

**DELAWARE HAZARDOUS SUBSTANCE CLEANUP ACT
FY2025 ANNUAL REPORT AND
FY2027 EXPENDITURE PLAN**



**STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
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EXECUTIVE SUMMARY

The Delaware Hazardous Substance Cleanup Act (HSCA) requires the Secretary of the Delaware Department of Natural Resources and Environmental Control (DNREC) to prepare an annual budget for the proposed use of the HSCA fund. This report presents the DNREC HSCA expenditure plan for fiscal year 2027 (FY2027).

The main objective of HSCA is to enable DNREC to address sites that are not eligible for remediation under the federal superfund program (i.e., listed on the U.S. EPA National Priorities List (NPL)). In addition, DNREC administers several programs under different administrative sections with HSCA funds. The HSCA fund generated \$12.9 million in revenue in FY2025 that will be utilized to remediate releases of hazardous substances, perform emergency responses throughout the state and address leaking aboveground and underground storage tanks.

DNREC has identified approximately 3,170 sites in Delaware as potential hazardous substance and petroleum release sites. Of those 3,170 sites, 818 are active in the investigation or remedial phase and 2,352 have been remediated or are in the long-term stewardship (LTS) program sites funded partially or completely by HSCA include brownfields development, state lead HSCA, underground storage tank (UST) and aboveground storage tank (AST) sites, NPL and non-NPL federal sites, and heating fuel UST programs. Under the LTS program, continued monitoring activities at the sites, and the operation and maintenance of the remedial systems constructed at the sites are performed. The LTS phase of the cleanup may last thirty (30) years or more from the issuance of the DNREC certification of completion of remedy (COCR), depending on the remedy at the site.

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1.0 INTRODUCTION

The Delaware Hazardous Substance Cleanup Act (HSCA) requires the Secretary of the Department of Natural Resources and Environmental Control (DNREC) to prepare an annual budget for the proposed use of the HSCA fund in accordance with 7 *Del. C.* § 9104(c)(2). The HSCA program is managed primarily by DNREC's Division of Waste and Hazardous Substances Remediation Section. Other programs that receive HSCA funding are managed under the Emergency Response and Strategic Services Section.

The following report, prepared for the Governor and the Delaware General Assembly, represents the DNREC HSCA expenditure plan for fiscal year 2027 (FY2027). The goal in developing and updating this expenditure plan is to provide accountability for expenditures by DNREC to the legislature, other interested parties and agencies and the public. The expenditure plan is intended to provide a complete and accurate description of DNREC plans for investigating and remediating hazardous substance and petroleum release sites in Delaware. The definition of a hazardous substance in Delaware includes any substance in the HSCA screening level table, which is updated semi-annually; hazardous waste; and petroleum, including crude oil or any fraction thereof. However, any release of hazardous substances from a storage tank is regulated by 7 *Del. C.* Chapter 74 or 7 *Del. C.* Chapter 74A.

Spending needs for the upcoming year cannot always be anticipated in the HSCA expenditure plan, regardless of the planning effort. The reasons for unexpected expenditures include waste spills caused by floods and other acts of nature, abandonment of waste in place and other costly actions associated with bankrupt corporations and the contamination of public drinking water supply wells resulting from groundwater contaminant plumes of hazardous substances. These contaminants can seep into the groundwater years after the waste was disposed of in landfills and seepage basins or at industrial/ commercial sites or leaked from aboveground or underground storage tanks. DNREC is accountable in several ways for these unexpected expenditures. Pursuant to HSCA, 7 *Del. C.* § 9113(e), DNREC is required to seek approval for such activities from the Speaker of the House and President Pro Tempore of the Senate for any expenditures from the HSCA fund that were not budgeted in the annual expenditure plan. The plan identifies hazardous substance release sites targeted for cleanup under state lead cleanup fund, enforcement, brownfields development, leaking underground storage tank, aboveground storage tank and voluntary cleanup programs for four years (FY2026-FY2029). The HSCA fund is set to sunset on January 1, 2029.

DNREC is reporting, through this annual report and expenditure plan, the site work and activities conducted during FY2025. In addition, the Secretary of DNREC is certifying that all expenditures have been made in accordance with the expenditure plan and as approved, to carry out the purposes of 7 Del. C. Chapter 91.

2.0 THE REMEDIATION SECTION (RS)

The Delaware Hazardous Substance Cleanup Act (HSCA)

HSCA (7 Del. C. Chapter 91) was passed by the Delaware General Assembly in July of 1990. Amendments have been added over the years to support the addition of the voluntary cleanup and brownfields development programs. The HSCA statute gives DNREC the ability to ensure cleanup of facilities with a release or imminent threat of a release of hazardous substances. The main objective of HSCA is to enable DNREC to address those sites not remediated under the federal superfund program. The DNREC Remediation Section and Emergency Response and Strategic Services Section has identified approximately 3,170 sites in Delaware, as potential hazardous substance release sites. There are 818 active sites, 1,992 that have received certification of completion of remedy or no further action determination, and 360 sites in the long-term stewardship phase.

