



# STATE OF DELAWARE HAZARDOUS SUBSTANCE CLEANUP FUND

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FINANCIAL STATEMENT AUDIT  
FISCAL YEARS ENDED JUNE 30, 2022 AND 2023



# STATE OF DELAWARE HAZARDOUS SUBSTANCE CLEANUP FUND

## REPORT SUMMARY FISCAL YEARS ENDED JUNE 30, 2022 AND 2023

### BACKGROUND

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In July of 1990, the State of Delaware (the State) legislature passed, and the Governor signed, legislation establishing the State's "Hazardous Substance Cleanup Act" (HSCA) (the Act). This Act establishes standards to be followed to protect the public health and welfare of citizens and the environment of the State from releases of hazardous substances. The Act also provides a funding mechanism for the program.

The Fund is divided into four subfunds: The "Cleanup Fund" for the remediation activities of the Fund and the collection of tax assessments and other revenues; the "Administrative Account" for the administrative activities of the Fund, as well as the cost recovery program; the "Voluntary Cleanup Program" for the oversight of voluntary cleanup efforts; and the "Brownfields Development Program" for the cleanup and redevelopment of vacant, abandoned, or underutilized properties, which may be contaminated. Funds are collected and deposited directly into the appropriate subfund until program disbursements are made.

This engagement, a financial statement audit for Fiscal Years ended June 30, 2022 and 2023, including a review of internal controls over financial reporting on compliance and other matters, was conducted in accordance with 29 Del. C. §2906.

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### KEY INFORMATION AND FINDINGS

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This audit contains an unmodified, or "clean" opinion. An unmodified opinion is one in which the auditor expresses an opinion that the financial statements present fairly, in all material respects, an entity's financial position, results of operations and cash flows in conformity with generally accepted accounting principles. Further, the prior significant deficiency finding related to payroll controls specific to approval of time has been addressed by management.

The combined total net position of the Fund as of June 30, 2023 increased by \$8,313,326 from June 30, 2022.

The Fund realized operating income of \$8,313,326 in fiscal year 2023, which represents an increase of \$4,030,424 from fiscal year 2022.

**STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
HAZARDOUS SUBSTANCE CLEANUP FUND**

**FINANCIAL STATEMENTS AND  
INDEPENDENT AUDITOR'S REPORTS**

**JUNE 30, 2023 AND 2022**

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
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***Independent Auditor's Report***

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund  
Dover, Delaware

**Report on the Audit of the Financial Statements**

***Opinion***

We have audited the accompanying financial statements of the State of Delaware, Department of Natural Resources and Environmental Control, Hazardous Substance Cleanup Fund (the "Fund"), which comprise the balance sheets - modified cash basis, as of June 30, 2023 and 2022, and the related statements of revenues, expenditures and changes in fund balances - modified cash basis and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the balance sheets - modified cash basis of the State of Delaware, Department of Natural Resources and Environmental Control Hazardous Substance Cleanup Fund as of June 30, 2023 and 2022, and its revenues, expenditures, and changes in fund balance - modified cash basis, for the years then ended in accordance with the modified cash basis of accounting described in Note 2.

***Basis for Opinion***

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are required to be independent of the Fund and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund

***Basis of Accounting***

We draw attention to Note 2 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

***Emphasis of Matter***

As discussed in Note 1, the Fund financial statements are intended to present only the balance sheets - modified cash basis, as of June 30, 2023 and 2022, and the related statements of revenues, expenditures and changes in fund balance - modified cash basis and the related notes to the financial statements that are attributable to the Fund. They do not purport to, and do not, present fairly the financial position of the State of Delaware, as of June 30, 2023 and 2022, the changes in its financial position, or, where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting described in Note 2 to the financial statements and for determining that the modified cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Supplementary Information***

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Fund's basic financial statements. The accompanying schedules of revenues, expenditures, and changes in fund balances by account - modified cash basis is presented for purposes of additional analysis is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedules of revenues, expenditures, and changes in fund balance by account - modified cash basis are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund

***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated October 16, 2024, on our consideration of the Fund's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Fund's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Fund's internal control over financial reporting and compliance.

*Belfint, Lyons & Shurman, P.A.*

October 16, 2024  
Wilmington, Delaware



**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**BALANCE SHEET - MODIFIED CASH BASIS**  
**JUNE 30, 2023**

	<b>2023</b>	<b>2022</b>
<b>ASSETS</b>		
Pooled Cash	\$ 28,938,177	20,624,851
<b>FUND BALANCE</b>		
Restricted by Enabling Legislation	\$ 28,938,177	\$ 20,624,851

The accompanying notes are an integral part of these financial statements.

