Delaware DNREC
Brownfields Cleanup Program
Overview and Hercules Tract Process

Kathy Stiller Banning
Manager, Site Investigation and Restoration Branch
March 5, 2007
OUTLINE

1. Program Overview
2. Legal Requirements
3. Applicable guidance documents
4. Hercules Tract Process
5. Questions & Comments
Delaware State law: *Hazardous Substance Cleanup Act* (HSCA)

- HSCA addresses the “release” of hazardous substances.
- HSCA defines “release” to exclude “appropriate application of fertilizer and pesticide”

7 *Del. Code Ch. 9103(20)c*
HSCA Cleanup Regulations and Guidance

- Delaware Regulations Governing Hazardous Substance Cleanup.
- Remediation Standards Guidance Under the HSCA.
- Standard Operating Procedures for Chemical Analytical Programs Under HSCA.
- Operation and Maintenance Guidance Document for HSCA and VCP Sites.
DNREC Brownfields/HSCA Cleanup Overview

- DNREC’s mission is protecting human health and the environment, under the state legal mandates, one of which is the Hazardous Site Cleanup Act.
DNREC Brownfields/HSCA Cleanup Overview (continued)

- DNREC Brownfields program vital to cleanup of hundreds of sites and catalyzes community redevelopment
Examples of local HSCA cleanup projects

- Habitat for Humanity
- Wilmington Riverfront (AAA, Justison, Barclay’s, etc.)
- Speakman affordable housing project
- New Destiny Fellowship
- Basher Lane, Hockessin
- Tony’s Cleaners, Elsemere
More than 300 HSCA hazardous substance release site cleanup projects currently underway
DNREC Brownfields/HSCA Cleanup Overview (continued)

- DNREC’s cleanup standard and guidance have been determined by EPA to meet their requirements and this is documented in a Memorandum of Agreement.
• Cleanup criteria are established by regulation. The detailed chemical information is found in guidance.

• DNREC regulations and guidance undergo public review and comment.
DNREC Review of Hercules Tract Remedial Action Plan

• Beginning of March
  – Execute MOA with New Castle County
  – Execute cost reimbursement agreement with Toll Brothers
  – Advertise Toll Brother’s Proposed Remedial Action (PRA)
  – Host a public meeting on PRA

• End of March
  – Review public comments on PRA and ensure technical standards are met

• Beginning of April
  (pending resolution of public comments)
  – Issue letter to New Castle County and Toll Brothers regarding sufficiency of PRA to meet the technical standards used for HSCA.cleanups
Hercules Tract Review

- DNREC will ensure that the proposed remedial action meets the technical standards used at HSCA/Brownfields site
- DNREC will take public comment
- DNREC will issue a comment letter to New Castle County and the Developer based on our technical review
DNREC Hercules Tract Review

• DNREC has made and will make whatever demands of Toll Brothers are technically justified to ensure protection of human health and the environment.
QUESTIONS?