

HSCA Advisory Committee
March 5, 2020
Draft Meeting Minutes
10:00 am

Attendees:

Kathy Fox, E.A. Engineering, Science, and Technology, Inc.
Clay Greer, Ten Bears
Ibrahima Kalle, Tiberi Group
Phillip Micha, Richards, Layton, & Finger
Doug Seavey, Landmark Services
Tim Uhler, GES, Inc.
Mike Vanderslice, Environmental Alliance

DOJ:

Keith Brady

DNREC:

Mindy Anthony
Amy Bryson
Stephanie Gordon
Melissa Leckie
Morgan Price
Timothy Ratsep
Qazi Salahuddin
Kristen Thornton
Paul Will
Jill Williams-Hall
Sandra Woolston

Introductions/Opening Remarks and approval of minutes: Qazi Salahuddin opened the meeting with introductions, thanked everyone for attending, and a motion was made to approve the minutes from the December 5, 2019 meeting. The minutes were approved as submitted.

Department/Division Updates: Tim Ratsep updated the committee on Department positions and initiatives.

OTS: Bob Zimmerman is now the Chief of Administration and Eric Dawson has taken Bob's previous role as the Chief Operating Officer.

Division of Watershed: The Division of Watershed has moved out of the State Street and R&R buildings and have consolidated into the Enterprise building.

Chief of Public Affairs: A new Chief of Public Affairs has been hired, Nikki LaVoie.

Emergency Response: Matt Chamberlain, who was previously an Environmental Protection Officer has transferred over to the Emergency Response & Strategic Services Section as an On-Scene Coordinator (OSC). Matt's location is now at Lukens Drive.

Draft Water Legislation: A draft Water Legislation is currently in the house and senate and should pass soon. HSCA was included in this bill in the past; however, the new legislation does not include HSCA.

Electronic Content Management (ECM): The Department is moving to all online documentation through a new electronic content management system, which means all documents across the division will be scanned, and viewable online. Almost all of the former "SIRS" documents were already scanned and are being reviewed for clarity. An active project is to scan all Tanks Management files. The goal is to have the Division digitized with all historical documents by December 31, 2020. A contractor has been hired to scan all documents across the Division.

Satisfaction Survey: A Survey Monkey will be sent this month to our external customers for feedback on continuous improvement. The survey should only take about 4-5 minutes to complete and all advisory participants are asked to please complete.

Division Updates/Personnel Updates:

Remediation Section: Qazi gave an update on current staffing within the Remediation Section;

- Joe Kochenburger is the new Administrative Specialist I for the Superfund Branch and reports to Amy Bryson as his supervisor.
- A casual/seasonal posting for an Environmental Scientist I has been completed and interviews are being scheduled. This position will also report to Amy Bryson and will assist with data entry support and long-term stewardship.
- Jill Williams-Hall is working on creating a casual/seasonal intern position to assist with updating Brownfield sites across the state, as well as, backlogged sites. This position once ready to be posted will post to a job posting site called Handshake.

Emergency Response and Strategic Services: The Boiler Safety Inspector position is in the process of being finalized.

Compliance and Permitting Section: Has no new personnel positions to report.

Directors Office: The Director's Office is currently posting for an Administrative Specialist I position.

Subcommittee Report Outs:

Technical Subcommittee: Paul Will sent an email to the Technical Subcommittee requesting topics for a subcommittee meeting. No topics were received; therefore, the committee did not meet. Paul did receive one question about PCB analysis and after consulting with Randy Wolfe will be able to provide an answer.

