

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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September 28, 2005



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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www.dnrec.state.de.us

Tracking Trash at Coastal Cleanup



Jennifer Knotts

Megan Stewart, Ginny Rickards and Melissa Mathena of Beebe School of Nursing search for trash at a north Rehoboth beach. See more, p. 5

Motiva Enterprises Settles Federal-State Lawsuit Resulting from Explosion at Delaware City Refinery *Settlement worth nearly \$23.7 million in combined civil penalties, environmental projects, injunctive relief, and response costs*

Motiva Enterprises LLC has agreed to pay \$12 million to settle a joint federal–state civil lawsuit arising from a catastrophic explosion in 2001 at the company’s former Delaware City refinery that killed one employee, injured several others, and caused a massive discharge of spent sulfuric acid from a ruptured tank, the Justice Department, the Environmental Protection Agency and the state of Delaware announced Sept. 20.

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Calendar

*For information or registration for park events, please contact individual park offices and the parks website at: www.destateparks.com
A listing of park offices follows the calendar.*

SEPTEMBER

28 - Advisory Council on Tidal Finfisheries meeting, 7 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Roy Miller, (302) 739-9914.

29 - Public workshop on Accidental Release Prevention Regulation, 10 a.m. to noon, DNREC Air and Waste Management office conference room, 715 Grantham Lane, New Castle. Contact Jay Brabson, Emergency Prevention and Response Branch, (302) 323-4542.

29 - Public hearing on Regulations Governing Storm Water Discharges Associated with Industrial Activities, 6 p.m., DNREC Auditorium, 89 Kings Highway, Richardson & Robbins Building, 89 Kings Highway, Dover. Contact Amber N. Moore, (302) 739-9946, or Elaine Webb (302) 739-9921.

OCTOBER

1, 2 – Delaware Nature Society Harvest Moon Festival – DNREC will be an exhibitor on Oct. 1 only at the Ashland Nature Center. 10 a.m.- 5 p.m. Contact Melanie Rapp, (302) 739-9902.

1 – Cape Henlopen State Park Maritime Festival hosting two talks in conjunction with Town of Lewes Boast the Coast celebration. 10 a.m., Charles Fithian, curator of archaeology for the Division of Historical and Cultural Affairs, will talk about “*The Forgotten War: The Landscape, Historic Places and Maritime Activities of the War of 1812*”; 2 p.m. “Thumper,” a North Bowers Beach waterman will talk about his life as a Delaware Bay waterman and his efforts to restore a Delaware Bay schooner, the Maggie Myers. Contact Mary Wagner, (302) 644-5005.

2 – Coast Day, University of Delaware’s College of Marine Studies, Hugh R. Sharp Campus, 700 Pilottown Road, Lewes, Del., 11 a.m.-5 p.m. Forty educational displays will be housed under DNREC’s tent. Contact Melanie Rapp, (302) 739-9902.

11 – Environmental Appeals Board hearing, appeal of the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems by the Home Builders Association of Delaware, 9:30 a.m., DNREC auditorium, 89 Kings Highway, Dover. Contact Gail Donovan, (302) 739-9909.

25, Nov. 1, Nov. 8 – Environmental Appeals Board hearing, appeal of the Secretary’s Order regarding the permit for the Fluid Catalytic Cracking Unit for the Delaware City Refinery by Premcor Refining Group, 9:30 a.m., DNREC auditorium, 89 Kings Highway, Dover. Contact Gail Donovan, (302) 739-9909.

27 – Public hearing on proposed total maximum daily loads (TMDLs) for Chester Creek, Choptank Creek, Marshyhope Creek, and Pocomoke River watersheds, 6 p.m., University of Delaware Cooperative Extension Service, Research and Education Center, 16684 County Seat Highway (Route 9), Georgetown, Delaware. Contact Hassan Mirsajadi, Watershed Assessment Section, (302) 739-9939.

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

Motiva continued from page 1

In addition to the \$12 million civil penalty, Motiva will finance a series of environmental projects valued at more than \$4 million and reimburse the United States and Delaware for over \$170,000 in response costs. The settlement resolves claims against Motiva under the federal Clean Water Act (CWA), Clean Air Act, CERCLA (the Superfund statute), and numerous state environmental statutes. In 2004, Motiva sold the Delaware City refinery to the Premcor Refining Group Inc., which has agreed to join the settlement and to institute a series of controls valued at approximately \$7.5 million, to improve safety at the refinery.

The combined total of nearly \$23.7 million in civil penalties, environmental projects, injunctive relief, and response costs is one of the largest settlements secured in an enforcement action involving violations of environmental laws at one facility. The civil penalty is the largest ever collected in Delaware for environmental violations.

“Companies that fail to adhere to environmental laws not only put our natural resources and wildlife at risk; they risk the lives and the safety of workers,” said Acting Assistant Attorney General Kelly A. Johnson, of the Justice Department’s Environment and Natural Resources Division. “Today’s civil settlement reinforces our commitment to seeing that violators will be met with firm and decisive action, so that others will be deterred from breaking our laws and future catastrophes will be averted.”

On July 17, 2001, a 415,000-gallon tank at the Delaware City Refinery – then owned by Motiva – exploded while containing spent sulfuric acid, a mixture of sulfuric acid, water and hydrocarbons. The explosion killed one worker and injured several others. More than one million gallons of sulfuric acid were released from the tank farm and approximately 100,000 gallons spilled into the Delaware River, killing an estimated 2,400 fish and 240 crabs.

