

The biweekly E-News Update features current information on the Divisions of Air Quality (DAQ) and Waste and Hazardous Substances (WHS) regarding public meetings, workshops, hearings, and regulatory documents available for public comment, as well as general news updates.

Suggestions? Additions? Please call Caroline Miller Horton at 302-739-9400, or send an email to caroline.miller-horton@state.de.us

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Published by the Divisions of Air Quality and Waste and Hazardous Substances.

SECRETARY'S ORDERS

Secretary's Order No. 2019-WH-0001

RE: Approving Final Regulations to Amend 7DE Admin. Code 1302: Regulations Governing Hazardous Waste. Hearing officer's report included.

UPCOMING AIR & WASTE, RELATED HEARINGS, MEETINGS, & EVENTS

LEGAL NOTICE - PUBLIC HEARING

The Department of Natural Resources and Environmental Control, Site Investigation and Restoration Section (DNREC-SIRS) will conduct a public hearing on the proposed amendments to 7 DE Admin. Code 1375, Regulations Governing Hazardous Substance Cleanup. The aforementioned Regulations include the Brownfields Development Program, which is intended to provide liability protection to parties who did not cause or contribute to a release of hazardous substance on a real property. The intent of the proposed amendments is to clarify the distinction between a 'certified brownfield' and a 'facility'. The public hearing on the proposed amendments to 7 DE Admin. Code 1375 will be held **January 9 at 6:00 PM** at the DNREC R&R Auditorium located at 89 Kings Highway, Dover, Delaware 19901.

The proposed amendments may be inspected at the Department's offices located at 391 Lukens Drive in New Castle, Delaware, 19720, or on the DNREC-SIRS Website at the following link:

<http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/default.aspx>

For additional information, or to make an appointment to inspect the proposed amendments, please contact Jill Williams-Hall at the DNREC-SIRS, 391 Lukens Drive, New Castle office at 302-395-2600 or jill.hall@state.de.us.

Persons wishing to comment on the aforementioned proposed amendments may do so either orally or in written form at the public hearing on January 9, 2019. The hearing record will remain open for receipt of comment through close of business on Thursday, January 24, 2019. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via either email to lisa.vest@state.de.us or via USPS to the following address:

Lisa A. Vest, Public Hearing Officer

DNREC – Office of the Secretary

89 Kings Highway, Dover DE 19901

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4494&Source=http%3A%2F%2Fwww.%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

NOTICE OF PUBLIC HEARING - Change of date for Bloom Energy (Diamond State Generation Partners, LLC) Public Hearing

Please be advised that the date for DNREC's public hearing on Regulation No. 1102 Natural Minor construction permit applications submitted by Bloom Energy (Diamond State Generation Partners, LLC) to replace all fuel cells at Bloom's Red Lion site located at 1593 River Road, New Castle and Bloom's Brookside site located at 512 E. Chestnut Hill Road, Newark, previously scheduled for Thursday, Dec. 27, 2018, has been rescheduled for **Thursday, Jan. 10 at 6 PM** at the DNREC Division of Waste and Hazardous Substances Office, 391 Lukens Drive, New Castle, DE 19720.

The 13 Bloom Energy 200 kW ES5-BABAAA servers to be located at the Brookside site totaling 2.6 MW, will be permitted to emit 0.0012 tons per year of SO₂, 0.019 tons per year NO_x, 0.387 tons per year CO, and 0.181 tons per year VOC by Permit# APC-2019/0032-CONSTRUCTION. The 134 Bloom Energy 200 kW ES-5700 servers to be located at the Red Lion site totaling 24.9 MW will be permitted to emit 0.011 tons per year of SO₂, 0.19 tons per year of NO_x, 3.71 tons per year of CO, and 1.73 tons per year of VOC by Permit# APC-2019/0031-CONSTRUCTION. The application, draft permit and technical memorandum may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, DE 19904 and at 715 Grantham Lane, New Castle, DE 19720.

Persons wishing to offer comment on this permit application may do so either orally or in written form at the public hearing on Thursday, Jan. 10, 2019. In lieu of attending the hearing, written comments may be submitted to the Hearing Officer via either email to lisa.vest@state.de.us or via USPS to the following address:

Lisa A. Vest, Hearing Officer

Office of the Secretary

Department of Natural Resources and Environmental Control

89 Kings Highway

Dover, Delaware 19901

DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A DOVER, DE 19904, (302) 739-9402. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4511&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

NOTIFICATION OF PUBLIC HEARING FOR THE A.M. DOMINO, JR. SALVAGE SITE (DE-1173)

Pursuant to the Hazardous Substance Cleanup Act (HSCA), 7 Del. C. § 9109(a)(3)(c), the Department of Natural Resources and Environmental Control's Site Investigation and Restoration Section has scheduled a public hearing at the request of Respondent, A.M. Domino, Jr., regarding the issuance of Secretary's Order 2018-WH-0054, requiring remedial actions to be completed at the A.M. Domino, Jr. Salvage Site (Site), pursuant to the Final Plan of Remedial Action for the Site.

