaging material. According to the company's application, the new production machinery will have fewer air emissions than the present machinery. The modernization project does not include production of any new products.

The application, currently under review by DNREC, is available for public review at the Hockessin and Delaware City public libraries as well as at 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.*

### **DNREC Issues Order for Proposed Title V Air Permit Renewal for Wilmington Wastewater Treatment Plant**

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued an Administrative Order dated Aug. 16, 2004 for the Title V (Air) Permit Renewal for the Wilmington Wastewater Treatment Plant owned by the City of Wilmington.

The Wilmington Wastewater Treatment Plant is located at 12th Street and Hay Road in Wilmington and processes and treats wastewater generated at businesses, industries and homes throughout New Castle County.

A public hearing was held on July 22, 2003 for the Draft Title V Air Permit renewal. Due to the comments received, the draft permit was modified and incorporates enhanced conditions for odor and visible emission monitoring.

The order approves issuance of the Proposed Title V Operating Permit Renewal. The U.S. Environmental Protection Agency will have up to 45 days to review the proposed permit. DNREC's Air Quality Management Section will issue a final permit if EPA approves the permit as proposed.

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Any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board by close of business Sept. 13, 2004. The order and exhibits are available for public inspection at the Department of Natural Resources and Environmental Control's offices at 715 Grantham Lane, New Castle and 156 S. State St., Dover.

*For further information please contact Kathy Pirestani or Joanna French, Air Quality Management Section, New Castle, 302-323-4542.*

## **State Veterinarian Announces First 2004 Eastern Equine Encephalitis Infected Horse; Mosquito Precautions Advised for People in Area**

Dr. H. Wesley Towers, Delaware State Veterinarian, announced last week that a horse from the Townsend area of Delaware has tested positive for Eastern Equine Encephalitis (EEE), a mosquito-borne viral disease. The horse had not been vaccinated and was euthanized.

A specimen was collected from the horse on Aug. 17 and sent to the Division of Public Health Laboratory for testing. This is the second detection of EEE within the lower southwest portion of New Castle County in the past few weeks (the first being a sentinel chicken which tested positive for blood drawn on July 26).

According to Dr. Towers, "Horses with EEE display symptoms such as loss of coordination, blindness, circling to the right or left, aimless walking (walking through fences or into objects). The symptoms progress to inability to stand, convulsions, coma and death. In horses, death results in most cases. An EEE vaccine for horses does exist. I urge all horse owners to contact their veterinarians and have their horses vaccinated to prevent this disease." People in the area are advised to take precautions against mosquito bites because there is no vaccination against this very virulent form of encephalitis, which is often fatal in humans, especially for infants, children and the elderly. According to the CDC, there are no effective drugs to treat the symptoms in humans, which "range from mild flu-like illness to frank encephalitis, coma and death." Common sense precautions against mosquito bites are: wear long-sleeved shirts and long pants outdoors, apply insect repellent containing 10-30 percent DEET to skin and avoiding mosquito-infested areas.

DNREC's Mosquito Control Section will expand monitoring efforts in the area where the horse lived via light trap collections of adult mosquitoes, larval inspections of any standing water, landing rate counts taken by field inspectors, and investigations of any public reports of high numbers of biting mosquitoes. DNREC will use trucks or aircraft to apply EPA-registered insecticides as warranted to reduce significant adult mosquito populations. In accordance with EPA determinations, these products pose no unacceptable risks to human health, wildlife or the environment.

Water management practices and using insecticides to control larval mosquitoes in their breeding habitats will also continue to the extent practicable. Homeowners can help reduce the spread of Eastern Equine Encephalitis and other mosquito borne viruses by draining mosquito-breeding areas such as upright wheelbarrows, old tires, discarded cans and barrels, flower pot liners and clogged gutters. Water in birdbaths and children's wading pools should be changed frequently.