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -**  
**MODIFIED CASH BASIS**  
**JUNE 30, 2023**

	<u>2023</u>	<u>2022</u>
<b>REVENUES</b>		
Tax Assessments	\$ 23,606,953	\$ 16,091,689
Cost Recovery	317,217	283,207
Voluntary Cleanup	60,048	137,410
Interest	227,135	-
Other	345,917	266,819
	<u>24,557,270</u>	<u>16,779,125</u>
<b>TOTAL REVENUES</b>	24,557,270	16,779,125
<b>EXPENDITURE</b>		
Cleanup Program	<u>16,243,944</u>	<u>12,496,223</u>
<b>NET CHANGE IN FUND BALANCE</b>	8,313,326	4,282,902
<b>FUND BALANCE - Beginning of Year</b>	<u>20,624,851</u>	<u>16,341,949</u>
<b>FUND BALANCE - End of Year</b>	<u>\$ 28,938,177</u>	<u>\$ 20,624,851</u>

The accompanying notes are an integral part of these financial statements.

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2023 AND 2022**

**NOTE 1: SUMMARY OF OPERATIONS**

In July of 1990, the State of Delaware (the State) legislature passed, and the Governor signed, legislation establishing the State’s “Hazardous Substance Cleanup Act” (HSCA) (the Act). This Act establishes standards to be followed to protect the public health and welfare of citizens and the environment of the State from releases of hazardous substances. The Act also provides a funding mechanism for the program.

The responsibility for administering the Act was vested in the Division of Waste and Hazardous Substances (the Division) within the Department of Natural Resources and Environmental Control (DNREC). Three Sections within the Division are supported by HSCA: the Remediation Section, Emergency Response and Strategic Services Section, and Compliance and Permitting Section. The Remediation Section and Emergency Response and Strategic Services Section together make up the Hazardous Substance Cleanup Fund (the Fund). The Fund is funded primarily by a surtax on certain petroleum products sold in the State.

The Division’s Remediation Section supplements the federal government’s efforts in cleaning up hazardous sites. The most serious sites in the State become the responsibility of the Federal Government while those that meet lesser criteria become the responsibility of the State.

The Fund’s activities are accounted for as a distinct operating unit within the Division. Accordingly, the financial statements of the Fund are intended to present only the transactions related to pooled cash and the related revenues and expenditures of only that portion of the funds of the State that are attributable to the transactions of the Fund.

The Fund is divided into four subfunds: The “Cleanup Fund” for the remediation activities of the Fund and the collection of tax assessments and other revenues; the “Administrative Account” for the administrative activities of the Fund, as well as the cost recovery program; the “Voluntary Cleanup Program” for the oversight of voluntary cleanup efforts; and the “Brownfields Development Program” for the cleanup and redevelopment of vacant, abandoned, or underutilized properties, which may be contaminated. Funds are collected and deposited directly into the appropriate subfund until program disbursements are made.

These financial statements are not intended to present the financial position and results of operations of the State of Delaware, taken as a whole. They present only the Fund’s share of pooled cash held by the State Treasurer, and its revenues, expenditures and fund balance, on a modified cash basis. The State of Delaware budget appropriations that comprise the Fund include appropriation 20148, holding appropriations 30078 and 30087, revenue appropriations 77801, 77802, 77803, 78701, and spending appropriations 67801, 67802, and 67803. As discussed in Note 2, these financial statements were prepared on the modified cash basis of accounting. The modified cash basis of accounting differs from accounting principles generally accepted in the United States of America (GAAP).

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

***Basis of Accounting*** - The Fund's financial statements are prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under that basis, the only asset recognized is pooled cash in an amount equal to the Fund appropriations, representing amounts held by the State Treasurer. No liabilities are recognized. Consequently, revenues from all sources are recognized when received in the Fund's appropriations, rather than when earned; and expenditures are recognized when recorded against the Fund's appropriations, rather than when the obligation is incurred.

The statement of revenues, expenditure, and changes in fund balance - modified cash basis presents sources and uses of available spendable financial resources during a given period and uses fund balance as the measure of available spendable financial resources at the end of the period.

As a result of the use of this modified cash basis of accounting, certain assets and their related revenues and certain liabilities and their related expenditures are not recorded in these financial statements.