The public hearing will be held at 10 a.m. on Wednesday, **January 16** at the offices of DNREC-SIRS, 391 Lukens Drive, New Castle, Delaware 19720.

Please contact DNREC's project officer, Eileen Capitoli at 302-395-2600 with any questions. For more information about the Site, please see DNREC's navigator at:

<http://www.nav.dnrec.delaware.gov/DEN3>. For more information

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4524&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

DIVISION OF AIR QUALITY

OPT-IN! THE DELAWARE DIVISION OF AIR QUALITY (DAQ) is committed to working with citizens to continuously optimize Delaware's air quality and protect public health, welfare, and the environment. To determine that the DAQ is meeting the air quality needs of the citizens across the state, we encourage you to participate in our opt-in list. In the future you will receive surveys that will allow us to analyze our performance. You can access the opt-in list by clicking: https://survey.co1.qualtrics.com/jfe/form/SV_1RGZGUYt8fSuqkB

AIR QUALITY PERMITTING PROGRAM – Notice has been given that the facilities listed below have submitted applications for air quality management permits. The applications, the “draft/proposed” permits, all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the “draft/proposed” permit, may be inspected at the offices of the Division of Air Quality, 100 W. Water Street, Suite 6A, Dover, 19904. **All comments and public hearing requests** should be mailed to the following address: DIVISION OF AIR QUALITY, 100

W. Water Street, Suite 6A, Dover 19904. To submit comments, for additional information, or for an appointment to inspect the application, please contact Tracy Mattson at (302) 739-9402.

Title V Significant Permit Modification Applications

Notice is hereby given that Delaware Municipal Electric Corporation having a facility at the Warren F. "Sam" Beasley Power Station on 217 Artisan Drive, Smyrna, Delaware, has submitted a request for significant permit modification pursuant to 7 DE Admin. Code 1130, Section 7 for operating Permit: AQM-001/00152 (Renewal 3)-Revision 1. Based on the data and certifications contained in the application, the Division of Air Quality concludes that the applicant meets all applicable requirements promulgated by the Environmental Protection Agency (EPA) and the Department of Natural Resources and Environmental Control (DNREC). Therefore a "Draft/Proposed" significant permit modification has been prepared. This "Draft/Proposed" significant permit modification revises numerical limits for NOx emissions for both combustion turbines during startups and shutdowns. Furthermore, visible emissions monitoring requirements for the 750 kW Black Start emergency generator have been revised for consistency with recent permits issued for similar sources. Facility-wide emission limits remain unchanged. The application, the "Draft/Proposed" significant permit modification, (AQM-001/00152 (Renewal 3)-Revision 1), all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the "Draft/Proposed" significant permit modification may be inspected at the offices of the Division of Air Quality, State Street Commons, 100 W. Water Street, Suite 6A, Dover, Delaware and 715 Grantham Lane, New Castle, Delaware. To submit comments, for additional information or for an appointment to inspect the application, please contact Tracy Mattson at the Dover Office at 739-9402.

The "Draft/Proposed" significant permit modification is being submitted to EPA for concurrent processing. If there are no significant comments, the "Draft/Proposed" significant permit modification will be issued as a final permit after expiration of the EPA review period.

A public hearing concerning the permitting action will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such hearing within thirty (30) days from the date of this notice, ending **January 15, 2019**. A request for a hearing shall be in writing and must show a familiarity with the application and a reasoned statement of the significant permit modification's probable impact.

DIVISION OF AIR QUALITY, STATE STREET COMMONS 100 W. WATER STREET, SUITE 6A, DOVER, DE 19904, (302) 739-9402. You may also visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4522&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

SITE INVESTIGATION AND RESTORATION SECTION (SIRS) is responsible for the identification, evaluation, and remediation of sites in Delaware that have had past releases of hazardous substances. The section manages the contaminated sites under three major programs in accordance with the Hazardous Substance Cleanup Act (HSCA). The three programs are the **Brownfields Development Program, the Voluntary Cleanup Program (VCP), and the HSCA Enforcement Program** (for sites requiring enforcement action).

The Brownfields Development Program encourages the cleanup and redevelopment of either the entire property, the expansion of the property, or the reuse of the property which may be hindered by the reasonable held belief that the property may be contaminated. A party seeking to develop such a property negotiates with SIRS for a **Brownfields Development Agreement (BDA)** to perform an investigation and, if necessary, a remedy, for the purpose of addressing the risks posed by past releases of hazardous substances at these sites. However, a BDA is only available to parties that are not current owners or operators of the site. The **Voluntary Cleanup Program (VCP) Agreement** is available to site owners who want to clean up their sites and are already liable as a potentially responsible party for the site.

