



SPONSOR: Rep. Heffernan & Sen. Hansen
Reps. Brady, Collins, Gray; Sen. Paradee

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 207

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO UNDERGROUND AND ABOVEGROUND STORAGE TANKS.

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

1 Section 1. Amend § 7406(e), Title 7 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (3) A person approved as a Brownfields Developer who enters into a Brownfields Development Agreement
4 with the Secretary pursuant to the provisions of Chapter 91 of this title, is not liable for any release or imminent threat
5 of release of regulated substances existing at the facility when the Brownfields Development Agreement is entered
6 into. The person is also not liable for any corrective actions or for the costs of any corrective actions incurred by the
7 State or any other person upon the signing of the Brownfields Development Agreement provided that all of the
8 following conditions are met:

9 a. The person is not a responsible party with respect to a petroleum release from an underground storage
10 tank system regulated under this chapter.

11 b. The person proposes to conduct investigations at the facility where the release occurred.

12 c. The person agrees to comply with the provisions of the Brownfields Development Program as well as
13 all other applicable laws, regulations, guidance, and directives of the Department related thereto.

14 Section 2. Amend Chapter 74A, Title 7 of the Delaware Code by making deletions as shown by strike through and
15 insertions as shown by underline as follows:

16 § 7419A. Applicability of Brownfields Development Program.

17 (a) A person approved as a Brownfields Developer who enters into a Brownfields Development Agreement with
18 the Secretary pursuant to the provisions of Chapter 91 of this title, is not liable for any release or imminent threat of release
19 of regulated substances existing at the facility when the Brownfields Development Agreement is entered into. The person is
20 also not liable for any corrective actions or for the costs of any corrective actions incurred by the State or any other person
21 upon the signing of the Brownfields Development Agreement provided that all of the following conditions are met:

22 (1) The person did not cause or contribute to the release from an aboveground storage tank, and is not liable
23 or required to take measures for the prompt control, containment, and removal of a released regulated substance from
24 an aboveground storage tank regulated under this chapter.

25 (2) The person proposes to conduct investigations at the facility where the release occurred.

26 (3) The person agrees to comply with the provisions of the Brownfields Development Program as well as all
27 other applicable laws, regulations, guidance, and directives of the Department related thereto.

SYNOPSIS

This Act expands the applicability of the Delaware Brownfields Development Program, Subchapter II, Chapter 91 of Title 7, by providing protection from liability for releases of regulated substances from underground storage tanks and aboveground storage tanks to any person approved as a Brownfields Developer who enters into a Brownfields Development Agreement, and otherwise meets the requirements of the Brownfields Development Program.