

LEGAL NUMBER	19-SHWMS16
DEPUTY AG ASSIGNED	Robert F. Phillips
DATE ASSIGNED	2/16/19

**DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES**

ATTORNEY-CLIENT PRIVILEGED
MEMORANDUM

TO: Dirk Durstein, Deputy Attorney General

THRU: Timothy T. Ratsep, Acting Director *TAK 2/13/2019*

FROM: Lori Spagnolo, Acting Program Administrator *Todd began for Tim Ratsep*
Sara J. Golladay, Paralegal II *LS*

Subject: Legal Request – DOJ Review of Draft UST Regulatory Revision

DATE: February 12, 2019

REQUEST

The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) is requesting legal assistance with review of the draft UST Regulatory revision.

The DNREC-TMS is working to maintain Delaware’s State Program Approval (SPA) process with the Federal Environmental Protection Agency’s Underground Storage Tank Regulations. As such, the State regulations must, at a minimum, uphold the federal requirements; however, Delaware can also, as a SPA State, go above and beyond the federal requirements. DNREC-TMS has finalized its draft UST regulations associated with 7 Del. C. Ch. 74 and is requesting, as part of Delaware’s regulatory process step #9, the DOJ’s services to ensure the regulation accomplishes its goal, is clear and concise, and is legally defensible.

DNREC-TMS requests the legal assistance of a Deputy AG with the regulatory review required as part of the regulatory development process.

LLS:EMB
EMB2019-001

CONTACT: Lori Spagnolo – x 2523 Sara Golladay -x 2511	BILLING UNIT:	COST RECOVERY:
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