*For questions about Eastern Equine Encephalitis in horses, call DDA at (800) 282-8685 and ask for poultry and animal health. For human health questions about Equine Encephalitis, call DPH, 302-739-5617. For questions about mosquito control, call DNREC, 302-739-3493.*

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## **Indian River Marina Will Close Ramp, Fuel Dock During Winter Construction**

Indian River Marina at Delaware Seashore State Park will begin Phase II of its four-year, \$14 million redevelopment project in October, necessitating closure of the ramp and fuel dock, according to an announcement from the Delaware Division of Parks and Recreation.

The boat launching ramp will close on Oct. 25 and the fuel dock will close on Oct. 30. They will be reopened next April for the 2005 boating season.

Phase One, which was completed in time for the 2004 boating season, included replacement of the first half of the floating docks, dredging of half of the basin, bulkhead replacement and construction of 12 year-round cottages.

Phase Two includes replacement of the rest of the floating docks (162 boat slips); dredging the other half of the basin; construction of dry stack storage with parking lot, restrooms and staging docks; and adding a floating fuel dock and charter boat parking.

According to marina manager Gary King, "Everyone who has visited the marina has been very impressed with what has already been done and is enthusiastic about what is to come. Boat owners already are lining up for the dry stack."

## **West Nile Virus-Infected Wild Bird Found in New Castle County**

Delaware's Department of Natural Resources and Environmental Control, Division of Public Health, and Department of Agriculture reported Aug. 19 the first finding this year of a West Nile virus-infected wild bird: a recently collected crow found near the intersection of Foulk and Naamans Road in New Castle County.

The specimen was collected by DNREC's Mosquito Control Section and analyzed by the Delaware Public Health Laboratory. While this first finding of West Nile virus in a wild bird and the finding of the virus July 26 in sentinel chickens in Sussex County monitored for mosquito-borne diseases are not causes for alarm, they should prompt people to take additional personal protection measures to reduce or avoid mosquito bites.

Residents are advised to take common-sense precautions, such as wearing long-sleeved shirts and long pants outdoors, applying insect repellent containing 30 percent or less DEET for adults and 10 percent or less DEET for children, and avoiding mosquito-infested areas or times of peak mosquito activity around dusk, dawn or throughout the evening.

Humans infected with West Nile virus typically have only mild symptoms similar to a mild flu, if they show any signs at all. Rarely do humans infected with the disease experience sudden onset of severe headache, high fever, stiff neck, confusion and muscle weakness. Individuals with these symptoms should see their physician immediately.

State Veterinarian Dr. Wesley Towers urges horse owners to contact their veterinarian if they suspect a horse has West Nile virus. Symptoms in horses include listlessness, muscle spasms in the head and neck, and hind-limb weakness. A West Nile equine vaccine is now available through veterinarians.

DNREC's Mosquito Control Section will expand monitoring efforts in the area where the bird was found via nightly light trap collections of adult mosquitoes, larval inspections of any standing water, landing rate counts taken by field inspectors, larval inspections of any standing water, landing rate counts taken by field inspectors, and investigations of any public reports of high num-

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bers of biting mosquitoes. DNREC will use trucks or aircraft to apply EPA-registered insecticides as warranted to reduce adult mosquito populations. In accordance with EPA determinations, these products pose no unacceptable risks to human health, wildlife or the environment.

Water management practices and using insecticides to control larval mosquitoes in their breeding habitats will also continue to the extent practicable. However, the overwhelming amount of breeding habitats currently found throughout much of Delaware from this year's heavy and frequent rains is diminishing Mosquito Control's ability to achieve discernable relief through larviciding in some areas. Homeowners can help reduce the spread of West Nile virus by draining mosquito-breeding areas such as upright wheelbarrows, old tires, discarded cans and barrels, flower pot liners and clogged gutters. Water in birdbaths and children's wading pools should be changed frequently.

DNREC encourages individuals who find dead crows, blue jays, hawks, eagles or owls to call the Mosquito Control Section, Monday through Friday from 8 a.m. to 4 p.m. at the phone numbers provided below. These numbers should also be used to report mosquito problems. Residents should wear gloves and avoid direct skin contact if they handle dead birds.

