

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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July 30, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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Gov. Minner Presents Young Environmentalist, Youth Fishing, and Parks and Recreation Volunteer Awards at Delaware State Fair

Young Environmentalist of the Year

Proud parents, teachers and guests were in attendance at the Delaware State Fair July 29 as Governor Ruth Ann Minner and Department of Natural Resources and Environmental Control Secretary John A. Hughes presented the 2004 Young Environmentalist of the Year Awards.

Gov. Minner recognized a Delaware Middle School student and three Delaware High School students whose actions have resulted in the protection, restoration or enhancement of Delaware's natural resources through one or more of the following means: innovations, public awareness, environmental ethics or environmental stewardship.

This year's First Place High School Award Winner is Jason Fischel of Hockessin/Wilmington, who is now a junior at the Wilmington Charter School. Jason was nominated by Michael E. Riska, director of the Delaware Nature Society, who supervised his participation in the DNS Teen Naturalist program.

Jason's highly esteemed work includes the restoration of a portion of riparian buffer along Red Clay Creek and volunteering as



Philip Giaccone, of Dover, 2004 First Place Middle School Young Environmentalist Award Winner, with Gov. Ruth Ann Minner and Lt. Governor John C. Carney.

Jason Geockler

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Calendar

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

JULY

23-31 – State Fair. Visit DNREC at its building on Holloway and East Rider Streets from 10 a.m. to 9 p.m. daily. Fun activities and demonstrations, including an Idea House and Backyard Habitat Idea Garden. Contact Public Affairs Office, (302) 739-4506.

31 – Lums Pond State Park program, Critter Crafts, TBA, at the nature center. Cost is \$2 per craft.

31 – Lums Pond State Park program, Reptiles and Amphibians, 2 p.m., at the nature center. This program is free.

31 – Reforestation of 18 acres at Prime Hook National Wildlife Refuge, 9 a.m. - 3 p.m. both Saturdays. Lunch and refreshments provided. Primehook's "Centennial" Reforestation site is located just north of Route 16 and east of Route 1 off Deep Branch Road (or Road 234), Sussex County, Del. Contact: Keith Clancy, Delaware Native Plant Society, 302-674-5187

31 – White Clay Creek State Park, Millstone Pond Explorations. Meet the park naturalist at the Carpenter Recreation Area parking lot for a hike to the Millstone Pond. Registration is limited, pre-registration is highly recommended. Payment required at registration. The cost is \$5 per person.

AUGUST

2 – Rockford Tower Concert Series, Karl Schlatter will display modern art during concert. The Rockford Tower Stage is set up adjacent to the Rockford Tower (site of the Wilmington Flower Market. Contact Barbara Woodford, Wilmington State Parks, (302) 577-7021.

7 – The First State Historical Park tour, Guided tours offered on the hour beginning at 9 a.m., last tour starting at 4 p.m. at Legislative Hall; includes the Portrait Gallery, Jack Lewis murals and rotating Delaware State Museum's exhibit. Contact: Elaine Brenchly, Cultural and Recreational Services, (302) 739-4413 Admission is free.

7 – Reforestation of 18 acres at Prime Hook National Wildlife Refuge, 9 a.m. - 3 p.m. Lunch and refreshments provided. Primehook's "Centennial" Reforestation site is located just north of Rte 16 and east of Rte 1 off Deep Branch Road (or Rd 234), Sussex County, Delaware. Contact: Keith Clancy, Delaware Native Plant Society, 302-674-5187

9 – Rockford Tower Concert Series, John Read will display photography during concert. The Rockford Tower Stage is set up adjacent to the Rockford Tower (site of the Wilmington Flower Market. Contact Barbara Woodford, Wilmington State Parks, (302) 577-7021.

10 – Inland Bays Tributary Action Team meeting, The meeting agenda is to discuss the Little Assawoman Bay TMDL, 6:30 p.m. at Fenwick Island Town Hall. Contact Jennifer L. Campagnini, Watershed Assessment Section, 302-739-4590.

12 – Public workshop, Murderkill Total Maximum Daily Load (TMDL) amendments, 3 p.m., Felton Fire Hall, 9 E. Main St., Felton, Del. Contact Hassan Mirsajadi or Jennifer Campagnini, Watershed Assessment Section, (302) 739-4590.

18 – Public hearing, Premcor Refining Group Title V Part 3 application, 6 p.m., Department’s office, 391 Lukens Dr., New Castle. Contact Ravi Rangan or Bruce Steltzer, Grantham Lane office, (302) 323-4542

24 – Community Involvement Advisory Council Meeting, Appoquinimink State Service Center, 120 Silver Lake Road, Middletown at 9:30-11:30 a.m. Contact Karen Garrison, Office of the Secretary, (302) 739-4403, x114.

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

State Fair Awards continued from page 1

an environmental camp counselor. With successful participation in the Science Olympiad and the Envirothon, his award winning entries included construction of an “awesome aquifer” and another project documenting for the first time that song birds do migrate at night over Delaware. In fact, because Jason is thoroughly immersed in environmental studies, he is currently at Wesleyan College in Buckhannon, W.V. competing at the North American Envirothon and therefore could not be present to accept his award. Jason received \$150 and a Certificate for the First Place High School Award.

Philip Giaccone of Dover is the 2004 Middle School Award Winner. He was nominated by Laura MacDougall, one of his teachers at the Campus Community High School in Dover, where he recently completed 8th grade. Phillip is recognized for his environmental community action project in organizing a clean-up at Silver Lake and gaining the 5-week participation of his fellow students because he wrote and presented the most persuasive essay in his class. Phillip received \$150 and a Certificate for the First Place Middle School Award.