***Fund Balance*** - In the financial statements, fund balance is classified as follows:

*Nonspendable* - Amounts that cannot be spent either because they are not in a spendable form or because they are legally or contractually required to be maintained intact.

*Restricted* - Amounts that can be spent only for specific purposes because of the Delaware Code, state or federal laws, or externally imposed conditions by grantors or creditors.

*Committed* - Amounts that can be used only for specific purposes pursuant to constraints imposed by a formal action of the Delaware Legislature, the State's highest level of decision-making authority. Formal action is the passage of law by the legislature, or other parties named by the State's legislature, creating, modifying, or rescinding an appropriation.

*Assigned* - Amounts that are constrained by the Fund's intent to be used for a specific purpose. Intent can be expressed by the Secretary of DNREC, or by an official or body to which the Secretary delegates the authority.

*Unassigned* - All amounts not included in other spendable classifications.

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
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**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - CONTINUED**

***Fund Balance - Continued***

The fund balance is restricted per enabling legislation.

When funds are expended for which either restricted or unrestricted resources can be used, the Fund's policy is to first apply the expenditure toward restricted fund balance and then to other, less-restrictive classifications - committed and then assigned fund balances before using unassigned fund balances.

DNREC's Voluntary Cleanup Program (VCP) is operated under the Hazardous Substance Cleanup Act. Participating parties are required to pay a deposit at the start of the project. These funds are deposited into a Non-appropriated Special Fund appropriation (20148) and are not eligible to be used for expenses outside of the VCP agreement. Once the project is complete and/or the agreement is terminated, any remaining funds are returned to the applicant.

**NOTE 3: POOLED CASH**

***Pooled Cash - State Treasurer's Pool*** - Pooled cash, as reported on the balance sheet, represents the Fund's allocated share of cash, cash equivalents, and investments under the control of the Treasurer of the State of Delaware (the Treasurer). All cash is deposited with the Treasurer by State agencies and maintained by the Treasurer in various pooled funds. The Treasurer invests the deposited cash, including cash float in short-term securities and other investments. Interest income is credited to the Fund based on the weighted average rate of return on the State's monies applied to the Fund's average monthly spending authority. Pooled investments represent those investments in units of a pool rather than specific securities. Since the Fund's deposits and investments are part of the State's pooled deposits and investments maintained by the Treasurer, the required disclosures related to risks are included in the Delaware Annual Comprehensive Financial Report.

***The Cash Management Policy Board*** - The State's policy for the investment of State funds is the responsibility of Cash Management Policy Board (the Board) and are set forth in Title 1 of the Delaware Administrative Code, Section, 1200, *Cash Management Policy Board*. The Board, created by State law, establishes policies for and the terms, conditions, and other matters relating to the investment of all money belonging to the State except money in any State pension fund and money held under the State deferred compensation program.

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 3: POOLED CASH - CONTINUED**

*Investment Guidelines and Management* - The investment guidelines adopted by the Board provide, among other things, that the funds in Collection and Disbursement Accounts must be immediately available to support the State's daily governmental programs and activities. The primary investment objectives are, therefore, safety and liquidity of such funds; return is a secondary priority.

*Collateralization Requirements* - Cash Management Banks must maintain State Funds in either collateralized, demand deposit accounts or open-end money market mutual funds, in order to mitigate the risk of State Funds being exposed to the credit risk of such financial institutions. All State funds are required to be collateralized with (a) pledges of United States Treasury Obligations or United States Government Agency Obligations to a custody account held for the benefit of the State at a Federal Reserve Bank, or held by an independent trust company, bank or similar financial institution rated in the highest rating category by at least one Nationally Recognized Statistical Rating Organization (NRSRO), (b) irrevocable standby letters of credit issued by a Federal Home Loan Bank, or financial institution rated in the highest rating category by at least one NRSRO; and (c) surety bonds issued by insurance companies rated in the highest rating category by at least one NRSRO. State Funds held by Cash Management Banks in money market mutual funds shall be invested solely in United States Treasury Obligations or United States Government Agency Obligations which are rated in the highest rating category by at least one NRSRO.

The complete Policy is available on the Office of the State Treasurer website (<http://treasury.delaware.gov/>).

