

DNREC's Brownfield Development Program Process (Summarized Version)

(Detailed version of the Brownfield Process is available at

http://www.awm.delaware.gov/SIRB/Documents/Flow%20Chart%20Summary_2010_10_04.pdf

This summarized version should not be relied upon as a complete description of the Brownfield Process.)

Technical Track

1. Brownfield (BF) Developer enters the BF Program by sending Application to DNREC
** Site gets BF Certification and developer is eligible for funding.*

2. Scoping Meeting and Sampling & Analysis Plan Approval
** Includes a Scoping meeting and preparation of a Site Conceptual Model.*

3. BF Investigation & Reporting
** Includes Sampling, BF Investigation (BFI) Report development and approval, and Interim Action, if needed.*

4. Proposed Plan & Final Plan of Remedial Action
** Proposed Plan based on BFI Report and involves a 20 day comment period and Public Hearing if requested. Final Plan has 20 day appeal period.*

5. Implementation of the Remedial Action
** Includes development and approval of BF Remedial Design & Action Work Plan, Construction Completion, Environmental Covenant and request for COCR.*

6. Certificate of Completion of Remedy (COCR) Issued

Is there residual contamination above unrestricted cleanup standards?

Yes

No

7. Long-Term Stewardship (LTS) including Operation and Maintenance (O&M) Continues

8. Evaluate if unrestricted cleanup standards have been achieved and if yes, proceed to site closure

9. Site Closed and Archived if all cleanup actions are done and restrictions no longer necessary

Legal Track

A. Legal Notice for Brownfield Development Agreement (BDA) Negotiations Drafted & Published (involves 20 day comment period)
** This step occurs after the BF application is received.*

B. BDA Developed & Approved by the Deputy Attorney General (DAG)

C. BDA Signed by DNREC and the Developer (*No Brownfield Reimbursement until BDA is signed*)
** This step occurs after the scoping meeting but before the signing of the Proposed Plan.*

D. Legal Notice for Signing of BDA Drafted & Published (20 day comment period)

E. Environmental Covenant (Drafted, reviewed, signed, and mailed to BF Developer)
** This step occurs after the remedial action is implemented but before the COCR is issued.*

F. Certificate of Completion of Remedy (COCR) (Requested, drafted, signed, recorded, and issued)
** This step occurs once the COCR is requested but before the site is closed out.*