

Brownfields Advisory Committee (BAC)
DNREC's New Castle Field Office
391 Lukens Drive
New Castle, Delaware
March 1, 2012*
Meeting Minutes

Attendees:

Marianne Cinaglia
Todd Coomes, Richards Layton & Finger
Kathy Fox, EA Engineering
Clay Greer, Ten Bears
Stephanie Hansen, YCST
Rep. Debra Heffernan
Karl Kalbacher, NCC
David Kane, TetraTech
Mark Lannan, BrightFields
Harry Monck, DelEASI
Lynn Poling, Lewis Environmental
Paul Sample, Technical Advisory Office
Doug Seavey, JCM Environmental
Bill Smith, Environmental Alliance
Bill Stephens, STEPHENS Environmental
Mike Vanderslice, Environmental Alliance
Chris Whallon, Duffield
Marian Young, BrightFields

DNREC:

Marjorie Crofts
Kate Durant
Melissa Leckie
Steven Johnson
Robert Newsome
Jim Poling
Tim Ratsep
Alex Rittberg
Qazi Salahuddin

DOJ

Keith Brady

*Note information regarding the March 1 meeting is available online at:
<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

Introductions and Opening Remarks –Tim Ratsep welcomed old and new members.

Approval of Minutes from Dec. 3 Meeting – The meeting minutes were unanimously approved.

Updates for SIRS – Presentation of the proposed Golf Course/Orchard Legislation and draft fact sheet: Orchards and golf courses typically have high residual concentrations of these substances that, without cleanup, may make them unsuitable for non-agricultural use (e.g., homes, parks, food gardens, or daycares, schools, and playgrounds).

The majority of these types of properties are assumed to be excluded from Delaware's Hazardous Substance Cleanup Act (HSCA) requirements to investigate and remediate potential hazardous substance releases that could impact public health, welfare and the environment, due to a clause in the HSCA regulations that excludes properties with "the appropriate application of fertilizer and pesticide."

The proposed legislation will remove the exclusion from HSCA requirements when a commercial orchard or golf course ceases to operate and the land use changes to anything other than agricultural use. By making these sites subject to HSCA, DNREC will have the authority to protect public health and the environment. Jim Poling is the point of contact for the proposed legislation.

Updates for TMS – All of the ARAR money has been spent, so it is okay to take down the signs. TMS will be extending their state contracts. There will be updated soil sampling guidance and workshops in June.

Presentation of the proposed Legislative Changes to Delaware's Storage Tank Acts (Chapter 74, 74A and 79) and draft fact sheet: The proposed legislation will (1) increase authority for site access for state led cleanups and investigations; (2) add authority to require environmental covenants for UST and AST cleanups; (3) change the definition of "facility" to ensure that a responsible party still exists after the tank is removed; and (4) update the financial assurance requirements to be equivalent with the federal regulations. Alex Rittberg is the point of contact for the proposed legislation.

Subcommittee Report Outs:

Brownfields Finance Subcommittee and Regulatory Development Subcommittee –

Discussion on the draft *Delaware Regulations for Hazardous Substance Cleanup*. Revisions to the regulations include reformatting the document to match the current style manual, updating the procedures for conducting hazardous substance cleanup actions, and including new regulations regarding consultant certification. Most of the sections detailed in the blackline version dated Feb. 23, 2012 were accepted at the meeting. The new blackline version (Feb. 23, 2012) is now available at: <http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>.

Please note that DNREC's Site Investigation and Restoration Section is holding two public workshops for [Proposed Changes to the Regulations Governing Hazardous Substance Cleanup](#).

- [March 27, 1 - 3 PM:](#) Workshop will be held at the DNREC Lewes Field Office (901 Pilottown Road, Lewes, DE)
- [March 28, 6 - 8 PM:](#) Workshop will be held at the DNREC-SIRS Office (391 Lukens Drive, New Castle, DE)

Next Meeting – The next meeting of the BAC will be held on June 7, 2012 at the Lukens office.