

**DELAWARE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**

DIVISION OF AIR AND WASTE MANAGEMENT

SITE INVESTIGATION AND RESTORATION BRANCH

**HAZARDOUS SUBSTANCE CLEANUP ACT POLICY ON BROWNFIELD
GRANTS**

OPERATIONS AND MAINTENANCE/LONG TERM STEWARDSHIP

June 15, 2009

I. PURPOSE

- (1) The purpose of this Policy is for the Department of Natural Resources and Environmental Control (DNREC or the Department), Site Investigation and Restoration Branch (SIRB) to provide Brownfields Grant funding for Operations and Maintenance/Long Term Stewardship (O&M/LTS) activities. O&M/LTS activities are integral to the remediation of brownfield sites as they support 'monitoring activities' critical to the sustainability of cleanup efforts (7 Del. C., § 9103(22) and Subsection 8.9: Periodic Review of the *Delaware Regulations Governing Hazardous Substance Cleanup*).
- (2) Permitting Brownfields Grant Funding for O&M/LTS activities may simultaneously reduce the cost of remediation per site, thus preserving funds, and will further provide financial support for continued monitoring and oversight.

II. FUNDING

- (1) Monies awarded under this Policy may be used solely for Uniform Environmental Covenant Act (UECA) and/or O&M/LTS activities subsequent to the issuance of a Certificate of Completion of Remedy (COCR). For the purposes of this Policy UECA shall include land use controls and other non-sampling restrictions, and O&M/LTS shall refer to engineering controls and any other remedial action as deemed appropriate by the Department.
- (2) There is authorized up to twenty-five thousand dollars (\$25,000.00) per eligible public or non-profit entity from the Brownfields Grant Fund (Fund) for approved O&M/LTS and UECA activities. These include visual or land use inspections as well as activities that require testing or sampling. UECA activities that involve visual or land use inspections alone shall not be reimbursed above \$30.00 (thirty dollars) per hour.

- (3) There is authorized up to ten thousand dollars (\$10,000.00) per eligible private entity from the Fund for approved O&M/LTS activities. These include only activities that require testing or sampling and shall be reimbursed at the standard rate for an approved technician.
- (4) This reimbursement shall not be considered in addition to the Funding limits applicable to eligible brownfield developers, but rather as a part of their allowable Brownfields funding amount.

IV. MISCELLANEOUS

- (1) The *Brownfield Grant Eligible Expenses Guidance* shall be amended to eliminate line item number 8 on page one under the heading, "Such non-reimbursable costs include".
- (2) The *Brownfield Grant Eligible Expenses Guidance* shall be amended to add a new Section 13 – 'Operation & Maintenance/Long Term Stewardship' to incorporate the terms referenced herein.
- (3) Any Brownfields grant decision under this Policy is in the sole, non-reviewable discretion of the Secretary or his designee.
- (4) This Policy may be amended as needed by the Director of the Division of Air and Waste Management (DAWM) without prior approval by the Secretary.

Approved by:

Marjorie A. Crofts, Acting Director

Date