The Proposed and Final Plans of Remedial Action listed below outline site cleanup activities and covenants and are available online at:

<http://www.dnrec.delaware.gov/whs/awm/SIRB/Pages/SIRBPlans.aspx> under "Announcements." For site-specific information, please see DNREC's Environmental Navigator at:

<http://www.nav.dnrec.delaware.gov/DEN3>

LEGAL NOTICE - FINAL PLAN OF REMEDIAL ACTION FOR THE HESSLER PROPERTY SITE (OPERABLE UNIT 2) (DE-1203)

The Department has adopted a plan regarding the clean-up of Operable Unit 2 of the Hessler Property Site located at 401 Garasches Lane and 610 South Market Street Wilmington. The Site was heavily filled with construction waste and other debris and most recently used as a lay-down and storage area for steel products. OU-2 consists of the shallow soils (the top two (2) feet of soil) located on tax parcel 26-057.00-05. The remedy will require the following: Construction and maintenance of a lined and fenced sediment stockpile area, recording an environmental covenant restricting digging and the use of groundwater, and submittals for DNREC's approval of a Contaminated Materials Management Plan and a Long Term Stewardship Plan.

DNREC issued public notice of the Proposed Plan for the Hessler Property OU-2 Site on November 21, 2018. There were no comments or questions from the public regarding the Proposed Plan. Details of the Final Plan are available at the office of DNREC-SIRS (391 Lukens Drive, New Castle, DE, 19720), or online at:

<http://www.dnrec.delaware.gov/whs/awm/SIRB/Pages/SIRBPlans.aspx>

For additional information, please contact Kristen Thornton, Project Manager at (302) 395-2600 or via email at Kristen.Thornton@state.de.us. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4526&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

LEGAL NOTICE - PROPOSED PLAN OF REMEDIAL ACTION FOR THE General Motors Corp. Wilmington Assembly Plant OU- 5 (DE-1149)

The Department invites public comment on a proposal to clean up a portion of the General Motors Corp. Wilmington Assembly Plant Operable Unit 5 located in Wilmington, Delaware. OU-5 soil was impacted by antimony, arsenic, cadmium, and lead.

DNREC-SIRS will be holding a community workshop on the Proposed Plan for OU-5 on Wednesday, **January 16 from 6 pm to 8 pm** at the Five Points Fire Hall, 200 S. Maryland Avenue, Wilmington, DE.

Details of the Proposed Plan are available at the office of DNREC-SIRS (391 Lukens Drive, New Castle, DE, 19720), or online at <http://www.nav.dnrec.delaware.gov/DEN3/>

The comment period ends on **January 28**. For additional information, please contact Rick Galloway, Project Manager at (302)395-2600 or rick.galloway@state.de.us. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4541&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

LEGAL NOTICE - PROPOSED PLAN OF REMEDIAL ACTION FOR THE CAVALIERS COUNTRY CLUB - OPERABLE UNIT 1B Site (DE-1600)

The Department invites public comment on a proposal to clean-up Cavaliers Country Club - Operable Unit 1B (OU-1B or Site) located at 100 Addison Drive in Newark. The Site is part of a former 18-hole golf course that has been divided into three operable units, OU-1A, OU-1B, and OU-2, to facilitate cleanup and redevelopment. Cavaliers Country Club-OU-1B consists of approximately 70 acres located on the eastern portion of the 18-hole golf course including the club house and parking lot.

Cavaliers Country Club-OU-1B will be subject to the following remedial actions: the submittal of a Remedial Action Work Plan, which specifies the methods to be used to remediate the site including the removal and disposal of primarily arsenic-impacted soils, blending of arsenic-impacted soils, or capping with impervious material (e.g., buildings, asphalt, or concrete) to meet DNREC Hazardous Substance Cleanup Act (HSCA) standards for all contaminants; and the recording of an Environmental Covenant restricting property use types, interference with the

remedy, limiting groundwater withdrawal, requiring compliance with the Long-Term Stewardship (LTS) Plan, and compliance with the Contaminated Materials Management Plan (CMMP). Details of the Proposed Plan are available at the office of DNREC-SIRS (391 Lukens Drive, New Castle, DE, 19720) or online at: <http://www.nav.dnrec.delaware.gov/DEN3/> The comment period ends on **January 28**. For additional information, please contact Christina Wirtz, Project Manager at (302) 395-2600 or via email at: Christina.Wirtz@state.de.us. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4539&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