- Paul and Todd Keyser, Co-Chairs of this subcommittee, will combine a master list of topics to be discussed at future subcommittee meetings.
- No other reports from this subcommittee.
- ***Sub-Title C Funding:*** Paul noted that Sub-Title C funding has been received and must be spent prior to the end of the Federal Fiscal year in October. Generally, the funds are spent overseeing three sites, one is currently being funded; however, two more sites can also be funded. If anyone has any potential Brownfield properties, they are preferred. If the property is bought by one of the five state contractors, they can conduct the assessment. If the property is not bought by one of the five state contractors, then DNREC will need to complete the assessment. Sub-Title C sites will normally roll over to a Brownfield or Voluntary Cleanup Program (VCP) funded program once the grant money has been spent. \$30,000-\$35,000 can be used for the assessment up front to save the Brownfield or VCP money for the clean-up. The funds are available on a first come, first serve basis. If anyone has an interest, please let Paul know.
- ***Draft HSCA Reporting and Screening Levels:*** Amy Bryson reported that no comments were received regarding the Draft updates to the HSCA Reporting and Screening Levels sent to the Advisory Committee on February 11, 2020 via email. The updated versions of the HSCA Reporting and Screening Level Tables will be published to the webpage and marked as final.

Regulatory Subcommittee: Qazi reported that he received no topics for the Regulatory Subcommittee; therefore, no meeting was held.

- Technical Staff are currently working on various guidance's and the subcommittee will meet prior to the next HAC to review and discuss.
- The Tanks Delaware Risk Based Corrective Action Program (DERPCAP) guidance is currently going through the Administrative Procedures Act (APA) which is similar to regulation procedures. The standards will benefit by going through this process. Updates will be provided as the process proceeds.
- A Start Action Notice will be issued for the regulatory process and guidance regarding the plastic bag ban.
- **Risk Guidance:** Morgan Price presented a summary of changes to the Risk Guidance, the PowerPoint was sent out with the agenda on March 4, which is close to completion. The goal is to complete the guidance by April 9th and send the draft to the HAC for comments. The guidance is currently with the technical staff who have two weeks to review. There is not a significant change in the format. The summary of changes in the PowerPoint are based off of each section. Comments can be emailed to Morgan at Morgan.Price@delaware.gov.

Finance Subcommittee: Jill Williams-Hall reported out on the Finance Subcommittee. The subcommittee did not meet prior to this meeting due to no new topics.

- Melissa Leckie has been working on updates to the Brownfields Eligible Expenses Guidance. A Finance Subcommittee Meeting will be scheduled after the draft is complete.
- Jill met with EPA Region 3 regarding various types of Brownfield grants available from the EPA. The EPA typically receives grant information in the fall and distributes by the end of the year. There is an email list serve for when grants become available at <https://www.epa.gov/grants/forms/subscribe-epa-grants-update-listserv>.

Section 128(a)(1)(B)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive \$1.5 million grant program to assist small communities, Indian Tribes, rural areas, or disadvantaged areas to carryout section CERCLA 104(k)(7) (by providing training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfields sties, site assessments, remediation of brownfield sites, community involvement, or site preparation). Grans are typically \$20,000. If an entity is interested in working with DNREC on the Small community assistance grant contact Jill. <https://epa.gov/sites/production/files/2018-10/documents/fy19-128a-guidance-final-9.19.18.pdf>

Revised Brownfield Application: The revised Brownfield application was sent with the agenda on March 4th including the red line version that notates any changes.

- Jill noted that not enough information was being submitted when the application was received, page 9 includes a revision requesting as much information as possible.
- A suggestion was made to include a mixed-use box on page 9, #3. Jill agreed, and will make the revision.

It was noted that the County is revising their codes that includes soil use and green initiatives. The link regarding County code revisions will be forwarded to Jill Hall. Some of the revisions may be able to be tied to the Remediation Section's Soil Reuse Policy.

Jill noted that the biggest change in the Brownfield Development Application is on page 10, that clarifies name changes when already approved as a Brownfield developer. The entity that signs the application is the only one that is approved for Brownfield funding. If an entity's name changes, then a new application must be completed and approved. This is in the statute regarding funding and liability.

There are now only three parts to the application:

1. Certification
2. Eligibility and Funding
3. Signing that everything is true

The second and third part of the previous application were combined to be more streamlined, clear, and informative, as well as, more consistent with the law. Jill will be finishing the changes in the next few weeks and it will then be sent to HAC and the HSCA Consultants.

