

Program Overview

Program Name: Delaware Department of Natural Resources and Environmental Control (DNREC)

Summary: In 1990, Delaware enacted its Hazardous Substance Cleanup Act (HSCA) to deal with sites potentially contaminated with hazardous substance releases in the state that will not be addressed under the federal Superfund Program. Three major programs are administered under the HSCA. They are the Voluntary Cleanup Program (VCP), the Brownfields Development Program (BDP), and the HSCA Enforcement Program.

http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Voluntary_Cleanup_Program.aspx

<http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx>

http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/SIRB_HSCA_program.aspx

Website: <http://www.dnrec.delaware.gov/dwhs/Pages/default.aspx>

Funding Source(s) for the Program: The majority of funding for administrative and staff costs come from the federal grants (10%) and the Hazardous Substances Cleanup Act Fund (HSCAF) (90%).

Cost to enter program or fees for service: There is no cost to enter into the BDP and the VCP. There are oversight costs for investigative or remedial activities for DNREC staff time. To fund the state's VCP oversight, participants are required to remit an initial deposit up to a maximum of \$

Sites Enrolled in VCP: As of January 2017, there are over 200 sites in the VCP and over 175 sites in the BDP.

Sites Completed under VCP: As of January 2017, over 150 sites have been completed under the VCP and the BDP

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Assessment and Cleanup Funding

A variety of grants, loans and technical assistance are available to assist with brownfields reuse projects.

<http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/SIRBLoansGrants.aspx>

Incentives

- ▶ Tax credits of \$650/year per new job created related to cleanup and redevelopment (\$900/year in poverty areas).
- ▶ Participants receive tax credits based on the size of investment and number of new employees brought to the site. Grants of up to \$25,000 are available for site investigation and cleanup. In addition, low interest loans up to \$250,000 are also available for brownfield sites. About 700 sites have been identified for inclusion in the program, with cleanup underway at 96.
- ▶ Brownfields Matching Grants offered by the Delaware Economic Development Office (DEDO) provide up to \$100,000 in matching grants.

Liability Relief Provisions

The BDP offers complete liability protection for existing contamination to qualified brownfields developers provided that they enter into a Brownfields Development Agreement (BDA), and agree to clean up the contamination as specified in the Final Plan of Remedial Action approved by the Department prior to development of the site. Once the remedy is in place, the developer may request and receive a Certificate of

Completion of Remedy (COCR) which provides liability protection as long as the requirements of the COCR are followed.

Brownfields Redevelopment Authorities (or similar)

The Brownfields Advisory Committee (BAC) represents the public and community interest in Delaware's Brownfield Program by providing advice and assistance to DNREC's Division of Waste and Hazardous Substances (WHS). <http://www.dnrec.delaware.gov/dwhs/BAC/Pages/BACPortal.aspx>

Methods/Standards/Controls

Risk-based cleanup standards of 1.0×10^{-5} for carcinogenic risk and a Hazard Index of 1.0 for non-carcinogenic risks are used. DNREC provides guidance on the investigation and remediation of sites.

Contaminants Managed

Asbestos: Yes

Lead: Yes

PCBs: No

Petroleum and Fuels: Yes

Other Contaminants: Yes - Hazardous substances as defined in HSCA are covered. In addition, petroleum contamination is covered on brownfield sites; asbestos and lead paint contamination are covered if found in the soil and surveys for each are allowable reimbursable costs.

Related Programs

Tanks Management Section

<http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>