HSCA administration costs for the division are calculated on a yearly basis. No more than 15% of the average monies deposited into the fund over the previous ten (10) fiscal years may be used.

This HSCA tax rate is calculated annually and has a range of 1.675% to 0.675%. The intent of the statutorily mandated formula was to ensure the receipt of \$15M each year for the HSCA Fund. For 2025 the rate was 1.12% and the HSCA Fund received approximately \$2M less than what was determined by the formula. For 2026 the tax rate will be 1.18%.

The state program requires potentially responsible parties to pay for the costs associated with investigating and cleaning up a site. If a potentially responsible party (PRP) cannot be identified, or is unable to pay for the cleanup, monies from the HSCA fund are used to perform the cleanup of the site.

The Delaware Regulations Governing Hazardous Substance Cleanup

HSCA requires the Secretary of DNREC to promulgate regulations to establish procedures governing site cleanups. The Delaware Regulations Governing Hazardous Substance Cleanup were promulgated initially by DNREC on January 12, 1993, amended in 2019, and are in the process of being amended. These regulations describe the entire cleanup process, from the identification of a site to its final cleanup and provide the definition and criteria for brownfield sites. In FY2019, the updated

regulations went into effect.

Any facility with a release or imminent threat of release may go through one or more of the following steps:

- **Facility Identification:** Facilities are identified through a variety of mechanisms, such as referrals from prospective purchasers, property owners and developers interested in the brownfield's development or Voluntary Cleanup Programs (VCP); complaints from the public; and environmental assessment reports such as Initial Investigation, Preliminary Assessment, Phase I, etc. from DNREC, other state agencies or other parties.
- **Scoping Meetings:** If a brownfield developer wants to address a site through the brownfield's development program or a potentially responsible party wants to address the site through the VCP, then a scoping meeting is held. Participants at these meetings will share existing information regarding site conditions and reach agreements concerning the schedule and content of future work that will be required at the site. In addition, the potential funding assistance programs are explained to the meeting participants. For other sites, generally an internal meeting occurs to determine if further investigation in the form of a facility evaluation (FE) or equivalent is needed to confirm the potential release of hazardous substances.
- **Facility Evaluation:** DNREC, or a qualified environmental consultant, may conduct a facility evaluation to confirm the release, or imminent threat of release of hazardous substances at a facility, and develop information to evaluate the threat to public health, welfare, or the environment. If a release is confirmed through the FE or other investigative reports, such as Phase II Environmental Site Assessments or a Site Inspection, then the next step is to notify the potentially responsible parties.
- **Identification and Notification of Potentially Responsible Parties (PRPs):** DNREC will initiate actions to identify and notify the PRPs associated with a facility where a release or imminent threat of release of hazardous substances has been confirmed.
- **Negotiations with Potentially Responsible Parties:** Where a valid PRP exists, DNREC will first seek complete cleanup by the PRP to preserve HSCA resources. DNREC may require the PRPs to perform response actions by issuing a letter inviting negotiations towards preparation of a settlement agreement. If the PRPs and DNREC fail to reach a settlement agreement within 90 days, the Secretary of DNREC may issue an administrative order, or may initiate cleanup using the HSCA fund and pursue recovery of costs from the responsible parties.

DNREC may at any time carry out a response action at a facility if the PRPs have not carried out the response action in a timely manner, or if PRPs cannot be identified.

- **Remedial Investigation:** A remedial investigation is conducted at a facility to delineate the extent of contamination and clearly describe the existing or potential risks to public health, welfare, or the environment and to identify the specific problems requiring remediation. This is usually the first phase of a response action at a facility pursuant to a settlement agreement or another agreement to conduct the work. This step involves field sampling of the different environmental media and laboratory analysis of the samples.
- **Feasibility Study:** A feasibility study follows a remedial investigation at a facility and identifies the remedial alternatives appropriate to the site.
- **Plan of Remedial Action:** DNREC advertises a proposed plan of remedial action outlining the remedial action alternative chosen by DNREC and provides a public notice to allow the public to comment. After review and consideration of the comments received, DNREC issues a final plan of remedial action.
- **Remediation:** Based on the final plan of remedial action, the selected remedy is implemented at a facility. This process consists of the following distinct phases:
 - **Remedial Design:** This phase consists of the preparation of engineering design reports and construction plans and specifications.
 - **Remedial Action:** This refers to the actual implementation of the remedy in accordance with the construction plans and specifications.
 - **Interim Response Activity:** DNREC may require or conduct an interim action at any time before the selection of a remedy to prevent, minimize or mitigate harm to public health, welfare, or the environment.
 - **Certification of Completion of Remedy (COCR):** DNREC issues a COCR after the remedial action is implemented. A COCR may require LTS.
 - **Long-term Stewardship (LTS):** This refers to actions taken to maintain the effectiveness of the remedial action and ensure the site is protective to public health and the environment
 - **Site Closeout:** DNREC administratively closes a site when the remedy is completed and no further action is needed at the site.