“This is the largest Clean Water Act settlement in the history of Delaware,” said Donald S. Welsh, EPA regional administrator for the mid-Atlantic region. “In addition to Motiva paying a substantial penalty, today’s settlement requires Premcor, the current owner of the refinery, to take immediate concrete steps to ensure compliance with environmental and safety regulations so that the tragic events of July 2001 will never be repeated.”

In January 2002, OSHA issued a Citation & Notification of Penalty to Motiva citing willful violations which Motiva later settled for a total of \$132,000. In July 2003, Motiva pleaded no contest to criminally negligent homicide and assault charges brought by the state attorney general. As a result, the presiding state judge ordered the company to pay \$296,000 in penalties. In September 2003,

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Motiva agreed to pay \$36.4 million to the widow and family of the worker, Jeffrey Davis, who died. The amounts of settlements Motiva reached with other injured employees have not been made public. Most recently, in March 2004, as part of a criminal plea agreement with the United States Department of Justice in which Motiva pleaded guilty to negligently endangering its workers at the refinery and felony violations of the CWA, Motiva was ordered to pay a \$10 million fine and to serve a three-year term of probation.

“This settlement closes a tragic chapter in the history of the Delaware City refinery,” said Delaware Governor Ruth Ann Minner. “While nothing can erase the human and environmental impacts resulting from this event, we have made a number of changes on a state level as a result, including the enactment of Delaware’s Above Ground Storage Tank Act and our enforcement action requiring enhancements to the refinery’s mechanical integrity programs. Those, in addition to the improvements that will come from this settlement, will help ensure that this facility operates more safely. It also shows that negligent behavior can have dire consequences and will not be tolerated in Delaware.”

“Motiva’s conduct was inexcusable,” said Delaware Attorney General Jane Brady. “Nothing we do can undo the harm to the workers and their families but I trust all companies will take a lesson from this civil matter and our criminal prosecution and realize that we will not tolerate this type of behavior in Delaware.”

“This accident would likely have been averted by a stringent tank inspection and repair program. Although Motiva saved thousands of dollars in putting off the inspection of Tank 393, it has now paid more than \$58 million as a consequence of its actions,” said Rudolph Contreras, Civil Chief, U.S. Attorney’s Office for the District of Delaware. “This fact alone should be a clear message to other companies that cutting corners on safety and the environment makes no economic sense.”

As part of the agreement, Motiva will undertake a number of environmental projects in Delaware. Among these projects, Motiva will purchase and maintain three hybrid transit buses for DART, construct native-species shellfish beds in the Delaware River, fund the installation and operation of a water quality monitoring station in the Delaware River, purchase approximately \$165,000 of emergency equipment for the Delaware City Fire Company, and construct a meteorologic station for DNREC near the refinery to help assess wind and weather conditions if there are future accidents.

In addition, Premcor will grant a conservation easement over 285 acres of ecologically significant land near the refinery that will end the land’s current agricultural use and restrict further use of the area in perpetuity. Motiva will spend at least \$447,500 on restoration activities, such as the planting of trees and the suppression of weeds and non-native species, that are designed to allow the area to grow back to its natural state. The lands surround Dragon Run – an important natural area and tributary of the Delaware River – and will provide a protective buffer for the waterway and its associated wetlands.

Premcor will also undertake a number of measures at the refinery designed to address issues raised by the investigations into the causes of the July 2001 incident, including improved hot-work-permitting procedures.

The proposed consent decree is subject to a 30-day public comment period and final court approval.

A copy of the consent decree lodged Sept. 20 is available on the Department of Justice website at <http://www.usdoj.gov/enrd/open.html>.

Coastal Clean-up continued from page 1

Jennifer Knotts



Bruce Pierce, Glenn Parker, Michael Samples Jr. and Andrea Haynes spread out to search for trash at North Bowers Beach.

More than 1,500 volunteers took time out of their Saturday morning on Sept. 17 to clean up Delaware's 97-mile coastline in Delaware's 19th annual Coastal Cleanup. The cleanup event includes river and ocean shoreline, wetland and watershed areas of the state.

Results are still coming in, but according to Jennifer Knotts, cleanup coordinator, "there are already quite a few strange finds." Top-ping the list so far, says Jennifer, is a stuffed monkey in a tree, followed by artificial grass and a package of chili powder. Other items on the list are an exercise bike, a life preserver, various car parts – including a bumper and a tailgate – prescription glasses, a toothbrush, area rugs, house windows, cake, a burnt mattress frame, two mattresses, and a bike seat.

Final results will be reported when all the data has been compiled. For further information, contact Jennifer Knotts, Public Affairs Office, (302) 739-9902.

Will Harmon, Senator Thomas R. Carper, Gerald Rocha Sr. and Gerald Rocha Jr. take a minute to pose for the camera at N. Bowers Beach.



Submitted by Gerald Rocha, Sr.

DNREC Issues Notice of \$53,500 Penalty to Honeywell International for Air Permit Violations at Claymont Plant

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Conciliation and Administrative Penalty Order to Honeywell International Inc. for violations of Delaware's regulations governing the control of air pollution. The Order includes a cash penalty of \$53,500 and an additional \$1995 as cost recovery reimbursement to the department for expenses associated with its investigation.

