



Delaware DNREC Brownfields Cleanup Program Overview and Hercules Tract Process

Kathy Stiller Banning
Manager, Site Investigation and Restoration Branch
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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)
7 Del. Code, Chapter 91.

- 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



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.

DNREC Brownfields/HSCA Cleanup Overview (continued)

- 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?