

Delaware State Bar Association – Environmental Section
Minutes of Meeting – November 19, 2008

Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street
Wilmington, DE 19801

Attending:

Stephanie Hansen, Chair
Kathy Stiller, Speaker
Devera Scott
Tom Kovach
Val Satterfield
Kara Coats
Hardy Drane
Todd Coomes
Pam Meitner
Sharon Morgan
June MacArtor

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Agenda:

Chairperson Hansen called the meeting to order at 12:10 pm; the minutes from the previous meeting were reviewed and approved.

Introductions/Speaker

After each attendee introduced himself/herself, our guest speaker, Kathy Stiller, the Program Manager II for the DNREC SIRB Branch, was introduced and began her presentation. Ms. Stiller mentioned that there is a team approach to problem-solving by SIRB. Within the Brownfields program, the State has spent approximately \$2.4 million dollars this fiscal year on brownfields redevelopment and is currently addressing 34 brownfield sites. SIRB is also working closely and cooperatively with EPA regarding PCB cleanup at brownfield sites. It was observed that there are not many entities entering to the VCP program and that SIRB has recently begun taking a more active enforcement stance regarding the sites within the VCP program. In particular, if the site is not progressing, then SIRB is more likely to revoke the VCP agreement and proceed to a public hearing to begin the formal enforcement pathway. SIRB is also more vigorously pursuing cost recovery at sites under its jurisdiction and now moving forward on Natural Resource Damage Assessments (NRDA). Staff member Greg Dekowsky is the team leader regarding NRDA. HSCA and UST regulation revision is also underway. The HSCA regulations are being revised to more accurately reflect current practices within SIRB. The UST regulations are being revised to incorporate new Federal Energy Act requirements, in particular, new operator training.

Environmental Section CLE

The section began the discussion regarding the organization of our upcoming CLE. The members felt that a CLE held some time around Earth Day would be desirable. With this in mind, the end of April is currently being considered. Possible subjects and speakers discussed were: 1) new DNREC Secretary as the keynote speaker; 2) the recent overturning of EPA regulations (Todd Coomes); 3) environmental case law update (Hardy Drane); 4) new Green Building standards (Sharon Morgan); 5) TMDL updates and the controversial DNREC Pollution Control Strategy (Tom Kovach); 6) Brownfields update (Stephanie Hansen) and 7) the distribution of penalty money resulting from enforcement actions (Pam Meitner). Another potential subject mentioned for the CLE was an update on the SRA/NA map initiative/court battle. Lastly, Pam Meitner agreed to contact Andrea Rocanelli to see if there might be an opportunity to include an Ethics section in the CLE for credit. Because of the amount of material to cover and decisions to be made, it was decided that this will be the main topic of discussion at our next Section meeting in January.

Adjourn and Next Meeting:

The meeting was adjourned at 1:05 pm. The next Section meeting is scheduled for 12:00 pm, Wednesday, January 28th, at the Wilmington Office of YCST.