

START ACTION NOTICE

1. Type of Action: Revise the *Delaware Regulations Governing Hazardous Substance Cleanup* (Regulations) to establish new procedures for implementing the Hazardous Substance Cleanup Act (HSCA), including Subchapter II, the Brownfields Development Program.

2. Purpose of Action: HSCA was enacted in 1990. The Regulations implementing HSCA were completed, upon limited revision, in 1996 (the last significant revision occurred in 2002 establishing criteria for designating a Brownfield property). Since 1996, new protocols, investigatory techniques, legal requirements, and the enactment of the Brownfields Development Program have occurred. These changes in the past twelve years have mandated reviews and changes to meet current practices. Major issues include, but are not limited to, participation in the new brownfields program, investigation procedures and work plans, remediation and long-term stewardship (LTS), risk assessment, natural resource damage assessment (NRDA), enforcement, public notice requirements, and risk sharing agreements.

3. Statutory Basis: 7 Del. C. Chapter 91, the Hazardous Substance Cleanup Act.
7 Del. C. Chapter 60, Environmental Control.

4. Likely Affected Public: Prospective purchasers, brownfield developers, potentially responsible parties (PRPs), and affected communities.

5. Proposed Schedule of Activities:

- Begin drafting regulations with participation from the Brownfields Advisory Committee and sub-committees (BAC) August 2008
- Provide public information by posting drafts on the DAWM/SIRB web site including information and progress of BAC meetings September 2008
- Provide public workshops on the draft HSCA regulations November 2008
- Hold public hearing on the draft HSCA regulations January 2009
- Adopt the new HSCA regulations April 2009
- Public education and outreach on adopted SIRB regulations Beginning May 2009
- Enforcement of new HSCA regulations Beginning June 2009

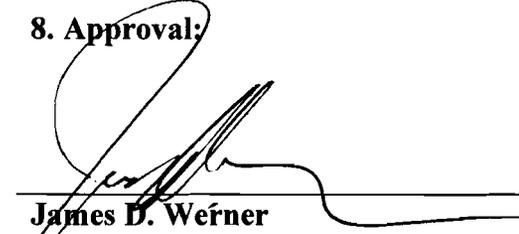
6. Review Committee: The review committee, will include, but not be limited to, DNREC-SIRB Regulations Writing Committee, including Regulation Review sub-committees, Brownfields Advisory Committee (BAC), Solid and Hazardous Waste Management Branch and the Tanks Management Branch and representative branches, and divisions from the DNREC on an as needed basis.

7. Responsible Staff Members:

James M. Poling, Brownfields Administrator, Planner IV
Phone: (302) 395-2636, Fax: (302) 395-2601, e-mail: jim.poling@state.de.us

Kathleen Stiller-Banning, Program Manager II, SIRB, (302) 395-2638, e-mail: kathleen.stiller@state.de.us Qazi Salahudin, Program Manager I, SIRB, (302) 395-2640, e-mail: qazi.salahudin@state.de.us, Paul Will, Program Manager I, SIRB, (302) 395-2626, e-mail: paul.will@state.de.us, Tim Ratsep, Program Manager, SIRB, (302) 395-2606, e-mail: timothy.ratsep@state.de.us

8. Approval:



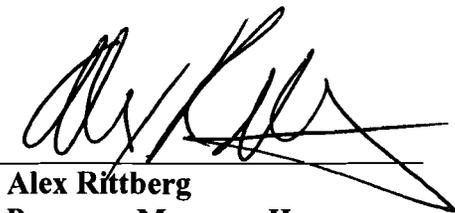
James D. Werner
Director
Division of Air & Waste Management

12 Sept 2008
Date



Kathleen Stiller Banning
Program Manager II
Site Investigation & Restoration Branch

9/12/08
Date



Alex Rittberg
Program Manager II
Tank Management Branch

9/12/08
Date