

**10977. RESOLUTION 15-22 – COST-SHARING AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND NEW CASTLE COUNTY**

WHEREAS, in 1995, New Castle County (the “County”) and the Delaware River and Bay Authority (the “Authority”), entered into an Acquisition Agreement and Ground Lease whereby the Authority became the operator of the New Castle Airport (“Airport”), and

WHEREAS, in 2014, the Department of Natural Resources (“DNREC”) contacted both the County and the Authority to advise the parties of their potential liability as potentially responsible parties at the Airport pursuant to Section 9105 of the Delaware Hazardous Substance Cleanup Act, 7 Del. C., Chapter 91 (“HSCA”); and

WHEREAS, the Authority and the County intend to enter into a Voluntary Cleanup Agreement between the DRBA, the County and DNREC (the “VCP Agreement”)—pursuant to HSCA and the Delaware Regulations Governing Hazardous Substance Cleanup; and

WHEREAS, the VCP Agreement will cover investigation work only and does not address the responsibility of either party in the event additional investigation or environmental remediation is required; and

WHEREAS, in order to complete the remedial investigation contemplated under the VCP Agreement, the DRBA will retain, on behalf of the DRBA and the County, an environmental consultant; and

WHEREAS, the DRBA and the County agree to share the costs related to the remedial investigation contemplated under the VCP Agreement equally with the parties’ costs capped at \$50,000 each; and

NOW, THEREFORE, BE IT RESOLVED, that Executive Director is hereby authorized to finalize the terms of the Cost-Sharing Agreement and the related Environmental Consulting Agreement, and with the advice and consent of counsel, to have such agreements executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 15-22 was made by Commissioner Dorn and seconded by Commissioner Smith. Resolution 15-22 was approved by a roll call vote of 10-0.

## **Resolution 15-22 – Executive Summary Sheet**

**Resolution:** Cost Sharing Agreement between the Delaware River and Bay Authority and New Castle County

**Committee:** Economic Development

**Committee Date:** June 16, 2015

**Board Date:** June 16, 2015

### **Purpose and Background for Resolution:**

In 2014, DNREC contacted both the Authority and New Castle County to advise of potential liability under the Delaware Hazardous Substance Cleanup Act and request that the parties enter into a VCP Agreement for purposes of conducting a remedial investigation into the potential contamination. The Authority and the County intend to jointly enter into this agreement with DNREC and for purposes of the remedial investigation contemplated by the VCP Agreement and have each allocated \$50,000 towards the costs associated with the VCP Agreement.