Honeywell International operates a facility at 6100 Philadelphia Pike in Claymont, Del. where it manufactures specialty chemicals that are used in agricultural and pharmaceutical products.

On May 20 through May 22, 2003, the company conducted a stack emissions test on the Silanes Emission Unit as required by the Title V operating permit. The stack testing results indicated that Hexane emission rates were 18.58 pounds per hour, which exceeded the hourly emission rate limitations of 1.44 pounds per hour for Hexane and 4.14 pounds per hour of total Volatile Organic Compounds (VOCs) contained in the Title V Permit for the Silanes Process.

In response to a department request, Honeywell International submitted a schedule in its Oct. 22, 2004 Compliance Plan specifying how it would address all violations and obtain compliance with the emission limits in the Title V permit, as well as how it will come into compliance with future requirements for the facility on or before March 30, 2006.

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The Conciliation and Administrative Penalty Order requires the company to take actions on specific dates that include modifying equipment, stack testing and engineering reviews for compliance with future requirements for the Silanes process.

Honeywell International Inc. was found in violation of Delaware Law and regulations and its air operating permit for exceeding the emission limitations at its Claymont facility.

The company has 30 days to request a public hearing.

For further information, contact Paul Foster, Air Quality Management, phone: (302) 323-4542.

DNREC Issues Notice of \$14,500 Administrative Penalty Assessment to Johnson Controls Battery Group for Air Pollution Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued a Notice of Administrative Penalty Assessment and Secretary's Order to Johnson Controls Battery Group Inc. for violations of Delaware's regulations governing the control of air pollution. The Order includes provisions to allow the company the choice between paying a cash penalty of \$14,500 or paying a cash penalty of \$7,000 with the remaining balance of \$7,500 to be paid in an Environmental Improvement Project (EIP).

The Secretary's Order states that if the second option is chosen, the EIP must include the installation of two backup filters on their lead oxide mills. The backup filters will prevent emissions of lead oxide to the atmosphere in the event one of the company's primary air pollution control devices fails. The Order further states that the two backup filters must cost the company no less than \$15,000 to purchase and install. Under each option, payment will include an additional \$500 as cost recovery reimbursement to the department for expenses associated with its investigation.

Johnson Controls Battery Group owns and operates an automotive battery manufacturing facility located at 700 N. Broad St. in Middletown, Del. Lead and lead oxide are some of the materials used in the production of the batteries. To control emissions of these and other materials, the company is required to comply with various permits issued by the department and with several Delaware statutory and regulatory air quality provisions. The violations in the Secretary's Order cover a period from June 6, 2004 to Aug. 24, 2004.

On April 7, 2004 Johnson Controls Battery Group applied for a construction permit to make certain modifications to Pasting Line #2, a production line which applies a lead oxide-based paste to lead plates used in batteries. The permit, issued May 26, 2004, required that the company obtain DNREC's approval to operate Pasting Line #2 after completing modifications and prior to beginning operations. During an Aug. 10, 2004 site visit, DNREC discovered that on June 6, 2004, without the approval of the department, the company completed modifications and initiated operations of this production line. This violated the terms and conditions of the permit, as well as the State of Delaware's statutes and regulations governing the control of air pollution.

Johnson Controls Battery Group has thirty days to request a public hearing.

For further information, contact Paul Foster, Division of Air and Waste Management, (302) 323-4542.

DNREC Issues Notice of \$30,000 Administrative Penalty Assessment to Oceanport Industries for Air Pollution Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has

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issued a Notice of Administrative Penalty Assessment and Secretary's Order to Oceanport Industries Inc. for violations of Delaware's regulations governing the control of air pollution. The Order includes a cash penalty of \$30,000 and an additional \$3,546.62 as cost recovery reimbursement to the department for expenses associated with its investigation.

Oceanport Industries owns and operates a marine port facility at 6200 Philadelphia Pike, Claymont, Del. The company primarily unloads and stores bulk materials including perlite, a light-weight aggregate material used to make acoustic ceiling tiles. The company operates under a DNREC permit issued July 10, 1995, which limits all emissions of visible air contaminants from the facility to less than 10 percent opacity. In addition, the company is required to comply with other conditions of the permit issued by the Department and with several Delaware statutory and regulatory air quality standards.

During site inspections on March 21, 2004, June 9, 2004, Sept. 27, 2004, and Jan. 10, 2005, DNREC representatives observed numerous emissions violations related to Oceanport Industries' unloading, handling, storage, and transportation of perlite. The company was found exceeding its visible emissions limits and violating the conditions of its DNREC permit. In addition, the company was cited for failing to control the amount of emissions from stockpiled material in the storage building, from loading and unloading materials, and from trucks transporting materials on company property, thereby violating Delaware's statutes and regulations governing the control of air pollution. Finally, during the Sept. 27, 2004 inspection, DNREC representatives observed that Oceanport Industries installed a fan and water scrubber system to control emissions of air contaminants without obtaining the proper permit from the department.

Oceanport Industries Inc. has 30 days to request a public hearing.

For further information, contact Paul Foster, Air Quality Management, (302) 323-4542.