New Castle County (302) 836-2555

Kent or Sussex County (302) 422-1512

For human health questions about West Nile Virus, call DPH at (302) 739-5617.

For questions about mosquito control, call DNREC at (302) 739-3493.

*For questions about West Nile in animals, call DDA at (800) 282-8685 and ask for poultry-animal health.*

## **Departure of Lifeguards Leaves 2 State Park Beaches Unguarded**

There have been no lifeguards at Cape Henlopen State Park's Gordons Pond beach since Aug. 23 due to the annual exodus of lifeguards in late August and early September, Division of Parks and Recreation operations officials announced last week. Delaware Seashore State Park's Tower Road Ocean will be unguarded Aug. 30 through Sept. 3, but lifeguards will be on duty Sept. 4 through Labor Day.

"It's that time of year," according to Park Ranger Bryan John. "Lifeguards are starting to leave for college and sport camps and we won't have enough to guard every swimming area. Gordons Pond and Tower Road Ocean will remain open, but we highly recommend swimming at the guarded beach areas."

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

Cape Henlopen's main beach, Indian River Inlet and Fenwick Island State Park will be covered through Labor Day.

*For more information, call the Division's Operations Section, 302-739-4405.*

## **End-of-Season Changes Begin at Killens Pond State Park Water Park**

Killens Pond State Park advises fans of its popular Water Park that opportunities for trips down the 205-foot water slides or playing on the floating lily pad fun walk are drawing to a close for the season.

The popular Kent County facility will be open through Labor Day, Monday, Sept. 6, but

*continued on page 13*

reduced hours begin Monday, Aug. 23, as lifeguards and other staff head back to school.

Mondays and Wednesdays the main pool, slides, gift shop and snack bar will be open from 12 noon until 6 p.m. Tuesdays, Thursdays and Fridays, they will be open from noon until 7 p.m. The food concession will be closed during the week.

All facilities will be open from 10 a.m. until 7 p.m. on Saturdays, Sundays and the Labor Day holiday.

*For more information, contact the park at 302-284-4526.*

## **DNREC Posts Environmental Education Video Lending Library Register to Borrow Free Educational Videos Online**

The Department of Natural Resources and Environmental Control's Public Affairs office has recently posted an Environmental Education Video Lending Library on the DNREC website.

The Video Lending Library was created to help a variety of teachers, youth leaders and parents educate students about different environmental issues. The focus is to offer an enjoyable audio visual form of teaching and learning, therefore increasing awareness and active involvement in making the environment a healthier and safer place. All of DNREC's videos have been documented and listed for easy access; use of DNREC videos is free.

The Video Library consists of various fun-filled videos like Jo-Jo Mosquito, Catch Me if You Can, The Rotten Truth, Recycle This!! and Proton Dan's Refuse Burning. For example, Just a Drop in the Ocean features "Willie Water Drop" as he takes you on a tour of the various water sources found in the world and how containments travel through water. The lending library consists of over 100 videos relating to recycling, watershed, wetland conservation, and wildlife.

The list of films in the DNREC Video Library can be found at DNREC's home page [www.dnrec.state.de.us](http://www.dnrec.state.de.us), under the featured link, Educational Resources. This easy access link allows you to read detailed descriptions of the movies offered, the length of the video, target audience age and, with a click of a button, you can reserve your copy. Clicking on the title will take you to a form requesting the use of the video.

The Public Affairs office has been working to increase educational outreach throughout the community and strongly encourages interested Delawareans to take full advantage of our free video collection.

Interested individuals may borrow videos by either requesting a video from the website or contacting Jason Gleockler, Public Affairs office, 302-739-4506.

*For further information, contact Jason Gleockler at the telephone number above or email Jason Gleockler.*

## **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:**

**2004-06: 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  
**Public hearing – Sept. 13, 2004,** 6-9 p.m., Downs Lecture Hall, Delaware Technical and Community College, Terry Campus, Dover

**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

## 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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**DNREC NEWS** is published by the Department of Natural Resources  
and Environmental Control, Public Affairs Office.

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