The HSCA fund is used to identify a facility through initial investigation and facility evaluation to confirm a release of hazardous substances. This information is then used to identify potential responsible parties and require them to address further investigation and cleanup. However, if a viable responsible party cannot be found then

the HSCA fund is used to investigate and clean up these sites. There are 171 active sites without a viable responsible party being addressed currently, 275 sites have been administratively closed, while 56 sites are in LTS.

Voluntary Cleanup Program

The Voluntary Cleanup Program (VCP) began in August of 1993. The VCP was developed to allow parties that may be liable for the contamination of a property but wish to settle their liabilities with DNREC under HSCA. This program allows responsible parties to volunteer to clean up their properties before DNREC enforces a cleanup under HSCA. There are 65 active VCP sites being addressed currently, 76 sites have been administratively closed, and 105 sites are in LTS. This program is fully funded utilizing non-appropriated special funds (NSF) deposited by the potentially responsible parties. This NSF account funds staff oversight of VCP facilities ensuring that they are remediated according to HSCA.

Brownfield Development Program

Under this program, the state provides incentives to the business community in the form of financial assistance, through grants and loans. Brownfield legislation was passed in 2002. The brownfields development program provides liability protections from a hazardous substance release when a developer can demonstrate they did not cause or contribute to the release. The grant funds are used for the environmental investigation and remediation activities.

During FY2025, DNREC offered brownfield grants to numerous businesses interested in redeveloping property suspected to be environmentally contaminated. The grant funds have assisted in moving many brownfield projects toward redevelopment throughout the state. There are 160 active sites being addressed currently, 74 sites have been administratively closed, and 191 sites are in LTS.

State Financed Storage Tank Cleanups

The corrective action group within the Remediation Section administers the Delaware underground and aboveground storage tank (UST and AST) corrective action programs. 7 Del. C. Chapters 74 and 74A authorize DNREC to promulgate regulations to ensure that underground and aboveground storage tanks are installed and operated in a manner that will prevent releases and, where releases occur, to detect them as soon as possible and require responsible parties to perform the necessary

cleanup. These sites become state-lead when the determination is made that state intervention is necessary to move the sites towards closure to protect public health, welfare, and the environment. Eligible state-lead petroleum sites have received \$14,607,893.20 in HSCA funding since FY2001, which included a total of \$586,785.79 of HSCA funding that was spent during FY2025 on the state-lead UST/AST cleanup sites.

The Delaware underground and aboveground storage tank laws authorize the use of HSCA funds to provide financial assistance to remove regulated storage tanks, investigate the nature and extent of a release and perform necessary corrective actions. Should a responsible party be found, the costs expended from the HSCA fund may be recovered from the responsible party. In the event of a recalcitrant responsible party, DNREC may assume control of a release to protect human health, welfare, and the environment, and then cost recover against the responsible party for the work performed.

HSCA funds are used to fund state-lead cleanup efforts at several UST, AST, and petroleum release sites where the owner of the tank system is recalcitrant in complying with cleanup requirements, does not exist, or does not have the financial means. Since March 2000, the corrective action group has identified 219 state-lead USTs/ASTs and heating fuel sites that receive HSCA funding. Remediation work has been completed and “no further action” determinations have been issued for 201 of the sites funded by HSCA. The heating fuel underground storage tank closure assistance program (HFAP) was created to assist homeowners’ financial assistance with removing or closing in place underground storage tanks. In FY2025, 84 USTs have qualified for the program. Since the inception of the HFAP, 1,450 heating fuel USTs have qualified.

Ranking of Sites

HSCA requires DNREC to establish a priority list of facilities from the inventory of hazardous substance release sites using the Delaware Hazard Ranking Model. All sites in the inventory are ranked into three (3) major categories of high, intermediate, and low hazard. The model consists of a set of questions that are grouped into these three ranks. The sites are ranked based on the answer to the questions. For example, a site is ranked high if it poses an imminent threat to public health, welfare, or the environment such as when a public drinking water supply well is impacted by contamination at the site. The ranking is done electronically for each site and is part of

the Remediation Section's Site Status Database (SSD). As new information becomes available or the sites go through a critical remediation phase, the sites are reranked. The ranking is used as the primary criteria for the prioritization of the use of HSCA funding, with the high-ranking sites given the highest priority.

Public Involvement

Another critical part of the HSCA program is the public involvement process. HSCA mandates public notice at several times during the site investigation and cleanup process. DNREC maintains an active community relations program for all sites under its jurisdiction. In addition to the provisions for public input in both the HSCA statute and the Delaware Regulations Governing Hazardous Substance Cleanup, in-person and virtual meetings, fact sheets, and newsletters are some of the methods used by the Remediation Section to keep the public informed of site activities. The Remediation Section strongly believes in maintaining close ties with all stakeholders in the cleanup process.