DNREC Issues Notice of \$8,500 Penalty to Eastern Shore Natural Gas for Violations of Air Pollution Regulations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Administrative Penalty Assessment and Secretary's Order to Eastern Shore Natural Gas Company of Dover for violations of Delaware's regulations governing the control of air pollution. The Order includes a cash penalty of \$8,500 and an additional \$1,044.08 as cost recovery reimbursement to the department for expenses associated with its investigation.

Eastern Shore Natural Gas, a subsidiary of Chesapeake Utilities Corporation, owns and operates an interstate pipeline that transports natural gas to customers throughout Delaware and Maryland's Eastern Shore. The company also owns and operates a natural gas compressor station at 17035 Black Cherry Drive in Bridgeville, Del. The facility has two natural gas-fired internal combustion engines to power the natural gas compressors used to increase pressure and flow in the company's natural gas pipeline for adequate deliveries to customers.

Under Delaware's Title V Clean Air Act operating permit program approved by the U.S. Environmental Protection Agency effective Jan. 3, 1996, Eastern Shore Natural Gas was required to submit either a Title V permit application or a Synthetic Minor permit by Jan. 3, 1997 for the potential of the internal combustion engines and a natural gas-fired emergency generator to emit nitrogen oxide at the Bridgeville facility.

The company did not submit the required permit application to the department to control its Bridgeville compressor station emissions until Sept. 29, 2004, in violation of Delaware's laws and regulations governing air pollution.

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Eastern Shore Natural Gas has 30 days to request a public hearing.
For further information, contact Joanna French, Air Quality Management, (302) 739-9402.

Coastal Zone Permit Not Required for Nixon Uniform Service Facility

Department of Natural Resources and Environmental Control Secretary John A. Hughes has determined that a second uniform service facility proposed by Nixon Uniform Service Inc. of Wilmington, Del. does not require a Coastal Zone Act permit.

Nixon Uniform Service is planning to open a second facility in Delaware at 500 Centerpoint Boulevard in New Castle in the coastal zone. The company applied for a status decision under the Coastal Zone Act to determine if a permit is required for the second site where it plans to operate a nine acre facility to launder, warehouse and repair textiles it purchases from manufacturers elsewhere for rent to customers. The site was formerly occupied by Lear Automotive.

Secretary Hughes determined that no coastal zone permit is required because the project is not a prohibited new heavy industry or a manufacturing plant; the project is a service business.

Anyone wishing to appeal this decision to the State Coastal Zone Industrial Control Board must do so within the 14-day appeal period following the Sept. 21, 2005 publication date of legal notice of this decision. Appeal forms may be acquired by calling Dennis Brown, DNREC, (302) 739-3091. The application fee for an appeal is \$100. If no appeal is received within the appeal period, the Secretary's decision becomes final.

The application is available for public review at the reference desks of the Hockessin, Wilmington and Delaware City public libraries as well as DNREC's offices at 715 Grantham Lane south of New Castle and 89 Kings Highway in Dover.

For further information, contact Dennis Brown, Planning and Compliance Assistance, (302) 739-3091.

Coastal Zone Act Permit Not Required for Waste Reduction Project at DuPont Edge Moor

Department of Natural Resources and Environmental Control Secretary John A. Hughes has determined that a proposed waste reduction project at the DuPont Edge Moor facility does not require a Coastal Zone Act permit.

E. I. DuPont de Nemours and Company applied on Aug. 4, 2005 for a Coastal Zone Act status decision to determine if a pollution reduction project at its Edge Moor facility requires a Coastal Zone Act permit. The proposal calls for modifications to the existing production equipment so that less toxic compounds, such as dioxins, furans and chlorinated benzenes are created in the manufacturing processes for titanium dioxide. A 90 percent reduction of these compounds may be realized from the project. The changes will also lead to a reduction in the generation of a solid waste known as iron-rich.

Secretary Hughes ruled that no coastal zone permit is required because the project will not lead to a production capacity increase, create a new product, or harm the environment. The 14-day appeal period expired Sept. 21.

For further information, contact Dennis Brown, Planning and Compliance Assistance, (302) 739-9909.

DNREC Salutes the Charter School of Wilmington – 3rd Place Winners of North American Canon Envirothon Competition

The 2005 Delaware Envirothon winners from the Charter School of Wilmington took 3rd place nationally at the North American Canon Envirothon held at Southwest Missouri State University in Springfield, Mo. The Charter School of Wilmington was one of 50 teams from 43 states and 7 Canadian provinces.

Team members Jason Fischel, Matt Fischel, Anjali Gupta, Stephanie Huang and Ritika Samant each received a \$3,000 college scholarship as a reward for their outstanding team effort. Team advisors Beenu Gupta and Rakesh Gupta accompanied the team to Missouri, along with Pearl Burbage and Nancy Parker representing the Delaware Envirothon program.

The Department of Natural Resources and Environmental Control and the Delaware Association of Conservation Districts are among the many public and private sponsors of the Delaware Envirothon. The Canon Envirothon is North America's largest high school environmental education competition and is sponsored by Canon U.S.A. Inc., the National Association of Conservation Districts, the USDA Forest Service and the Canadian Forestry Association.

The 2006 Envirothon program kicked off on Sept. 28 with an orientation workshop in Dover. The special environmental topic for 2006 is "Water Stewardship in a Changing Climate." The 2006 Delaware Envirothon is tentatively scheduled for Thursday, May 4, 2006, at the St. Jones Reserve in Dover. The 2006 North American Canon Envirothon will be held in Winnipeg, Manitoba, Canada, in July 2006.