Aaron Bonniwell of Harrington is the Second Place High School Award Winner. He was nominated by Mark Breeding, his Agricultural Science teacher at Lake Forest High School in Felton, where he was a 12th grade student. One of Aaron’s achievements includes the wildlife habitat improvement project he developed, sustained and documented at a nearby farm. This project involved producing food plots and maintaining waterfowl nesting boxes. With this project, Aaron was selected as the 2004 Future Farmers of America Association Wildlife Management State Proficiency winner. He will compete at the national competition next month. Aaron received \$100 and a Certificate for the Second Place High School Award.

Anjali Gupta, the Third Place High School Award Winner was nominated by Elaine Jackson her Science activity advisor at The Charter School of Wilmington where she recently completed the

10th grade. Anjali is being acknowledged for her many and varied environmental activities. These activities range from working on environmental improvement projects with tree plantings and stream monitoring, to the founding of her school's Young Environmental Club and the founding of her school's chapter of the "Kick Butt Generation." She was a successful participant in Science Olympiad and the Envirothon. Anjali, like our first place winner, is currently, participating for Delaware in the in the North American Envirothon and she too, could not be present to accept her award.

Anjali received \$50 and a Certificate for the Third Place High School Award.

The Young Environmentalist of the Year award was established in 1993 in honor of Dr. Edwin H. Clark II, who served as Secretary of the Department of Natural Resources and Environmental Control from 1989 to 1993. Funding was contributed by DNREC's staff and the award is coordinated through the Office of Public Affairs.

Winners were nominated by teachers and group leaders, based on activities which took place between July 1, 2003 and June 30, 2004.

For more information, contact Maria Taylor, Public Affairs Office, (302) 739-4506.

Youth Fishing Awards; Hunting and Fishing Day Proclamation

Governor Ruth Ann Minner presented the 2004 Youth Fishing Awards July 29 to this year's winners from each of the state's three counties. Award recipients were Dale Markum from New Castle County, Hunter Simpson from Kent County and Josh Crawford representing Sussex County.

Dale Markum, age 8, from New Castle County, is the Overall State Winner. Dale was able to seize three carp totaling a combined weight of 20.5 pounds. Dale the first place winner received a trophy, fishing rod, a tackle box and other assorted fishing tackle along with a savings bond for his outstanding efforts.

Hunter Simpson, age 9, from Kent County, is the Second Place winner. Hunter was able to catch a bass and a pan fish totaling a combined weight of 15.6 pounds. Hunter the second place winner received a fishing rod, a tackle box, assorted fishing tackle and a trophy for his hard work.

Josh Crawford, age 15, from Sussex County, is the Third Place winner. Josh caught a 4.6 pound pan fish that would secure his victory in Sussex County. Josh was honored with a fishing rod, a tackle box, assorted fishing tackle and a trophy for his active involvement.

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

This year's 18th Annual Tournament took place on June 12, 2004. The tournament was designed for youth ages 4-15. Participants under the age of 12 were accompanied by an adult. The



Jason Geockler

Dale Markum, 8, of New Castle County, Overall State Youth Fishing Award Winner, with Gov. Ruth Ann Minner, Lt. Gov. John C. Carney and Division of Fish and Wildlife Director Patrick Emory.

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tournament was free to the public and prizes are awarded in three age groups: 4-7; 8-11; and 12-15. The Youth Fishing Tournament is held in each of the three counties, and throughout the past 18 years, the event has grown in popularity and exposed several hundred youth to sport fishing.

Governor Signs Proclamation Declaring National Hunting and Fishing Day

Also on July 29 at DNREC's State Fair ceremony, Governor Minner read and signed a proclamation declaring Saturday September 25, 2004 as National Hunting and Fishing Day in Delaware.

The proclamation acknowledges that conserving the state's natural wildlife resources is and has been one of the most essential obligations we have to future generations. The environmental protection programs sustained and financed by Delaware hunters and anglers have benefited several different wildlife species that all Delawareans can enjoy. Due to the exceptional efforts made through conservation, Saturday September 25, 2004 was proclaimed National Hunting and Fishing Day in Delaware.

For more information or digital photos, contact Maria Taylor, Public Affairs, 302-739-4506 or Carol Weyant, Division of Fish and Wildlife, 302-739-3440.

Parks and Recreation Volunteer Award Winner

Governor Ruth Ann Minner presented this year's 2004 Parks and Recreation Volunteer of the Year Award to Tom Smith July 29 at the State Fair.

Each year, DNREC's Division of Parks and Recreation acknowledges one outstanding citizen for his/her extensive volunteer efforts in Delaware's State parks. This year, Tom Smith was acknowledged for his diligent and reliable work at Fort Delaware State Park.

Tom Smith, age 65, of Newark, a retired salesperson now working part-time, has been a volunteer at Fort Delaware State Park since 1997. In his tribute, Charles A. Salkin, Director of Parks and Recreation, recognized Tom for exhibiting a true commitment to the park, with 550 hours of service this year. Tom maintained the park grounds, did general building repair and always displayed a genuine love and care for the park. Tom acted as an ambassador for the park, contacting various tour groups encouraging them to take advantage of the resources at the park grounds. In addition, Tom willingly shared ideas and energy to get things done. He regularly contributed ideas to improve not only Fort Delaware but the entire Division.

Because of Tom Smith's selfless acts, The Governor, The Department of Natural Resource and Environmental Control, and The Division of Parks and Recreation recognized him as the 2004 Parks Volunteer of the Year.

For more information, contact Maria Taylor, Public Affairs, 302-739-4506 or Glen Stubbalo, Parks and Recreation, (302) 739-3791



Jason Geockler

Tom Smith, of Newark, Division of Parks and Recreation Volunteer Award Winner, shakes hands with Gov. Ruth Ann Minner while Division Director Charles Salkin looks on from the podium.

Snakeheads Banned in Delaware

Department of Natural Resources and Environmental Control Secretary John A. Hughes signed an Emergency Order yesterday, July 29, to ban the transport, purchase, possession or sale of live northern snakehead fish (*Channa argus*) in Delaware.