DNREC's Environmental Justice policy was implemented to address equity focus areas and language isolation (limited English) neighborhoods. This policy ensures:

1. Appropriate outreach is conducted and customized to the area impacted and;
2. Public-facing written materials are translated into all the commonly spoken languages in the area, when more than 5% of the populations speaks a language other than English.

The HSCA Advisory Committee (HAC) is a group of stakeholders that assists by providing input to the division to achieve its objective of promoting the cleanup and development of hazardous substance release sites in the state by ensuring timely and effective cleanups with protective, equitable and sustainable remedies. In addition, the HAC helps to address long-term stewardship for properties that have a remedy in place, as well as other HSCA issues. The HAC also helps to integrate DNREC objectives with other state and local goals for conservation and economic development. The Division relies on the HAC to represent broad public interest and community perspectives for Delaware's hazardous substance release sites. The stakeholders include DNREC Staff, consultants, community groups, law firms, and citizens.

Organization of the Remediation Section

Primary day-to-day management responsibility for implementation of HSCA is performed by DNREC Division of Waste and Hazardous Substances Remediation Section. In addition, significant involvement with other divisions, sections, U.S. EPA, as well as other state agencies, such as Delaware Division of Small Business, Delaware Division of Public Health, and the Department of Agriculture, is essential for effective implementation.

There are currently 33 merit staff positions in the Remediation Section. Of these, 0.7 are funded by general funds, 11.5 are funded by U.S. EPA grants, and 20.8 are funded through the HSCA fund and from reimbursements by private parties for oversight of cleanup of their sites. Attachment A depicts the overall organization of DNREC, the division and applicable sections, as well as relationships to other programs and divisions. Additionally, the HSCA fund is used to fund the services of two Deputy Attorney General position in the Delaware Department of Justice; thirteen positions in the Emergency Prevention and Strategic Services Section; and four positions within the Tanks Compliance Branch of the Compliance and Permitting Section.

Hazardous Substance Cleanup Act Liabilities Report

DNREC provides the Division of Accounting with an annual report on outstanding financial liability on HSCA sites. The report is broken down into four sections: state owned sites, legal agreements, cost share with U.S. EPA, and state lead sites. There are three projections that are made: Budgeted funds from the HSCA budget, worse case, and best-case scenarios. The worst case is the most it could cost, and the best case is the least amount that could be spent. Those estimates are provided by the project officers and are based on their knowledge of known or perceived contamination at the sites. For 2026, the outstanding liability is \$36,334,000.00 which is the total for the worst-case scenario. This outstanding liability does not include facilities that have yet to be identified.

TABLE ON NEXT PAGE

Time Period	2022	2023	2024	2025	2026
	2022-2026	2023-2027	2024-2028	2025-2029	2026-2030
State Owned	5	5	4	4	3
Budgeted	\$ 674,700	\$ 688,700	\$ 626,000	\$ 378,000	\$ 220,435
Worst Case	\$ 1,645,000	\$ 1,325,000	\$ 1,235,000	\$ 990,000	\$ 756,000
Best Case	\$ 750,000	\$ 438,000	\$ 379,000	\$ 218,000	\$ 124,000
Legal Agreements	2	2	3	3	3
Budgeted	\$ 170,500	\$ 176,500	\$ 271,500	\$ 223,500	\$ 337,162
Worst Case	\$ 50,000	\$ 183,000	\$ 513,000	\$ 285,000	\$ 404,000
Best Case	\$ 173,000	\$ 17,500	\$ 67,500	\$ 185,000	\$ 197,500
Cost Share Agreements	3	3	3	4	4
Budgeted	\$ 2,634,180	\$ 9,125,000	\$ 2,615,000	\$19,635,000	\$ 20,296,347
Worst Case	\$ -	\$ -	\$ 9,000,000	\$ 2,000,000	\$ 19,000,000
Best Case	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 5,120,000	\$ 12,235,000
State Lead	68	63	67	68	71
Budgeted	\$13,874,958	\$12,673,106	\$12,192,500	\$12,649,000	\$ 22,457,968
Worst Case	\$ 3,091,000	\$20,108,500	\$20,461,100	\$ 6,945,000	\$ 16,174,000
Best Case	\$ 7,013,000	\$ 7,163,000	\$ 7,608,600	\$ 8,293,000	\$ 7,934,000
Total Budgeted	\$17,354,338	\$22,663,306	\$15,705,000	\$32,885,500	\$43,311,913
Total Worse Case	\$24,786,000	\$21,616,500	\$31,209,100	\$40,220,000	\$36,334,000
Total Best Case	\$10,436,000	\$10,118,500	\$10,555,100	\$23,816,000	\$20,580,500

3.0 Progress Towards Completing Remedies

FY2025 Sites Completed through Final Plan

During FY2025, DNREC completed investigations and issued 28 final plans of remedial actions. Cumulatively from FY1994 to FY2025, DNREC completed investigations and issued final plans of remedial actions at a total of 567 sites.