LEGAL NOTICE - PROPOSED PLAN OF REMEDIAL ACTION FOR THE CAVALIERS COUNTRY CLUB - OPERABLE UNIT 1A Site (DE-1600)

The Department invites public comment on a proposal to clean-up Cavaliers Country Club - Operable Unit 1A (OU-1A or Site) located at 100 Addison Drive in Newark. The Site is part of a former 18-hole golf course that has been divided into three operable units, OU-1A, OU-1B and OU-2, to facilitate cleanup and redevelopment. Cavaliers Country Club-OU-1A consists of approximately 72 acres located on the western half of the 18-hole golf course, and a portion of the eastern half of the golf course for use as utility corridors, a walking path and open space. Cavaliers Country Club-OU-1A will be subject to the following remedial actions: the submittal of a Remedial Action Work Plan, which specifies the methods to be used to remediate the site including the removal and disposal of primarily arsenic-impacted soils, blending of arsenic-impacted soils, or capping with impervious material (e.g., buildings, asphalt, or concrete) to meet DNREC Hazardous Substance Cleanup Act (HSCA) standards for all contaminants; and the recording of an Environmental Covenant restricting property use types, interference with remedy, limiting groundwater withdrawal, requiring compliance with the Long-Term Stewardship (LTS) Plan, and compliance with the Contaminated Materials Management Plan (CMMP).

Details of the Proposed Plan are available at the office of DNREC-SIRS (391 Lukens Drive, New Castle, DE, 19720) or online at: <http://www.nav.dnrec.delaware.gov/DEN3/>

The comment period ends on **January 28**. For additional information, please contact Christina Wirtz, Project Manager at (302) 395-2600 or via email at: Christina.Wirtz@state.de.us. You may also

visit: <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=4538&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeld=0x010034FD6D348B0CF04392485E93FC15AB3A>

CONTACT INFORMATION

24-Hour Environmental Report and Spill Notification Line - 1-800-662-8802

Aboveground Storage Tanks - 302-395-2500

Air Quality - New Castle Office - 302-323-4542

Air Quality – Kent & Sussex – 302-739-9402

Asbestos New Castle - 302-323-4542

Asbestos Kent & Sussex - 302-739-9402

Biosolids Permits - 302-739-9946

Boiler Safety - 302-395-2500

Brownfields - 302-395-2600

Community Ombudsman - 302-739-9040

Community Services - 302-739-9959

Delaware Estuary Program - 302-739-9283 (Delaware Coastal Management Program)

Division of Air Quality Director's Office - 302-739-9402

Division of Energy & Climate - 302-735-3480

Division of Waste and Hazardous Substances Director's Office - 302-739-9400

Division of Water Information - 302-739-9950

Dock/Dredging/Bulkheads/Rip-Rap/Wetlands & Subaqueous Lands - 302-739-9943

Emergency Prevention and Response - 302-739-9404

Environmental Crimes Unit - 302-739-9401 or 1-800-662-8802

Environmental Laboratory - 302-739-9942
Hazardous Waste - 302-739-9403
Hazardous Chemical and Toxic Release Inventories – 302-739-9404
Industrial Stormwater Permits - 302-739-9946
Loans & Grants for Wastewater and Septic's (Environmental Finance) - 302-739-9941
Medical Waste - 302-739-9403
Non-Hazardous Liquid Waste Transporters - 302-739-9948
On-site Wastewater Licensing Program - 302-739-9948
Open Burning - 302-739-9402
Outreach Ombudsman - 302-395-2600
Recycling - 302-739-9403
Septic System Permits - Large Systems (Community & I/A) Statewide - 302-739-9948
Septic System Permits - Small Systems for Kent & New Castle Counties - 302-739-9947
Septic System Permits - Small Systems for Sussex Co. & Holding Tank Compli. Program - 302-856-4561
Site Investigation & Restoration Section (Superfund/Brownfields) - 302-395-2600
Small Business Ombudsman - 302-739-9069
Solid Waste - 302-739-9403
Source Water Protection - 302-739-9945
Surface Water Discharge Permits (NPDES) - 302-739-9946
Underground Injection Control & Spray Irrigation - 302-739-9948
Underground Storage Tanks - 302-395-2500
Wastewater Collection, Conveyance, and/or Treatment Facility Construction Permits - 302-739-9946
Wastewater Treatment Facility Operators - 302-739-9946
Water Allocation Permits - 302-739-9945
Water Testing - Drinking Water (Division of Public Health) - 302-741-8630
Water Supply - 302-739-9945
Well Driller's License - 302-739-9944
Well Permits & Licensing - 302-739-9944
Wells - 302-739-9944
Wetlands and Subaqueous Lands Section - 302-739-9943