

FINAL REGULATION
Department of Natural Resources and Environmental Control
Division of Water Resources

Statutory Authority: 7 Delaware Code, Chapter 60

Total Maximum Daily Load (TMDL) for Zinc in the White Clay Creek, Delaware

- Article 1. The TMDL for zinc in the White Clay Creek shall be 6.73 pounds per day, measured as total zinc.
- Article 2. The mass loading of zinc to the White Clay Creek from the NVF, Newark facility property (i.e., LA_{NVF}) shall not exceed 3.5 pounds of zinc per day, measured as total zinc.
- Article 3. The load allocation of zinc from the area upstream of Paper Mill Road (i.e., LA_{up}) shall be capped at 3.07 pounds per day, measured as total zinc.
- Article 4. The margin of safety (MOS) for the TMDL listed in Article 1 has been set at 0.16 pounds of zinc per day. This margin of safety (approximately 2% of the TMDL) reflects the modest data set and the highly conservative approach used to establish the TMDL, while at the same time accounting for uncertainties associated with sediment processes in the Creek.
- Article 5. DNREC has determined with a reasonable degree of scientific certainty that water quality standards for zinc will be met in the White Clay Creek once the mass loading requirements of Articles 1 through 3 are met.
- Article 6. Implementation of this TMDL Regulation shall be achieved through the development of a Pollution Control Strategy. The Strategy will be developed by DNREC in concert with affected parties, the interested public, and the Department's ongoing Whole Basin Management Program. The manner in which the 3.5 pounds per day that is noted in Article 2 above is achieved shall be one particular area of focus as part of the Pollution Control Strategy. The Pollution Control Strategy will also consider how monitoring will be conducted to verify compliance with the TMDL.