For further information, contact Rick Mickowski, Delaware Envirothon Chairperson (302) 832-3100 ext. 113.

AmeriCorps Members Deploy to Aid Gulf Victims *Volunteers from the Delaware State Parks Program*

Fourteen AmeriCorps members serving as volunteers in Delaware State Parks traveled to the Gulf region Sept. 15 to join the relief efforts for victims of Hurricane Katrina. The AmeriCorps members will work with the American Red Cross of the Delmarva Region, currently providing assistance to disaster victims. The group is part of this year's team of 118 volunteers who serve as full-time or part-time educators and coordinators in parks throughout the state.

According to the Red Cross, the AmeriCorps members will travel to Baton Rouge, LA and spend about three weeks in the most devastated areas still in need of disaster aid, providing mass care that will include distributing meals and assisting with housing needs. "The Delaware AmeriCorps volunteers have completed our disaster training program and are ready to help us in the Gulf region," said Mark Tinsman, Emergency Services Director for the Red Cross of the Delmarva Peninsula.

"We are pleased that several of our AmeriCorps members have volunteered to help with the hurricane relief efforts," said Charles Salkin, Director of DNREC's Division of Parks and Recreation. "We will definitely miss them but their hard work and energy is desperately needed in the Gulf region. They are well-equipped for this assignment," he said.

According to Glen Stubbolo, Volunteer Services Administrator for Delaware State Parks, the AmeriCorps members work in state parks throughout Delaware providing services as environmental

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and historical educators and as volunteer coordinators. “AmeriCorps volunteers have provided outstanding service to our Delaware State Parks since the program started 3 years ago,” said Mr. Stubbolo. “This deployment is an example of how important serving the community is to these members,” he said.

AmeriCorps is a national service network that provides full and part-time opportunities for people of all ages and backgrounds to serve their communities and address local environmental, educational, public safety or other human needs. In exchange for their service, AmeriCorps members receive a living stipend and/or educational award for college or vocational training.

The Division of Parks and Recreation’s AmeriCorps State Park Partners Program is currently recruiting applicants for full-time positions available October 2005-September 2006.

For more information visit the Delaware State Park’s web site, www.destateparks.com/aspp/ or contact Glen Stubbolo, (302) 739-9200.

First 2005 West Nile Virus-Infected Wild Bird Found

No West Nile virus found in humans or horses in Delaware this year to date; public urged to continue personal protection practices until the end of mosquito season

Delaware’s Department of Natural Resources and Environmental Control, Division of Public Health, and Department of Agriculture announced Sept. 14 the first finding this year in Delaware of a West Nile virus-infected dead wild bird: a crow collected by DNREC’s Mosquito Control Section on Sept. 2 from the Westgate Farms area southeast of Hockessin in northern New Castle County.

The positive test results were reported by the Delaware Public Health Laboratory on Sept. 13. Although this new finding for 2005 is not cause for alarm, since both Eastern Equine Encephalitis – found last month in two sentinel chickens monitored for mosquito-borne diseases – and West Nile virus have now been found in Delaware this year, it is important that Delawareans take personal protections throughout the mosquito season which typically ends in late autumn with a hard freeze.

The Division of Public Health and Mosquito Control recommend that residents and visitors protect themselves by preventing mosquito bites and mosquito breeding at their homes. Prevention includes using insect repellent containing DEET (less than 50 percent for adults; less than 30 percent for children) or picaridin, wearing protective clothing from dusk to dawn when mosquitoes are most likely to bite, and controlling standing water that can provide mosquito-breeding sites.

According to the Division of Public Health, 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. There is no human vaccine against West Nile virus.

So far this year, there have been no findings of West Nile virus in humans or horses or at any of Mosquito Control’s 22 sentinel chicken monitoring stations around the state, said William Meredith, Mosquito Control Section administrator. However, this first finding of West Nile in a wild bird “could be indicative of a flurry of virus activity yet to come,” said Meredith, “since late summer through early autumn is the peak time of year for West Nile virus transmissions.”

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. Equine vaccines for both viruses are available through veterinarians.

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As of Sept. 6, West Nile virus activity reported to the Centers for Disease Control and Prevention shows that, nationally, there have been 821 human cases of West Nile virus this year that resulted in 18 deaths, with the hardest hit states being California, South Dakota, Illinois and Louisiana. In the mid-Atlantic region this year, there have been 10 human cases in Pennsylvania and one case in Maryland, but no human cases yet in Delaware, New York, New Jersey or Virginia. West Nile virus has also been found this year in mosquito collections taken in New York, New Jersey, Pennsylvania, Maryland and Virginia.

Any tropical storms or hurricanes that bring significant rainfall along the mid-Atlantic coast could lead to increased production of mosquitoes, if Delaware is inundated in combination with warm early autumn weather, noted Meredith. Mosquito Control will expand its monitoring efforts in northern New Castle County with nightly light trap collections of adult mosquitoes, landing rate counts taken by field inspectors, and investigating any public reports of high numbers of biting mosquitoes, landing rate counts taken by field inspectors and investigating public reports of high numbers of biting mosquitoes. Mosquito Control uses trucks or aircraft to apply EPA-registered insecticides as warranted to reduce mosquito populations.