Once a final plan is issued, construction and active remedial actions may commence. Sites with residual contamination that are left under a containment system (i.e., cap) are moved into the long-term stewardship program for continued monitoring to ensure the site remains protective of human health and the environment. The LTS phase of the cleanup starts from the issuance of the DNREC COCR.

Site-Specific Status

Type	Active	COCR/ No Further Action (NFA)	Long-term Stewardship	Total
Brownfields Development Program Sites	160	74	191	425
State Lead Hazardous Substance Cleanup Act Sites	171	275	56	502
Voluntary Cleanup Program Sites	65	76	105	246
State Lead Tank Corrective Action Sites	18	201	N/A	219
Federal National Priorities List	11	N/A	8	19
Federal Sites Other (Department of Defense (DOD), Preliminary Assessment/ Site Inspection (PA/SI) and Subtitle C)	23	0	0	23
Heating Fuel Underground Storage Tank Closure Assistance Program	84	1366	N/A	1450

Emergency Response Cleanups	286	0	N/A	286
Total	818	1992	360	3170

4.0 EMERGENCY RESPONSE AND STRATEGIC SERVICES (ERSS)

The Emergency Response and Strategic Services Section is responsible for all support activities related to hazardous materials releases and/or environmental emergencies, as well as operational support services for the division. The section includes the accidental release prevention program, the emergency planning and community right-to-know program, the boiler safety program, emergency response team and the strategic services branch.

Statistics for FY2025 show the DNREC emergency response team (ERT) responded to 286 incidents. This is compared to 339 responses in FY2024. As with previous years, the highest percentage of responses continue to be transportation-related spills and releases primarily from motor vehicle accidents. The second highest percentage of responses in FY2025 were residential heating fuel spills. These two types of responses made up 50% of the DNREC total responses in FY2025. Percentage of incidents per county are as follows: 57% in New Castle County, 22% in Kent County, and 21% in Sussex. In the past year, DNREC also responded to two out-of-state incidents at the request of the local law enforcement agency or fire department. The DNREC ERT provides the hazardous materials support function as part of a joint hazard assessment team with other emergency response partners, such as law enforcement agencies when needed.

5.0 PROGRAM GOALS AND OBJECTIVES FOR FY2026

The following represents the program-related goals and objectives for FY2026:

Remediation Section

- Continue to work on the pre-remedial and NPL sites with the federal government and toward a record of decision.
- Continue improvements in the brownfield's development and VCP programs.
- Continue to address Emergent Contaminants of Concern including PFAS.
- Provide technical assistance and coordination to address contamination issues associated with other programs.
- Promote innovative technologies in site investigation and remediation.
- Conduct baseline assessments and other activities to support a natural resource damage assessment program.
- Implement groundwater natural resource damages assessment (NRDA).
- Conduct assessments and other activities to support the watershed assessment program.
- Initiate basin-wide implementation of sediment remedies through watershed approach to toxics assessment and restoration (WATAR).
- Work with public and private partners to fully utilize the brownfields development program in promoting the reuse of properties throughout the state.
- Finalize HSCA guidance documents and various policies.
- Continue to address the backlogged HSCA sites to determine what further actions are necessary and perform facility evaluations.
- Utilize EQulS for storing all environmental data within the division.
- Hold a State Brownfields Conference.
- Implement findings of the drycleaner initiative.
- Continue to implement the UST heating fuel tank closure assistance program.
- Investigate and cleanup releases from USTs and ASTs at sites where the responsible parties are recalcitrant or do not have the ability to pay.
- Update the Delaware risk-based corrective action program document relating to the cleanup of underground storage tank sites.
- Complete updates to the Hazardous Substance Cleanup Act Regulations.