Outreach Subcommittee: Jill Hall reported out regarding updates for the Outreach Subcommittee.

- Story boards have been completed for two, of the three Delaware Counties. Jill has been working to obtain pictures of Sussex County to complete the third board. Chrysler is the New Castle County success story, Playtex is the Kent County success story, and Jill has been looking for good photos of the Lewes Canal Park for Sussex County, if anyone has any.
- A fourth story board will be created that will cover the entire State.
- Jill, or project officers, may reach out to the consultants to see if they have any good before and after photos of their sites.
- Moving forward, consultants will be asked to take five good before and five after photos and submit them to their project officer.
- If anyone would like to get more Brownfield information to any municipals, towns, non-profits, etc. regarding, please reach out to Jill.

Earth Day: DNREC just turned 50 on December 31, 2019 and this year also celebrates the 50th Anniversary of Earth Day. The Waste and Hazardous Substances Division is taking the lead on organizing the Department's events this year. More details will come regarding various events.

ECO-Subcommittee: Kristen Thornton reported out regarding updates for the Eco-Subcommittee, which met on February 25, 2020.

- DNREC is working on a policy to address Green Sustainable Remediation (GSR) and incorporate these elements into the Brownfield Reimbursement Guidance.
- DNREC will begin working on an update to the Eco Risk Guidance.
- Todd Keyser gave an update about the CBR4 initiative that is addressing remediation, restoration, and resiliency along the Chistina River.

Kristen asked for goals and objectives of what the attendees would like to see the Eco HAC work on. The following are notes from the discussion:

- Reconciling eco information/risks with other/human health risks and remedy considerations.
- List of existing Permitting Agency Requirements (ex. NCC landscape plans, etc.) contacts for each agency.
- Maintenance concerns related to native vegetation in altered landscapes/site conditions, success over time, how to measure, and how to fund.
- Incentives for Brownfield Sites that incorporate GSR. The DNREC-Remediation Section working on a policy and incorporating into Brownfield Reimbursement Guidance, UST Regs., have GSR considerations included in evaluating corrective actions.
- Guidance/Policy on Remediation Resiliency especially in extreme weather events, NJ Policy, ASTM.
- Invite other outside experts/interested parties; Bill McAvoy, Stephanie Hansen, Climate and Coastal Programs especially regarding climate action plan and mapping predictions.
- Mapping: Determine the resources that already exist, how to combine them into a vulnerability/prioritization scheme.
- Life cycle cost, especially maintenance.
- Are there any Brownfield considerations/inconsistencies/competing interests regarding GSR and redevelopment.
- Consider scale, time, and money when evaluating remedy GSR components, to get the biggest bang for the buck, consider areas of priorities/opportunities.
- Conceptual Development Design Component, especially if redevelopment plan is not very far along. Adding language into the Brownfield Application to request all plans, especially if already submitted to the county; list of questions regarding reuse, Eco Considerations, Scale, BMPs for stormwater and infiltration.
- Regional goals that already exist; Watershed Action Plans.

Based upon the discussion, Kristen was able to distill the main themes and objectives that will result in either a policy or guidance document that will incorporate green sustainable remediation and resiliency into the existing processes. Broken down into two categories:

Process/Procedure:

Initial Planning and Scoping, CSM/SAP, FS, Remedy Implementation, LTS

Needs/Supports:

Mapping, Evaluation Tools, Plant Experts, Maintenance, Incentives and Recognition.

The Guidance or Policy document should align with the current initiatives or permitting authorities, such as the New Castle County landscape plans, Climate Action Plan, Watershed Management Plans, and Stormwater BMPs.

Kristen will send a doodle poll for dates/times to the committee in an effort to increase attendance and create a broader group. The goal is for the sub-committee to meet every 6-8 weeks.

Any comments or feedback from the discussion are welcome and can be sent to Kristen at Kristen.Thornton@delaware.gov. Anyone wishing to attend, please let Kristen know.

New Business: No new business

Meeting adjourned 11:30 AM
/slw

DRAFT