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 following numbers below. The numbers can also be called to report mosquito problems. Residents should wear gloves and avoid direct skin contact when handling 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, (302) 739-5617.

For questions about West Nile virus in animals, call DDA at 1-800-282-8685 and ask for Poultry and Animal Health.

For questions about mosquito biology or control, call DNREC, (302) 739-9917.

Yard Waste Management Committee Meeting Set for Sept. 28

The Delaware State Yard Waste Management Committee will hold its second meeting Wednesday, Sept. 28 from 1 to 4 p.m. at the Paradee Building in Dover. The Paradee Building is on Route 113 South, across from the Blue Hen Corporate Center.

The agenda includes the following items:

- Updates on Subcommittee Activities:
 1. Separation/Collection/Transport Subcommittee
 2. Processing Subcommittee
 3. Marketing/Business Model Subcommittee
 4. Education Subcommittee
- Discussion of Possible Site Visits (as recommended by Processing Subcommittee)
- Discussion of Structure for Integrating Committee Recommendations

The Department of Natural Resources and Environmental Control formed the Yard Waste Management Committee in the wake of efforts to enact legislation (S.B. 225) to divert recyclable and reusable material from the state's waste stream that ultimately is deposited into landfills. The committee is composed of a broad range of Delaware stakeholders, including local government officials, private waste haulers, community and environmental non-profit organizations, private companies

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with experience with yard waste and composting operations, and the Delaware Solid Waste Authority.

The proposed legislation would require residents to keep yard waste separate from other trash and would require trash haulers to take the yard waste to composting and mulching facilities rather than to landfills. This requirement would save resources and prolong the life of landfills in the state as well as provide an incentive for the creation and expansion of small businesses that could turn the diverted material into a valuable resource. The bill was offered at the end of the 2005 legislative session and garnered co-sponsorship from nearly two dozen members.

The Yard Waste Management Committee will help provide authoritative information about the practicality, cost and benefits of different yard waste management options.

For further information contact Janet Manchester, Solid and Hazardous Waste Management Branch, Division of Air and Waste Management, (302) 739-9403.

Public Hearing on Regulations Governing Stormwater Discharges Associated with Industrial Activities Set for Sept. 29 in Dover

The Department of Natural Resources and Environmental Control's Surface Water Discharges Section, in conjunction with the department's Sediment and Stormwater Program will hold a public hearing at 6 p.m. Thursday, Sept. 29 on proposed revisions to the Regulations Governing Storm Water Discharges Associated with Industrial Activities and Special Conditions for Stormwater Discharges Associated with Construction Activities.

Highlights of the proposed changes to the Regulations Governing Stormwater Discharges Associated with Industrial Activities include:

1. a conditional "no exposure" exclusion that allows facilities with industrial materials and activities entirely sheltered from storm water a simplified way to comply with permitting requirements by submitting a "No Exposure" certification form for exclusion from monitoring and stormwater plan requirements in their permits; and
2. benchmark monitoring which requires facilities with a high potential to discharge a pollutant at concentrations of concern to conduct semi-annual analytical monitoring of stormwater samples for comparison with benchmark monitoring concentration values used for indications of potential impairment of water quality in water bodies receiving the stormwater discharge.

Highlights of the proposed changes to the Special Conditions for Stormwater Discharges Associated with Construction Activities include:

1. a condition allowing for transfer of control of permitted activities to a subsequent operator, such as a new owner;
2. a condition allowing for co-permittees, such as the land developer and the individual homebuilders in a residential project, to share operational control of site activities;
3. a weekly self-inspection, recordkeeping and reporting component; and
4. termination of coverage requirements that include compliance with the approved plan, approval of as-built documents, final stabilization that comprises uniform perennial vegetative cover and submittal of a Notice of Termination form.

The proposed Regulations Governing Stormwater Discharges Associated with Industrial Activities is available at the DNREC website, www.dnrec.state.de.us/water2000/SiteMap/SiteMap1.asp?Type=RE.

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The proposed Special Conditions for Stormwater Discharges Associated with Construction Activities is available on the DNREC website at www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm.

Statements may be presented orally or in written form at the hearing. Individuals interested in presenting statements are asked to register in advance by mail, email or telephone. Interested individuals unable to attend the hearing may submit written statements, postmarked by Oct. 3, 2005 to: Amber N. Moore, General Permit Program, Surface Water Discharges Section, 89 Kings Highway, Dover, DE 19901, (302) 739-9946, email, amber.moore@state.de.us; and Elaine Webb, Construction Activities, Sediment and Stormwater Program, 89 Kings Highway, Dover, DE 19901, (302) 739-9921, email, Elaine.webb@state.de.us.

For information about the public hearing or to request copies of the proposed regulations, please contact Amber N. Moore, (302) 739-9946 regarding the permit program and Elaine Webb, (302) 739-9921 regarding construction activities.

Public Workshop Set for Sept. 29 on Proposed Amendment to Regulation Concerning Accidental Release Prevention

The Department of Natural Resources and Environmental Control's Emergency Prevention and Response Branch will hold a public workshop concerning a proposed amendment to Regulation 1201, accidental release and prevention, on Thursday, Sept. 29 from 10 a.m. to noon in the Division of Air and Waste Management Conference Room, 715 Grantham Lane, New Castle, Del.