Emergency Response and Strategic Services Section

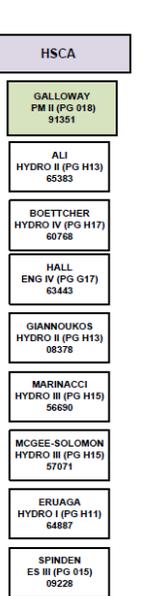
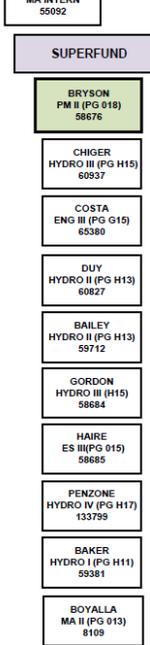
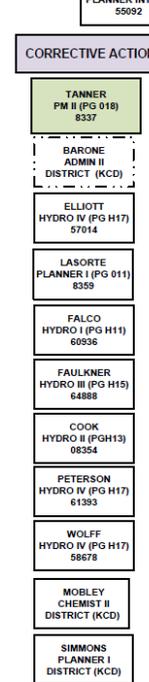
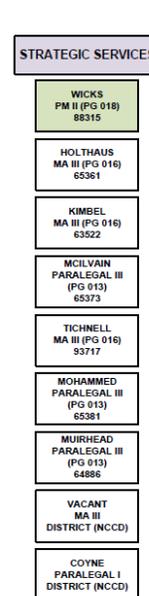
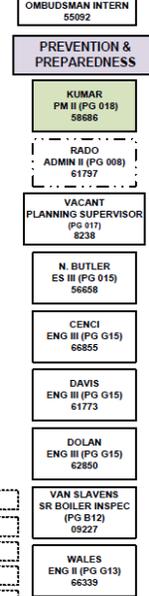
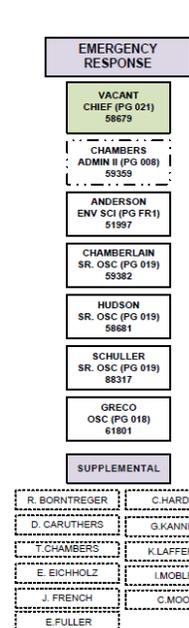
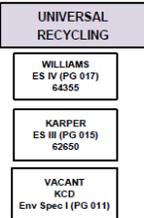
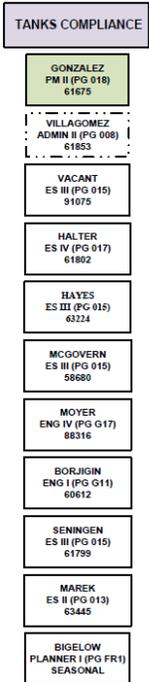
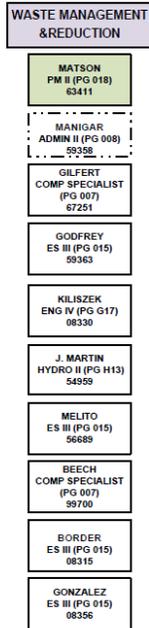
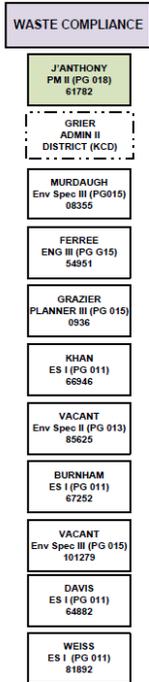
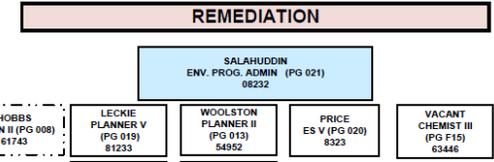
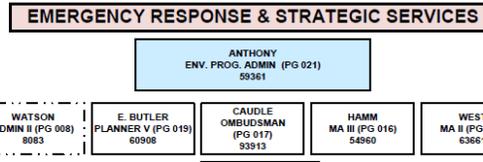
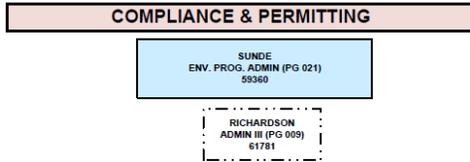
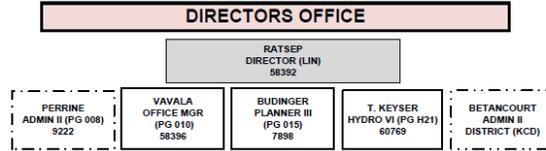
- Continue to have the same high level of response preparedness and continue to improve on-scene response objectives/mitigation.
- Focused training to ensure all responders continue to meet OSHA/NFPA HazMat technician standards.
- Replace field monitoring equipment that is over 10 years old with newer instruments.
- Use HSCA funds for divisional data related activities, especially with PFAS
- Increase the timeliness and amount of costs recovered from responsible parties.
- Improve outreach to communicate effectively with the regulated community and the public with an expanded focus on environmental justice communities.
- Standardize processes across sections for operational support activities.
- Implement continuous improvement.
- Publish the HSCA expenditure plan for FY2027

6.0 EXPENDITURES AND BUDGET PROJECTIONS

The HSCA fund expended \$19.1 million and received \$12.9 million in revenue in FY2025. The projections are based on known, anticipated and projected costs for sites currently identified by DNREC and a contingency line item for sites yet to be identified.

ATTACHMENT A: ORGANIZATIONAL CHART

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES



June 2025

ATTACHMENT B:

GLOSSARY OF TERMS & ABBREVIATIONS

Aboveground Storage Tank (AST)

A single aboveground containment vessel having a capacity of greater than 250 gallons and currently or previously having contained regulated substances on or after January 1, 1992. The term includes all ancillary aboveground pipes and dispensing systems. Within this definition, the word “vessel” includes any container that can be partially visually inspected, from the exterior, in an underground area.

Brownfield Site (BF)

A site being addressed under the Brownfield Development Program.

Brownfield Preliminary Assessment (BPA)

A baseline environmental investigation conducted on underutilized potentially contaminated property/ properties to characterize the site to encourage redevelopment of the property.

