

CHAPTER 359
FORMERLY
SENATE BILL NO. 236
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 91, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE HAZARDOUS SUBSTANCE CLEANUP ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 9103, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 9103 Definitions.

As used in this chapter:

(3) "Brownfield" means real property, the expansion, redevelopment, or reuse ~~any vacant, abandoned or underutilized real property the development or redevelopment~~ of which may be hindered by the reasonably held belief that the real property may be environmentally contaminated.

Section 2. Amend § 9108, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 9108 Certification of completion of remedy.

(a) Upon completion of a remedy at a facility, or an operable unit thereof, the Department may issue, or the owners, parties to the settlement agreement or parties responding to an order, may apply for a certification of completion of remedy from the Secretary pursuant to regulations promulgated under § 9104 of this title. For the purposes of this section, the Secretary may consider a remedy complete when the remedial action is operational and functional; provided, however, that the Secretary may place conditions or limitations in the certification of completion of remedy which identify those portions of the final plan of remedial action, including but not limited to operation and maintenance, and compliance monitoring, which must continue to be performed, and which provide for the performance of additional remedies in the event that the remedial goals contained in the final plan of remedial action are not achieved as required by the plan and the regulations promulgated under § 9104 of this title.

Section 3. Amend § 9113, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 9113 Hazardous Substance Cleanup Fund.

(c) Money in the Fund may be used by the Secretary only to carry out the purposes of this chapter, including, but not limited to, the following activities:

(6) ~~Through the Delaware Economic Development Office, p~~ Providing low interest loans to ~~nonprofit organizations and small businesses who are potentially responsible~~ parties with an executed settlement agreement with the Department.

Approved August 03, 2016