The proposed amendment will bring the Delaware regulation into agreement with the changes made by the U.S. Environmental Protection Agency in 1999, 2000 and 2004. Those changes established procedures for protecting confidential information, amended the regulations to conform to the fuels provision of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act and required that chemical facilities subject to the accidental prevention regulations submit information on a timelier basis after accidents.

The proposed amendment will also simplify risk management plan submissions for facilities subject to the Delaware-only section and revise the toxic and flammable list of regulated substances to conform to updates made by the American Industrial Hygiene Association.

Drafts of the planned amendment will be provided and the format of the workshop encourages attendees to ask questions and participate in open discussion concerning the proposed amendment.

For more information, please contact Jay Brabson, Division of Air and Waste Management, (302) 323-4542.

Maritime Festival on Tap Oct. 1 at Biden Center

On Saturday, Oct. 1, in conjunction with the Town of Lewes Boast the Coast celebration, the Biden Center at Cape Henlopen State Park will host talks on the role of Lewes in the War of 1812 and the life of a Delaware waterman.

At 10 a.m. Charles Fithian, curator of archaeology for the state's Division of Historical and Cultural Affairs, will talk about "The Forgotten War: The Landscape, Historic Places and Maritime

Activities of the War of 1812.” He will focus on maritime and naval activities, such as the British Blockade and bombardment of Lewes in 1813.

At 2 p.m., “Thumper,” a waterman from North Bowers Beach, will talk about his life as a Delaware Bay waterman and his efforts to restore a Delaware Bay Schooner, the Maggie Myers.

Both events are free at the Biden Center, but there is a charge to get into the park. Call the Biden Center at 302-644-5005 for more information.

For more information, contact Biden Center Manager Mary Wagner, (302)644-5005.

EPA Awards \$1.4 Million Grant to Delaware for Controlling Stormwater Runoff

The U.S. Environmental Protection Agency has awarded a \$1.4 million grant to help control pollution from stormwater runoff throughout Delaware.

The grant, which goes to the Delaware Department of Natural Resources and Environmental Control’s non-point source program, will be combined with almost \$1 million in state and local funds to support storm water projects.

“EPA is pleased to work with Delaware as a partner in supporting innovative approaches to cleaning up waterways that have been impaired by storm water runoff from agricultural, residential, commercial and industrial areas,” said Donald S. Welsh, regional administrator for EPA’s mid-Atlantic Region.

Storm water pollution – sometimes called non-point source pollution – is caused by rainfall or melting snow moving over or through the ground and carrying natural or human-made pollutants into lakes, streams, rivers, oceans and other water bodies.

Some of the projects supported with the funding include:

- Working with shoreline property owners to develop erosion-control projects that will help stabilize and protect the Delaware shoreline.
- A tree planting program by Delaware’s Department of Agriculture Forest Service to develop riparian buffers in rural and urban environments throughout the state.
- Working with farmers to develop nutrient management plans and assist them with applications for dairy manure storage systems, poultry manure storage systems, poultry composters, nutrient management plans, and cover crops.
- Installing manmade ponds, filtration systems and piping to better control storm water runoff throughout the Inland Bays Watershed in Sussex County.
- Assess and restore a subwatershed in the Hockessin Village area of New Castle County at the headwaters of Mill Creek. This would include using best management practices and mitigation.

For more information, contact Roy Seneca, EPA, (215) 814-5567; or Robert Palmer, DNREC Nonpoint Source Pollution Program, (302) 739-9922.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2004-15: **Amendment to Regulations Governing the Control of Water Pollution.** This action establishes a general permit program for Confined Animal Feeding Operations (CAFOs). DNREC

developed the proposed regulations cooperatively with the Department of Agriculture, Delaware Nutrient Management Commission, Natural Resources Conservation Service and the University of Delaware. Contact Peder Hansen, 739-9946. **Effective date – Sept. 11, 2005**

2004-17: Amendment to Regulation 25 “Requirements for Preconstruction Review” of Delaware’s Regulations Governing the Control of Air Pollution. This action addresses the EPA new source review reforms and ensures that Regulation 25 is, overall, at least as stringent as the federal requirements. Contact Gene Pettingill, 323-4542. **Effective date – Aug. 11, 2005**

2004-10: Amendment to Delaware’s Phase II Attainment Demonstration State Implementation Plan by completing the mid-course review requirement. Delaware is required to submit to EPA a plan revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005. The mid-course review will analyze Delaware’s ambient air quality and emission data to demonstrate that (1) adequate progress in emission control has been made under the 1-hour ozone standard that will be revoked in 2005, and (2) such progress is consistent with attaining the new 8-hour ozone standard in 2010. Contact Frank Gao, 323-4542. **Effective date – July 11, 2005**

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action revises the cap or limit in light of recently collected data. It amends the original regulation adopted in December 2001 and applies 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. **Effective date – June 11, 2005**

2003-17: Amendments to Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action updates the regulations to include statutory changes that authorize DNREC to establish an inspector license category with inspection protocol for inspecting all septic systems in Delaware, and modifies requirements for the use of a community-sized on-site wastewater system. Contact Jack Hayes, 739-9948. **Effective date – April 11, 2005**

April 21, 2005 – Appeal filed by The Home Builders Association of Delaware with the Environmental Appeals Board.