Brownfield Development Program (BDP)

The remedial process established by the Department under 7 Del. Laws, c. 91, Subchapter II.

Brownfield Investigation (BFI)

An evaluation under the brownfields development program which includes the assessment of an actual, threatened, or perceived release of a hazardous substance at a facility to determine the nature, extent, and impact of the actual, threatened, or perceived release, and the evaluation of the feasibility of the proposed development plan to serve as all or a portion of the remedial action.

Corrective Action (CA)

Corrective Action means the sequence of actions, or process that includes confirming a Release, Site Assessment, interim Remedial Action, Remedial Action, monitoring, and Termination of the Remedial Action.

Certification of Completion of Remedy (COCR)

Document issued by the Department stating the remedial action has been completed or is operational to the satisfaction of the Department and any of the ongoing compliance requirements for the site.

DWHS or Division

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The Department of Natural Resources and Environmental Control Division of Waste and Hazardous Substances.

DNREC or Department

The Department of Natural Resources and Environmental Control.

Emergency Response and Strategic Services (ERSS)

An operating section of DNREC's Division of Waste and Hazardous Substances responsible for boiler and pressure vessels, emergency response actions, as well as oversight of all support operations (i.e., legal, financial, outreach and other support services)

Facility Evaluation (FE)

An investigation to identify a release of a hazardous substance and generate data to perform an initial screening and make a decision regarding future action at the facility.

Facility Identification

The process of identifying facilities with a release of hazardous substances, based on complaints from the public, reports from other agencies or parties, etc.

Feasibility Study (FS)

An evaluation to identify the potential remedial alternatives that are applicable to satisfy the remedial action objectives for the facility.

Final Plan of Remedial Action (FP)

The Department's written determination of the appropriate remedial action under HSCA at a facility for the current or anticipated land use to protect public health, welfare, and the environment.

FIRST Fund

A fund appropriated and adopted in FY2000 and created for the purpose of addressing the investigation, removal and remediation of orphaned and abandoned underground storage tank systems in the state.

Hazardous Substance

(a) any hazardous waste as defined in 7 Del. Laws, c. 63 or any hazardous waste designated by regulation promulgated pursuant to 7 Del. Laws, c. 63; (b) any hazardous substance as defined in CERCLA or regulations promulgated pursuant thereto; (c) any substance determined by the

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Secretary through regulation to present a risk to the public health or welfare or the environment if released into the environment; (d) any substance included in the HSCA screening level table that will be updated semiannually; or (e) petroleum, including crude oil or any fraction thereof; however, any release of hazardous substances from a storage tank which is regulated by 7 Del. Laws, c. 74 or 7 Del. Laws, c. 74A or regulations promulgated pursuant thereto is not subject to these regulations except as provided for in Section 1.2. Notwithstanding the Department's determination under Section 1.2 of these regulations, any release of petroleum, including crude oil or any fraction thereof, is eligible for funding under HSCA.

HSCA

The Delaware Hazardous Substance Cleanup Act first enacted in July of 1990, and later amended. It is also known as the state superfund program.

HSCA Fund

A fund created for the purpose of addressing hazardous substance release sites in Delaware. The fund consists of revenues from a 0.9% tax on gross receipts from petroleum products, penalty monies, and monies obtained through recovery of costs from potentially responsible parties.

Identification and Notification of Potentially Responsible Parties (PRPs)/PRP Search

The process whereby the Department will initiate actions to identify and notify the PRPs associated with the facility where a release or a threat of release has been confirmed.

Initial Investigation

A process for identifying a suspected release or imminent threat of release. It includes review of existing information, facility visits, interviews with facility owner or operator and adjacent property owners, or other persons with knowledge of the facility.

Interim Action (IA)

The containment, cleanup, or removal of a release or imminent threat of release of hazardous substances from a facility, or the taking of other actions, prior to the selection of a remedial action, as may be necessary to prevent, minimize, or mitigate threats to public health, welfare, or the environment.

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Long Term Stewardship (LTS)

The long-term management of contaminated environmental media at sites that is necessary to protect human health and the environment. Long-term stewardship generally includes the establishment and maintenance of physical and legal controls, implementation entities, authorities, accountability mechanisms, information, and data management systems, and/or resources that are necessary to ensure that these sites remain protective of public health, welfare, or the environment.

Low Priority (LP)

Sites that are active in our database but have not had any work on the site within the past 3 years.

No Further Action (NFA)

Based on the information available following an initial investigation or facility evaluation, the Department determines that: (a) there has been no release or there is no imminent threat of release; (b) a release has occurred which does not pose a threat to public health or welfare or the environment; or (c) action by another authority is appropriate.

Natural Resources Damage Assessment (NRDA)

The process of collecting, compiling, and analyzing information, statistics, or data to determine natural resource damages.

Operable Unit (OU)

A portion of a superfund site that is addressed separately from the rest of the site to allow for easier management or a timelier response.