This action was taken because of well-publicized reports this summer from the states of Maryland and Virginia about multiple captures of northern snakehead fishes in the Potomac River system and a report released on July 23 by the Pennsylvania Fish and Boat Commission concerning the confirmed identification of northern snakeheads in the Meadow Lake system within FDR Park. This system of interconnected lakes and tidal ditches that connects with the Delaware River and Schuylkill Rivers may mean that snakeheads now have direct access to the Delaware River.

In taking this emergency regulatory action which remains in effect for 120 days and is renewable for up to another 60 days, DNREC is putting the public on notice that snakeheads are not to be stocked anywhere in Delaware, and that anyone presently in possession of live northern snakeheads should destroy them at once or contact the Division of Fish and Wildlife for information on proper disposal.

“No one presently in possession of live northern snakeheads will be fined if they promptly kill them or notify the Division of Fish and Wildlife,” said Roy Miller, Fisheries Administrator. “This unusual action was taken to help prevent the unwanted introduction of a potentially harmful exotic species.”

Snakeheads are native to Asia and Africa and have been imported into this country both as a food and as an aquarium species. All 28 species of snakeheads were added to the list of injurious species recognized by the U.S. Fish and Wildlife Service in October 2002, meaning that according to federal law, no snakeheads may be imported into this country or transported between states.

The northern snakehead is known to be tolerant of temperate climates and could be expected to survive and multiply if it gains access to Delaware waters. By taking this regulatory action, Delaware joins 36 other states that presently ban one or more species of snakehead fishes. The northern snakehead is an aggressive predator that is known to attain maximum lengths of four feet. In addition, it has the ability to breathe air for short periods using its suprabranchial chambers and can wriggle through wet grass to pass from pond to pond.

According to Miller, because of its highly predatory tendencies, snakeheads can threaten the ecological balance of our waterways by out-competing native gamefishes. “Northern snakeheads cannot tolerate sea water, so the threat is primarily to freshwater systems in the state.”

Snakeheads superficially resemble some native species such as the American eel. It can be distinguished from the American eel by its blotchy brown color and distinct tail. It also resembles the bowfin that lives in inland waters from Virginia southward and can be distinguished from the bowfin by the fact that snakeheads have a long anal fin that runs half the length of the body. Snakeheads are known to eat invertebrates, fish, amphibians, reptiles, and small birds and small mammals.

The Division of Fish and Wildlife will schedule a public hearing this fall to consider making the ban on northern snakeheads permanent and will also consider whether or not to include other species of snakeheads in the ban to mirror federal legislation. The public will be invited to comment on the regulation at the hearing and during the comment period to follow.

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If you are in possession of live northern snakeheads and wish for the Division of Fish and Wildlife to dispose of them for you, call the Fisheries Section at 302-739-3441 to make arrangements. Again, do not release these fish into the wild because even what might seem like a closed system may not remain so during storm events like Delaware has been experiencing this summer. For additional information, contact Roy Miller, Fisheries Administrator, or Craig Shirey, Fisheries Program Manager with the Division of Fish and Wildlife at the above phone number.

For further information, contact Roy Miller, Fisheries, (302) 739-3441; or Melinda Carl, Public Affairs, (302) 739-4506.

DNREC Begins Providing Air Quality Impacts of Development to Land Developers and Local Governments

The Department of Natural Resources and Environmental Control has begun to inform developers and local governments of the impacts of proposed development on Delaware's air quality. The department began offering these comments at the July 28 Preliminary Land Use Service (PLUS) meeting.

DNREC has traditionally commented on a development's impacts on natural resources such as wetlands and forests, drainage and stormwater management, and water supply and water quality. The decision to add air quality impacts to its advisory role is fueled in part by Delaware's status of nonattainment for ozone and fine particulate matter (PM2.5) under the Clean Air Act.

In a letter to the three counties and the Delaware League of Local Governments, representing Delaware's 57 cities and towns, Secretary John A. Hughes stated that comments on air quality impacts resulting from residential development "were long overdue."

"Air quality impacts from residential development are significant, in many areas far exceeding the impacts from the more traditional industrial sources we often associate with air pollution," notes Secretary Hughes.

For example, if a manufacturing facility were to emit 25 tons per year of nitrogen oxides (NOx), which contribute to the pollutant ozone, the facility would be required to obtain a permit and would be subject to regulations, enforcement and other actions. In contrast, a recently reviewed 389-unit residential subdivision, when fully built out, will contribute an estimated 30 tons of NOx per year from vehicle emissions alone.

DNREC plans to comment on potential increases of air pollutants including volatile organic compounds (VOCs), nitrogen oxides (NOx), sulfur dioxide (SO2), fine particulate matter (PM2.5), and carbon dioxide (CO2). VOCs and NOx both contribute to the formation of ozone; sulfur dioxide is a component of acid rain, and carbon dioxide contributes to global warming and climate change.

Air pollution emissions will be expressed in pounds per household per year. There are three components to the per household estimate: Direct residential emissions occur from a typical residence in Delaware and include such things as fuel combustion, wood combustion, architectural coatings, consumer products that contain VOCs, lawn and garden equipment (engine emissions and evaporation), and portable fuel containers. Electricity demand emissions take place at the various electricity generating units throughout our region due to residential electricity usage. [Emissions that result from an increase in electricity generation due to an increase in electricity demand that is commensurate with additional residential (and to a lesser extent, commercial/industrial) development are simply referred to as "electricity demand."] Mobile emissions are generated as a result of the trips

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that residents take from home to work, shopping, and other activities.

Secretary Hughes further states in his letter that “local governments should be anticipating air (quality) impacts (from development) and planning for (its) mitigation.” Mitigation might involve limiting large new developments to pre-approved growth areas, concentrating development in areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walking and biking within and between developments and town centers. These and other techniques are further described in “Better Models for Development in Delaware,” a recently released publication that supports and promotes Governor Minner’s Livable Delaware initiative.

