

NEWS FROM THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

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DNREC Issues Amendment to 2003 Notice of Conciliation and Secretary's Order to New Castle County for Pollution Violations

Delaware Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued an Amendment to the 2003 Notice of Conciliation and Secretary's Order to the Department of Special Services, New Castle County for violations associated with the county's sewage collection and transmission system.

New Castle County owns, operates and maintains a sewage collection, transmission and treatment system throughout the county. This system is currently comprised of approximately 1,700 miles of pipe, 160 pump stations, and three treatment plants.

Part of the Brandywine Hundred area is serviced by a combined sewer system. Combined sewers are designed to convey sanitary sewage during dry weather and sanitary sewage and storm water during wet weather or snow melt. Two combined sewer overflow structures were designed and constructed more than 30 years ago in the Brandywine Hundred area to discharge excess combined wet weather flows into the Delaware River.

Sanitary sewers convey only sanitary wastewater along with a small amount of inflow and infiltration. Although the county undertakes significant efforts to prevent sanitary sewer overflows countywide, it experiences overflows each year for reasons including, but not limited to, vandalism, contractor errors, tree root intrusion and grease accumulation.

In 2003, DNREC issued a Notice of Conciliation and Secretary's Order after determining that the county violated the state's water pollution laws and regulations by discharging pollutants without a permit.

Since the original order was issued, one of the two combined sewer overflow (CSO) structures identified in the original order has been eliminated and sealed in 2006, the Stoney Creek Pump Station and Forcemain Project has been completed, and the county's fats, oil and grease program and sanitary sewer overflow response procedures have been updated. The county also has committed more resources to improving the system than the original order required.

As required by the original order, over the past five years the county has completed a comprehensive study of the Brandywine Hundred area, which included hydraulic modeling and extensive field testing and data collection. Based on these findings, the county developed the CSO Elimination Plan, which was approved by DNREC in December 2004. In the approved CSO plan, the county's fiscal and resource commitment to the goals of the original order increased significantly from the original \$9 million fiscal investment anticipated in 2003 to an estimated \$230

million over the course of three phases. Since DNREC's understanding of the scope of the county sanitary sewer issues has also increased over the past five years, the Department is now able to order the county to perform more specific corrective actions to reach the goals of the original order.

In addition to the expanded work scope from the original order, the 2008 amended notice and order assesses New Castle County with the following penalties:

- Pay a \$95,000 penalty; or
- Pay \$45,000 and perform a supplemental environmental project ("SEP") that costs in excess of \$100,000.
- Submit quarterly progress reports for the SEP to DNREC.
- Pay a \$5,000 assessment for DNREC's investigation costs.

New Castle County has 30 days to request a public hearing before the amended order becomes binding.