Operation and Maintenance (O&M)

The activities required by the Department to provide for continued effectiveness and integrity of a remedial action.

Potentially Responsible Parties (PRPs)

Any person identified pursuant to 7 Del. Laws, c. 91, § 9105 (a)(1) through (6) as a person liable with respect to a facility.

PRP Lead

This refers to a site where the PRP(s) performs investigative and remedial

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actions and bears the costs of those activities.

Proposed Plan (PP)

A written plan, issued by the Department for public comment, describing the appropriate remedial action under HSCA at a facility for the current or anticipated land use to protect public health, welfare, or the environment.

Remediation

Any action, response, or expenditure consistent with the purposes of HSCA, or any regulations or guidance developed pursuant thereto to identify, minimize or eliminate any imminent threat posed by any hazardous substances to public health or welfare or the environment including preparation of any plans, conducting of any studies and any investigative, oversight of remedy or monitoring activities with respect to any release or imminent threat of release of a hazardous substance and any health assessments, risk assessments, health effect studies or natural resource damage assessments conducted in order to determine the risk or potential risk to public health or welfare or the environment.

Remedial Action (RA)

The containment, contaminant mass or toxicity reduction, isolation, treatment, removal, cleanup, or monitoring of hazardous substances released into the environment, or the taking of such other actions, including natural resource damage restoration and replacement, as may be necessary to prevent, minimize, or mitigate harm or risk of harm to the public health or welfare or the environment which may result from a release or an imminent threat of a release of hazardous substances.

Remedial Design (RD)

The preparation of a plan and specifications necessary for implementation of a remediation action.

Remedial Investigation (RI)

An evaluation of a release or imminent threat of release of a hazardous substance at a facility to determine the nature, extent, and impact of the release and the collection of data necessary to conduct a feasibility study of remedial alternatives.

Site Inspection (SI)

A baseline environmental investigation conducted on underutilized

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potentially contaminated property/ properties to characterize the site to encourage redevelopment of the property.

Remediation Section (RS)

An operating section of DNREC's Division of Waste and Hazardous Substances responsible for investigating, overseeing/monitoring and/or performing remediation of uncontrolled hazardous/toxic waste sites in accordance with the Delaware Hazardous Substance Cleanup Act and Delaware's Regulations Governing Hazardous Substance Cleanup. It also is responsible for regulating, investigating, monitoring and/or permitting Aboveground Storage Tanks, Underground Storage Tanks, Stage I and II Vapor Recovery Systems, as well as remediation actions.

State/Fund Lead

This refers to a site where a PRP: (1) cannot be identified; (2) is unwilling to perform investigative or re- medial activities; or (3) is unable to pay for cleanup. In such instances, the Department may carry out the investigative and remedial activities at the site using monies from the HSCA fund.

Underground Storage Tanks (USTs)

Underground storage tank systems.

Voluntary Cleanup Program (VCP)

The remedial process established by the Department under 7 Del. Laws, c. 91, into which a party voluntarily enters, provided the application is approved by the Department, for the purpose of conducting a remedy at a facility

STATE OF DELAWARE

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DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

HAZARDOUS SUBSTANCE CLEANUP FUND

SCHEDULE OF REVENUES, EXPENDITURE, AND CHANGE IN FUND BALANCE BY ACCOUNT - MODIFIED CASH BASIS

FOR THE YEAR ENDED JUNE 30, 2025

	<u>Administrative Account</u>	<u>Cleanup Fund</u>	<u>Voluntary Cleanup Fund</u>	<u>Brownfields Program</u>	<u>Total</u>
REVENUES					
Tax assessments	\$ -	\$ 7,607,518	\$ -	\$ 3,803,758	\$ 11,411,276
Cost recovery	45,612	173,592	-	108	219,312
Voluntary cleanup	-	-	108,681	-	108,681
Interest	-	584,541	34,665	584,541	1,203,747
Other	30,788	203,761	-	-	234,549
TOTAL REVENUES	<u>76,400</u>	<u>8,569,412</u>	<u>143,346</u>	<u>4,388,407</u>	<u>13,177,565</u>
EXPENDITURE					
Cleanup program	<u>1,645,625</u>	<u>11,995,419</u>	<u>154,292</u>	<u>5,525,457</u>	<u>19,320,793</u>
NET CHANGE IN FUND BALANCE	(1,569,225)	(3,426,007)	(10,946)	(1,137,050)	(6,143,228)
FUND BALANCE - BEGINNING OF YEAR	<u>(15,692,355)</u>	<u>38,164,648</u>	<u>677,773</u>	<u>5,287,063</u>	<u>28,437,129</u>
FUND BALANCE - END OF YEAR	<u>\$ (17,261,580)</u>	<u>\$ 34,738,641</u>	<u>\$ 666,827</u>	<u>\$ 4,150,013</u>	<u>\$ 22,293,901</u>

No assurance is provided on these financial statements.