For further information, contact Kevin Coyle, Planning and Compliance, (302) 739-3091; or Ali Mirzakhali, Air Quality Management, (302) 739-4791.

West Nile Virus Found in Mosquito Control’s Sentinel Chickens Monitored for Mosquito-Borne Diseases

The first 2004 finding of West Nile virus in Delaware was found July 26 in blood samples of sentinel chickens monitored for mosquito-borne diseases. The finding is part of a statewide surveillance program conducted by the Mosquito Control Section of the Department of Natural Resources and Environmental Control.

The test results, provided by the Delaware Public Health Laboratory came from two sentinel chickens sampled on July 19 from a single cage station located in the Great Cypress Swamp of south-central Sussex County. This area has historically been a “hot spot” for eastern equine encephalitis, another mosquito-borne disease that affects humans.

This is the first time since West Nile virus was found in Delaware in 2000 that the first finding of the year is in sentinel chickens rather than sick or dead wild birds such as crows and blue jays. This year, no positive human or horse West Nile cases have yet been found in Delaware, and no wild birds have tested positive for the virus.

According to Dr. William Meredith, Mosquito Control Section administrator, the appearance of West Nile virus this year first in sentinel chickens rather than in wild birds is a bit surprising. “This may reflect the public’s finding and reporting fewer virus-suspect birds than in past years,” said Meredith. “We’ve experienced a significant decrease in reporting of crows or blue jays that are more susceptible to the disease and perhaps could have died off in large numbers over the past few years, with other species of birds remaining more resistant to the virus. However, other species of more resistant birds can still be troublesome hosts for infecting mosquitoes that feed upon them and in turn create virus-carrying mosquitoes that can then bite humans or horses.”

Nationwide, according to the Centers for Disease Control and Prevention, as of July 20 this year, there have been 182 human cases of West Nile virus, with the bulk of these cases in Arizona, California and Colorado. During 2004, West Nile has been detected in wild birds from 39 states, indicating widespread occurrence again. On a regional basis, one human case of West Nile has now been reported from New York and one human case from Pennsylvania was reported in the news Sunday. Horse cases have been found in Virginia, and the virus has been detected in mosquito collections from Pennsylvania, New Jersey and Virginia.

The positive results in the sentinel chickens serve as a reminder for Delawareans to continue their vigilance and take precautions to lower their risk for contracting this disease. Preventive mea-

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asures include avoiding places where mosquitoes are abundant or actively biting whenever possible, wearing long-sleeve shirts and pants, and appropriately using effective insect repellents. Wear insect repellent containing less than 50 percent DEET for adults, less than 30 percent DEET for children. Follow directions on the label.

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.

Dr. Wesley Towers, state veterinarian 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.

To help decrease local mosquito production, any sources of stagnant water around a residence or business that remain for more than four consecutive days should be eliminated. The Mosquito Control Section will continue to monitor mosquito populations around the state, track virus activity and take appropriate control actions. In response to the Great Cypress Swamp finding, the section will be setting some additional mosquito sampling traps in or near Gumboro, Dagsboro, Selbyville, and Frankford.

DNREC encourages individuals who find dead crows, blue jays, or hawks 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 who may need to handle any dead birds should wear gloves and avoid direct skin contact.

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 biology and 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.

For further information, contact Dr. William Meredith, Division of Fish and Wildlife, (302) 739-3493, or Melinda Carl, Public Affairs, (302) 739-4506.

Delaware's 18th Coastal Cleanup Slated for Sept. 18; DNREC Seeks Volunteers

Join the Delaware Department of Natural Resources and Environmental Control (DNREC) for the 18th annual Coastal Cleanup on Saturday, Sept. 18 from 9 a.m. to noon. Delaware's popular coastal cleanup is part of the Ocean Conservancy's International Coastal Cleanup – the largest annual clearing of trash from coastlines and lakes by volunteers in the world.

The Delaware cleanup areas span the length of the state's 97-mile eastern coastline and include river and ocean shoreline, wetland and watershed areas. Traditionally, Delaware has the largest number of cleanup sites within the Delmarva (Delaware, Maryland, Virginia) region. This year, more than 49 sites throughout the First State are being targeted covering New Castle, Kent, and Sussex counties.

From youth groups and businesses, to vacationing families and individuals, all volunteers are welcome and urged to sign up for the 2004 statewide Coastal Cleanup through electronic registration on the DNREC website at www.dnrec.state.de.us, using the link, "Register for the 2004 Coastal Cleanup" in the right hand column of the home page. Registrations can also be taken by phone by contacting Jason Gleockler, DNREC Public Affairs, (302) 739-4506. Site captains are also needed for each site. Volunteers interested in being site captains should call for details. This is a rain or shine event unless conditions warrant a cancellation for safety reasons. Check DNREC's coastal cleanup page for any cancellation information.

All registered participants will receive an original Coastal Cleanup 2004 T-shirt. Registration deadline for volunteers who want to be assured a T-shirt is Sept. 3. Late registrants and walk-ins will receive them on an as-available basis.

Volunteers will NOT receive confirmation of registration but will automatically be assigned to the site they select unless notified otherwise.

Conectiv has been a primary partner of the Cleanup for many years. Playtex Family Products donates rubber gloves for cleanup volunteers. Delaware is joined with sister states Maryland, New Jersey, and Virginia in the Ocean Conservancy's International Coastal Cleanup event.

The Coastal Cleanup program was started to provide a way to monitor the amount of trash being thrown into the oceans and waterways by fishing vessels, cruise ships, and recreational boaters. The cleanup has now grown to include participation by 55 states and territories and 90 countries, with the number of both growing each year.

Data collected on the types of trash found in the cleanup areas can be instrumental in finding pollution sources and arriving at pollution control solutions.