2003-18: New “Regulation, 45, Anti-Idling Regulation” of the state’s Regulations Governing the Control of Air Pollution. This action regulates 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, 739-9402. **Effective date – April 11, 2005**

2005-01: Amendments to Tidal Finfish Regulations affecting the 2005 recreational summer flounder fishery and recreational black sea bass fishery. Delaware can maintain the same management measures used in 2004 for the 2005 recreational summer flounder fishery since the harvest cap was not exceeded in 2004. Another amendment to the tidal finfish regulations eliminates

any reference to a closed season for recreational black sea bass anglers in 2005, because the coast wide requirements for recreational black sea bass fishermen in 2005 are a 12-inch minimum size length with a 25-fish creel limit and no closed season. Contact Richard Cole, 739-4782. **Effective date – April 11, 2005**

2004-11: Amendment to Regulations Governing Tidal Finfish No. 3553: River Herring Creel Limit. This action establishes a possession limit for river herring at 25 per day unless the possessor has a valid commercial fishing license or a receipt from a commercial fisherman for the river herring. The possession limit was proposed to prevent establishment of a bait fishery for river herring in tidal tributaries. This regulation does not affect normal commercial fishing operations but will impact recreational fishermen who take live river herring as bait for sale. Contact Roy Miller, 739-9914. **Effective date – March 11, 2005**

2004-08: Amendments to Non-tidal Fishing Regulations. This action makes it unlawful for anyone to transport, purchase, possess, stock into public or private waters of the state or sell live northern snakehead fishes without the written permission of the Director of the Division of Fish and Wildlife. Contact Roy Miller, 739-9914. **Effective date – March 11, 2005**

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:

2005-08: Amendments to the Accidental Release Prevention Regulation. This action reflects amendments to the delegated federal rule 40 CFR Part 68 made by the EPA in January 1999, March 2000 and April 2004, undertaken to prevent accidental releases and mitigate consequences of such releases by focusing on prevention measures for extremely hazardous substances as listed. Contact Jay Brabson, 323-4542

Public workshop – Sept. 29, 10 a.m.-noon, DNREC Air and Waste Management Conference Room, 715 Grantham Lane, New Castle.

2005-07: Amendments to Tidal Finfish Regulations affecting winter flounder. This action would increase the minimum size from 10 inches to 12 inches, establish a possession limit for recreational fishermen of 10 winter flounder per day and establish a 60-day open season per year for recreational fishing for winter flounder. Any open season during March and April must include a 20-day closure period each year for compliance with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder. Contact Roy Miller, 739-9914

2005-06: **Revisions to Regulations Governing Underground Storage Tank Systems.** This action reflects advances in underground storage tank system technology that have occurred since the last revision of the regulations in 1995 to ensure protection of Delaware's natural resources. The regulations impact owners and operators of underground storage tanks greater than 110 gallons containing a regulated substance with the exception of certain classes of heating fuel underground storage tanks. Contact Jill Hall, 395-2500

2005-05: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Marshyhope Creek, Choptank River, Chester River, and the Pocomoke River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the Marshyhope Creek, Choptank River, Chester River and Pocomoke River. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-04: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the St. Jones River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the St. Jones River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-03: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the Broadkill River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of the Broadkill River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2004-16: **Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Shellpot and Naamans Creek in Delaware.** This regulation will establish a cap for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of Shellpot Creek and Naamans Creek. This action is necessary to improve water quality and help maintain fishable and swimmable waterways for citizens of the state. Contact John Schneider, 739-4590

2004-14: **Amendment to Surface Water Quality Standards.** This action will clarify the way in which fecal enterococci determined to be of wildlife origin are considered when implementing water quality standards. Typographical errors in the existing regulation will also be corrected. Contact John Schneider, 739-4590

2004-09: **Delaware's proposed 2002 Milestone Compliance Demonstration.** This is a required step to attain the 1-hour National Air Quality Standard for ground-level ozone in Kent and New Castle counties. Delaware is required to submit a plan revision for each milestone year (1996, 1999, 2002 and 2005) to demonstrate that the actual emissions of volatile organic compounds and/or oxides

of nitrogen in Kent and New Castle counties to not exceed the required emission targets specified in Delaware's Rate-of-Progress Plans. This action is to conduct a compliance analysis for the milestone year of 2002. Contact Frank Gao, 323-4542

2004-07: Revisions to Regulations Governing Hazardous Substance Cleanup. This action will establish procedures for implementing the Brownfields Development Program, including participation in the new program, presumptive project and investigation procedures and work plans, public notice requirements and risk sharing agreements. Contact James Poling or Paul Will, 395-2636.

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, 739-9403

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 James Short, 739-9403

2003-19: 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, 739-9283

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 regulation to control the emissions from stationary generators. In general, emissions from on-site electric generating units, such as emergency generators as well as generators typically known as distributed generation units, are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and emit much higher rates of air contaminants per kilowatt-hour of power than larger units, and contribute to the 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 has initiated this action to specifically control this category of emitters. Contact Mark Prettyman, 739-9402

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, 739-9921

2003-03: Re-issuance of the Regulations Governing Storm Water Discharges Associated with Industrial Activities. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-9946

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

2000-23: Amendments to Regulation 24, Control of Volatile Organic Compound (VOCs) Emissions. This action would add a new section to the air pollution control regulations in order to control VOC emissions from lightering operations. Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

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