Last year 1,135 Delaware volunteers used 794 trash bags to collect 17,564 pounds of debris from Delaware beaches and waterways. Cigarettes butts were the number one item collected. Volunteers picked up 14,072 cigarette butts! A wedding dress found at Port Mahon tops the list of strange finds; others include a mailbox, eyeglasses, fire extinguisher, file cabinet, kite, lawnmower, and two music stands. More than 3,400 hours of volunteer time were devoted to clean and protect Delaware's coastline and wildlife.

The data collected by the volunteers at the 35 sites from Fox Point State Park to Fenwick Island provide a snapshot of Delaware's 97 miles of coastline and will be used to reduce and eliminate trash and debris pollution.

Delaware's participation in Coastal Cleanup is part of an International Coastal Cleanup run by the Ocean Conservancy that supplies the trash bags, data cards, and more. The Ocean Conservancy is a non-profit organization that has been working since 1972 to ensure that the world's oceans provide a healthy environment for an abundant and diverse population of marine animals.

The International Coastal Cleanup is the Conservancy's flagship program dealing with marine debris. It is the oldest and largest one-day volunteer effort on behalf of the marine environment of its kind. Hundreds of thousands of people from all over the world help each year to rid the environment of marine debris. For more information on The Ocean Conservancy or the International Coastal Cleanup visit the Conservancy's website, www.oceanconservancy.org.

To volunteer for the Coastal Cleanup in Maryland, call (410) 629-1538; in Virginia, call (434) 395-2602; in New Jersey, call (609) 292-3224.

For more information, contact Jason Gleockler, coordinator (302) 739-4506 or visit the Coastal Cleanup link on the DNREC website at www.dnrec.state.de.us, using the Coastal Cleanup link listed in the right column of the home page.

DNREC Issues Order for Proposed Air Permit for Dow Reichhold Specialty Latex Facility in Cheswold

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued an Administrative Order dated June 30, 2004 for the Title V permit to Dow Reichhold Specialty Latex LLC for its Cheswold, Del. facility.

Dow Reichhold Specialty Latex LLC, a Research Triangle Park, N. C. firm, owns the latex production facility in Cheswold. Dow Reichhold Specialty Latex LLC, is a joint venture between Dow Chemical Company and Reichhold, Inc.

A public hearing was held July 24, 2003 for the amendments to Regulation No. 2 permits and proposed Title V permit amendment. The amendments were for testing, completed by May 8, 2003, using the emergency generator when the universal power supply failed, changing the type of fuel oil stored in one storage tank, and adding a permit shield to the Title V permit. The order approves issuance of the proposed Title V Operating Permit which contains these amendments.

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 proposed Title V Permit

Any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board by close of business Aug. 9, 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 Nancy Terranova, Air Quality Management, Dover, (302) 739-4791.

Ion Power Company Granted Coastal Zone Act Permit

Department of Natural Resources and Environmental Control Secretary John A. Hughes has granted a Coastal Zone Act permit to Ion Power Inc. The company plans to open a small light manufacturing operation on Governor Lea Road near Delaware City.

The company applied for the permit on April 12, 2004 to manufacture two products used in fuel cell components, cast membrane electrodes and a trademark solution called LIQUION.

Environmental effects from this project – the generation of less than one ton per year of air emissions and some office waste paper – will be offset by paper recycling and the use of a ton per year of VOC (volatile organic compound) emission reduction credit originating from the Metachem site nearby.

Anyone wishing to appeal this decision to the State Coastal Zone Industrial Control Board must do so within 14 days following the July 21, 2004 publication date of legal notice. Appeal forms may be acquired by calling Dennis Brown, DNREC Planning and Compliance Assistance, (302) 739-3091. The appeal fee is \$100.

For additional information, contact Dennis Brown, (302) 739-3091, or Melinda Carl, (302) 739-4506.

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Uniqema Granted Coastal Zone Act Permit

Department of Natural Resources and Environmental Control Secretary John A. Hughes has granted a Coastal Zone Act permit to Uniqema Inc. for expanded production capacity at 315 Cherry Lane in New Castle. The company will soon begin to manufacture 11 new product families used in personal care, agricultural and industrial products.

Uniqema Inc. applied for the permit in March to manufacture the products utilizing new processing equipment, most of which will be housed in an existing building. The entire project will require less than one acre of land which will be inside the company's existing Coastal Zone Act 'footprint.' There will be no loss of natural areas.

Environmental effects from this project – the generation of air emissions, hazardous waste, solid waste and water consumption – will be more than offset by a fuel switch from oil to natural gas, installation of low NOx (nitrogen oxides) burners and the acquisition of three tons of emission reduction credits from sites within the Coastal Zone (Metachem and Kaneka Delaware, both now closed). The company is also implementing a water conservation program. The hazardous waste will be shipped out of state for use or disposal.

Anyone wishing to appeal this decision to the State Coastal Zone Industrial Control Board must do so within 14 days following the July 21, 2004 publication date of legal notice. Appeal forms may be acquired by calling Dennis Brown, DNREC Planning and Compliance Assistance, (302) 739-3091. The appeal fee is \$100.

For additional information, contact Dennis Brown, (302) 739-3091, or Melinda Carl, (302) 739-4506.

Look for Flint Woods Nature Preserve in Suspense Movie "The Village"

If you go to see M. Night Shyamalan's new movie, "The Village," which opens Friday, look for scenes filmed on the Division of Parks and Recreation's Flint Woods Nature Preserve near Centreville.

"Only a few scenes were actually filmed on our land in Delaware and they may amount to little more than a few minutes of the movie," according to State Parks Director Charles A. Salkin. "These scenes all take place in the 'Woods' near the end of the film - or so we were told – including one with a huge white oak tree adorned in organ pipes and swirling leaves, and another with one of the stars walking through the woods and climbing a vine-covered fence. But who knows what made it past the cutting room floor."

Most of the filming was on the adjacent Haskell property in Pennsylvania, where the structures, towers and farms that were constructed for the film have since been removed. Filming at Flint Woods, which was almost exclusively limited to the old lane that runs through the property, was done between Dec. 11 and 23, 2003, a week when it seemed to rain constantly.

State Park staff spent almost 200 hours monitoring the movie set-up, production and clean-up, with the primary goal of protecting the property and its deed-restricted resources. "We successfully accomplished that and were reimbursed for our time and costs in addition to being paid an administrative and location fee," Salkin said.

If you go to see "The Village," look for Delaware State Parks in the credits. Special thanks

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(that probably will not be in the credits) go to Natural Areas Program Manager Rob Line and his assistant Kendall Sommers, and Brandywine Creek State Park Superintendent Dwight Anttila and his staff.

For more information, contact Rob Line, Natural Areas Preservation, 302-739-5285, or Kathleen Jamison, Public Affairs, (302) 739-4506.

Help with Reforestation Management Needed **Delaware Native Plant Society seeks volunteers to help protect seedlings on reforestation site at Prime Hook National Wildlife Refuge July 31 and Aug. 7**

Upland forests are one of Delaware's most imperiled ecosystems. Prime Hook National Wildlife Refuge has combined forces with the Delaware Native Plant Society and the Partnership for the Delaware Estuary Program to restore some of this community back into the landscape. In the fall of 2003, volunteers collected and planted 16,376 acorn and hickory nuts and today there are several thousand seedlings that have sprouted. We need to protect these seedlings from being browsed.

Volunteers are asked to come to Prime Hook's "Centennial" Reforestation site Saturday, July 31 and Saturday, Aug. 7 from 9 a.m. to 3 p.m. To help restore 18 acres of upland forest (Delaware's most imperiled habit), please come on one or both Saturdays to install tree tubes to protect the young oak and hickory seedlings from being browsed by deer, rabbits and squirrels.

If you can make it, please bring a hammer, wear long pants, bring some work gloves and be sure to wear a hat (we will be out in the sun). Water and other refreshments will be provided and around noon, lunch will be provided. No previous experience needed.

Prime Hook's reforestation site is located just north of Route 16 and east of Route 1 off Deep Branch Road (or Road 234), Sussex County, Del. Coming from the south on Route 1, turn right onto Deep Branch and go about 0.9 miles. Look for a USFWS sign and parking lot. The field being worked is in towards the rear (about 350 yards to the east) of a large field. Lunch and refreshments will be provided.

Funding for this project has been provided by the U. S. Fish and Wildlife Service, through a Cooperative Conservation Initiative Grant.

For more information or to volunteer call Annie Larsen at Prime Hook at 302-684-8419 or the Delaware Native Plant Society at 302-674-5187 or by email at dnps@delawarenativeplants.org.

First State Historical Park Inaugurates **"First Saturdays in the First State" Aug. 7**

The First State Historical Park, the Dover area's new "park without boundaries" and the state's first urban historical park, will inaugurate "First Saturdays in the First State" on August 7.

On the first Saturday of each month beginning with August, Legislative Hall will be open for guided tours from 9 a.m. to 5 p.m. "We are pleased we can now provide residents and visitors with an opportunity to tour Legislative Hall on First Saturdays. Delaware's state capitol building is a beautiful structure with a wonderful history," according to project director Elaine Brenchley.

The other historical and cultural sites that are linked by the park – including Delaware Public Archives, the Old State House Museum and other Delaware State Museums sites, and the Biggs

Museum of American Art, – are now open from 9 a.m. until 5 p.m. on all Saturdays and most state holidays. Admission to all sites is free.

“Coordinating Saturday hours and opening on state holidays is just one of the ways we are trying to make it easier to enjoy and appreciate all the history and heritage that our Capital City has to offer,” said Brenchley. “In the coming months, First Saturdays will offer new walking tours and special events to enhance the experience of visiting downtown Dover.”

If You Go

LEGISLATIVE HALL: Guided tours will be offered on the hour beginning at 9 a.m., last tour starting at 4 p.m; including the Portrait Gallery, Jack Lewis murals and rotating Delaware State Museums exhibit.

THE BIGGS MUSEUM OF AMERICAN ART: Currently featuring a special exhibition of the works of Delaware artist Frank E. Schoonover: “Inventing Indians.”

“Award Winners III” Delaware Division of the Arts fellowship winners: Wilmington area folk painter Eunice LaFate; Lewes fine art and documentary photographer Bryan Campanelli; still life and portrait painter Daniel Jackson of Claymont; landscape and figural painter John McGiff of Middletown; and Lincoln area portraitist John-Marc Gleadow.

“Around the World with Sewell C. Biggs” is an exhibit from the Museum’s holdings of thousands of photos and slides of the museum namesake’s extensive world travels.

“BIGGS KIDS” On the first Saturday of each month, the museum offers special programs just for children ages 5 to 10.

Aug. 7, 2 to 3:30 p.m. - In conjunction with “Award Winners III,” children will learn about the paintings on display and compose a work of art based on what they have learned. Call 302-674-2111 to reserve a space.

DELAWARE STATE MUSEUMS

Delaware State Visitors Center

Old State House Museum: Ongoing tours

Victrola Museum: Ongoing tours

Archaeology Museum: Ongoing tours

Museum of Small Town Life: Ongoing tours

DELAWARE PUBLIC ARCHIVES

Special exhibit celebrating the 300th Anniversary of Delaware’s General Assembly. The Bill of Rights has returned to storage at the National Archives, and the “Jewel Box” at the Archives is now featuring one of its oldest holdings – the original colonial charter of the State of Delaware.

For more information, contact:

BIGGS MUSEUM OF AMERICAN ART – 302- 674-2111

DELAWARE STATE MUSEUMS – 302-739-4266

DELAWARE PUBLIC ARCHIVES – 302-744-5000

LEGISLATIVE HALL – 302-744-4114

The First State Historical Park is an interagency partnership between the Delaware Department of State, the Delaware Department of Natural Resources and Environmental Control, and the Delaware Economic Development Office.

For additional information, contact Elaine Brenchley, First State Historical Park project director, (302) 739-4413, or the sites at numbers listed above.

Public Workshop on Murderkill River TMDL Regulation Amendments Set for Aug. 12 in Felton

The Watershed Assessment Section of the Department of Natural Resources and Environmental Control will hold a public workshop on proposed amendments to the 2001 Murderkill River total maximum daily loads (TMDL) regulation at 3 p.m. Thursday, Aug. 12 at the Felton Fire Hall, 9 E. Main St., Felton, Del.

The 2001 TMDL regulation requires certain reductions of nitrogen and phosphorous as well as oxygen consuming compounds to meet Delaware's water quality standards and nutrient targets. However, following an appeal of the regulation by Kent County Levy Court, owner and operator of the Kent County Wastewater Treatment Facility, DNREC agreed to collect additional field data and, if the results warranted, modify the model so that its predictions would more closely agree with field observations.

The results of two field studies conducted in 2002 revealed that the model was underestimating stream cross-sectional areas, tidal currents and discharge flows for the Lower Murderkill. The model has been updated with more recent data and a revised TMDL has been proposed that increases the loads of nutrients and oxygen consuming compounds that can be discharged from Kent County's facility. It also takes into consideration that surface discharge from the Harrington facility will be eliminated through the use of spray irrigation, except during winter months when it's not feasible. The proposed revision does not change nonpoint source pollution load reduction requirements.

Copies of the draft regulation and supporting documents will be available by request on or after Aug. 1. Comments, questions and suggestions may be presented either orally or in writing prior to, or at the workshop. To submit written materials, please send them (preferably by email) to Hassan.mirsajadi@state.de.us, or by regular mail or facsimile to: Hassan Mirsajadi, Watershed Assessment Section, Department of Natural Resources and Environmental Control, Silver Lake Plaza – Suite 200, 820 Silver Lake Boulevard, Dover, DE 19904-2464; phone, (302) 739-4590; fax, (302) 739-6140.

For additional information, contact Hassan Mirsajad.

Public Hearing on Premcor Refining Group's Title V (Part 3) Application Set for Aug. 18 in New Castle

The Air Quality Management Section of the Department of Natural Resources and Environmental Control will hold a public hearing at 6 p.m. Wednesday, Aug. 18 on the Title V (Part 3) application of Premcor Refining Group for its refinery in Delaware City, Del. The hearing will be at the Department's office at 391 Lukens Drive, New Castle.

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

The application is available for public review at the Division of Air and Waste Management offices, 156 S. State St., Dover and 715 Grantham Lane, New Castle.

To submit comments, request an appointment to inspect the application, or for further information, contact Ravi Rangan or Bruce Steltzer in the Grantham Lane office, (302) 323-4542. Statements and testimony may be presented orally or in written form before or during the hearing. Individuals interested in presenting statements are asked to register in advance by mail. Written state-

ments submitted prior to the hearing should be addressed to: Air Quality Management Section, Division of Air and Waste Management, 156 S. State St., Dover, DE 19901.

For further information, contact Ravi Rangan, Air Quality Management, (302) 323-4542; or Melinda Carl, Public Affairs.

Materials Shipped from Former Metachem Site

The U.S. EPA announced July 16 that materials from the former Metachem plant in Delaware City, Del. are once again being returned to commerce through a facility in Mexico.

EPA is coordinating shipments of dichlorobenzene from Delaware to Mexico directly with the receiving facility, a manufacturer of chlorinated benzene chemicals. The dichlorobenzene will then be further processed, as needed, and sold in an established market. The materials shipped from Delaware are routinely used by the receiving facility which manufactures dichlorobenzene products.

After reviewing information related to transportation and manufacture of these materials in Mexico and working directly with the facility, Mexican environmental and health authorities have allowed the shipments to resume. Shipments of these materials began in December 2003 after EPA visited the facility and conducted initial coordination activities. The shipments were suspended in January 2004 while agencies, authorities, and the public evaluated some key issues related to this beneficial use of Metachem's former products and feedstock. The shipments have now begun again after Mexican authorities completed their review and the facility confirmed its request for the materials.

The governments of the U.S. and Mexico have determined that although chlorinated benzene compounds are potentially hazardous, these chemicals are not a threat to human health and the environment when properly handled and transported.

Metachem abandoned the Delaware City plant on May 14, 2002. Since that time, EPA and the Delaware Department of Natural Resources and Environmental Control (DNREC) have conducted extensive stabilization and decontamination activities at the facility.

For further information, contact David Sternberg, U.S. EPA Region III Office of Communications (215) 814-5548 or Maria Taylor, DNREC Public Affairs Office (302) 739-4506.

DNREC Starts Personal Floatation Device Loaner Program

Child safety is the focus of Fish and Wildlife's new Personal Floatation Device (PFD) loaner program. The program is for boaters who find themselves in need of a child size PFD and promotes child safety by providing a child size PFD to boaters who find they have guests with a small child but have no child size PFD.

Delaware's boating laws require any child 12 years old or younger to wear a PFD when underway aboard a vessel unless the child is within an enclosed cabin or the vessel is anchored or moored. The program places child size PFDs at local marinas or marine establishments which are available on a loaner basis at no cost for a day or two. The boater simply returns the PFD to the location from which it was borrowed.

"An adult PFD on a child is unsafe because it doesn't fit properly and can slip off when in the water," says Major Bayard Holleger.

With the assistance of Boat U.S., the Division of Fish and Wildlife was able to provide

participating marinas and marine establishments each with two child size PFDs. Boaters needing to borrow a child size PFD must contact one of the participating locations to inquire as to the availability of a PFD. The PFDs are loaned on an honor system and plans are to expand the program in the future.

Participating locations:

Cedar Creek Bait and Tackle, Mispillion Lighthouse Road (beside public ramp), telephone, 422-4227

Lewes Harbor Marina, Anglers Road (across from public ramp), telephone, 645-6227

Vines Creek Marina, Road 341b Dagsboro, telephone, 732-6043

Ron and Terry's Pot Nets Baywalk, Pot Nets Bayside, telephone 947-0228

Indian River Marina, Delaware Seashore State Park, telephone 227-3071

For more information, contact Major Bayard Holleger, 302-739-3440, or Jason Gleockler, Public Affairs, 302-739-4506.

Newly Formed LEAPS Team Keeping Inland Bays Safe

Team Made 26 Arrests July 4th Weekend

In addition to Fish and Wildlife's regularly scheduled daily and nightly patrols during the 4th of July weekend, the newly formed LEAPS Team conducted four specialized operations on the inland bays and Nanticoke River. The team boarded 178 boats, made contact with 591 people, issued 82 warnings, and made 26 arrests.

The team focused on high boat traffic areas and fishing activities around White's Creek Manor and the Assawoman Bay. Many of the issued citations were for children age 12 and under not wearing or having a PFD (personal floatation device/life jacket), possession of undersize flounder and blue crabs, tending too many crab pots, over the limit of clams, and driving a boat too fast in a posted NO WAKE area. Several boaters were arrested for operating under the influence of alcohol.

"Our greatest achievement is that over a busy holiday weekend there were no major boating accidents involving fatalities," said Major Thomas J. Protack. "That makes all our extra efforts a huge success."

Also, on 4th of July weekend, the inaugural volunteer "Save a Bay" program began with volunteers handing out Safe Boating Literature, fish rulers, and bottled water at Massey's Landing Boat Ramp. The volunteers encouraged boaters to boat smart and drink water instead of alcoholic beverages while operating on the water.

LEAPS Team volunteer, Richard Hahn of Massey's Landing, reports, "as volunteers our goal is to educate the public on boating safety and laws. Many people are unaware of the state's requirements surrounding boating laws. We serve as a friendly voice to inform the public and make enforcement agents' jobs a lot easier."

The LEAPS volunteers also conducted Vessel Safety Inspections at Massey's Landing. A total of 16 boats were inspected for safety equipment and operational readiness. The Division of Fish and Wildlife in cooperation with the U.S. Coast Guard provide decals to boat owners that meet these strict guidelines. Of the 16 boats inspected, only nine received decals. Most failed due to inoperable navigation lights.

The LEAPS Team is made up of enforcement officers and volunteers that work together to enforce laws on all Delaware Inland Bays, educate and increase public awareness of the importance of our Inland Bays, respond to all disasters, render assistance as needed, and ensure public safety for various user groups that may recreate on the Inland Bays.

For more information, contact Capt. James Passwaters 302-856-5644, 302-542-6100, james.passwaters@state.de.us or Jason Gleockler, Public Affairs, 302-739-4506.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

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**

2003-11: Amendment to Regulation No. 30 (Title V State Operating Permit Program) of the Regulations Governing the Control of Air Pollution. This action changes the definition of “Major Source” by removing the phrase, “but only with respect to those air pollutants that have been regulated for that category.” This will require all fugitive emissions to be included in major source determinations for sources subject to federal New Source Performance Standards or the National Emissions Standards for Hazardous Air Pollutants. Contact Deanna Morozowich, 739-4791. **Effective date – May 11, 2004**

2004-01: Amendments to Tidal Finfish Regulations, summer flounder and recreational black sea bass. Summer flounder: Delaware is able to maintain the same management measures for summer flounder used in 2003 for the 2004 fishery since the harvest cap was not exceeded. Recreational black sea bass: The coastwide requirements are a 12-inch minimum size length with a 25 fish creel limit and a closed season from Sept. 8, 2004 through Sept. 21, 2004 and Dec. 1, 2004 through Dec. 31, 2004. Contact Richard Cole, 739-4782. **Effective date – May 11, 2004**

2004-02: Amendments to Shellfish Regulations pertaining to oysters. This action establishes the oyster harvest quota at 11,698 bushels for 2004. The harvest seasons will run from May 10 to June 26 and Sept. 1 through Dec. 31. Contact Richard Cole, 739-4782. **Effective date – May 10, 2004**

2001-22: New regulation defining chronic violator, the process for determining when a facility or regulated party is declared a chronic violator and the terms and conditions for lifting the designation. Development and implementation of this regulation was mandated by Senate Substitute No. 1 for Senate Bill 33, An Act to Amend Title 7 and Title 29 of Delaware Code with respect to notification of environmental releases, facility performance, and establishment of the Community Involvement Advisory Council. Contact Marjorie Crofts, 739-4764. **Effective date – March 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:

2004-05: **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

2004-04: **Amendments to Delaware Regulations Governing Hazardous Waste.** This action would adopt 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

2004-03: **Amendments to Delaware's Wildlife and Non-Tidal Fishing Regulations.** This action would provide additional shotgun hunting days in October for antlerless deer, lengthen the October Muzzleloader season by 1 day, increase the general deer bag limit from 2 antlerless deer to 4 antlerless deer, clarify the use of additional antlerless deer tags that are purchased, clarify deer checking/registration procedures and tagging requirements and allow squirrel hunting during firearms deer seasons in October where seasons overlap. Contact Ken Reynolds, (302) 653-2883

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

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

2003-15: 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

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



Photos by Maria A. Taylor

Kids play Non-Point Source jeopardy game during Kids Day at the State Fair

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Robert S. Baldwin - Director, Division of Soil and Water Conservation
Patrick J. Emory - Director, Division of Fish and Wildlife
Charles A. Salkin - Director, Division of Parks and Recreation
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