**NOTE 4: REVENUES**

The Fund's primary source of revenues comes from the levy of a tax on all taxable gross receipts from the sale of petroleum and petroleum products, with the exception of crude oil. The tax levy was .9067% with regard to gross receipts received before January 1, 2022, and 1.675% with regard to gross receipts received after January 1, 2022, but before January 1, 2023. Beginning January 1, 2023, the tax levy is .8389%.

After December 31, 2018, legislation ties HSCA funding to a median benchmark and authorizes the Division of Revenue to adjust the tax rate up or down for the following year. The HSCA tax rate is limited by legislation to a range from .675% to 1.675% of taxable gross receipts. Annually, an amount is set aside for the Brownfields Grant Program, equal to one-third of the amount deposited in that year into the Fund under 7 Del. C. §9113.

Although funding is adequate to meet DNREC's annual expenditure plans and carryover funds exist, the cost of the future cleanup of orphaned sites exceeds the money available in the Fund.

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 5: COMMITMENTS**

DNREC has identified over 3,028 sites in Delaware as potential hazardous substance release sites, some of which have been assigned a higher priority (identified as posing a risk to public health, welfare, and/or the environment). These sites are being addressed either under HSCA or under the Federal Superfund Program (National Priority List), with work complete at many of the sites. Additionally, since the inception of Delaware’s Voluntary Cleanup Program (began in 1993) and the Brownfields Program (began in 1995), 596 sites have entered the program; 178 sites are currently undergoing cleanup; and 418 sites have been cleaned up for reuse. The cost of cleaning up the remaining sites exceeds the money available to the Fund.

HSCA also funded 341 incidents under the Emergency Response and Strategic Service Section. Sites regulated under Delaware Code, Title 7, Chapter 74, *Delaware Underground Storage Tank Act, Remediation Section*, had 24 active sites and completed remedial activities at 188 sites.

**NOTE 6: LEASES**

On October 30, 2020, the Fund signed an amendment to an original lease dated January 23, 1998, for a cancelable month-to-month operating lease agreement for office space located at 391 Lukens Drive, Riveredge Industrial Park, New Castle, Delaware. The amendment to the original lease commenced on November 1, 2020, and is effective through October 31, 2030, cancelable by either party to the lease with a 90-day notification. The total lease expense for the Fund for the years ended June 30, 2023 and 2022, was \$355,989 and 384,656, respectively.

Future minimum lease payments under cancelable leases as of June 30, 2023, for the Fund are as follows for the next five years and thereafter for the years ending June 30:

	2024	\$	406,651
	2025		419,293
	2026		429,154
	2027		437,737
	2028		446,492
	Thereafter		1,075,813
Total		\$	3,215,140

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
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**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 7: EMPLOYEE BENEFITS**

Employees of the Fund are considered employees of the State and are covered by pension, health insurance, and other employee benefit programs administered by the State.

The Fund contributes monthly to the State Employees' Pension Plan (the Pension Plan), as required by State statutes. Employer contributions for employee benefits as of June 30, 2023 and 2022, totaled \$475,240 and \$446,125, respectively, on total wages of \$2,114,296 and \$1,949,104. These are included in the financial statements and are equal to the required contribution. The Pension Plan is a cost-sharing multiple-employer defined benefit plan that covers virtually all full-time or regular part-time employees of the State. The State of Delaware General Assembly is responsible for setting benefits and contributions and amending plan provisions.

Certain significant Pension Plan provisions follow:

1. Retirement - Individuals hired prior to January 1, 2012, age 62 with five years of credited service; age 60 with 15 years of credited service; or after 30 years of credited service at any age. Individuals hired on or after January 1, 2012, age 65 with 10 years of credited service; age 60 with 20 years of credited service; or after 30 years of credited service at any age.
2. Service Benefits - Final average monthly compensation multiplied by 2% and multiplied by years of credited service prior to January 1, 1997, plus final average compensation multiplied by 1.85% and multiplied by years of credited service after December 31, 1996, subject to minimum limitations. For this plan, final average monthly compensation is the monthly average of the highest three years of compensation.
3. Disability Benefits - Pre-2012 date of hire: Same as Service Benefits. Employee must have five years of credited service. In lieu of disability pension benefits, over 90% of the members of this plan opted into a Disability Insurance Program.
4. Vested Pension - Pre-2012 date of hire: Five years of credited service. Post-2011 date of hire: 10 years of credited service.
5. Survivor Benefits - If an employee is receiving a pension, the eligible survivor receives 50% of the pension (or 67.7% with 2% reduction of benefits, 75% with 3% reduction of benefits, or 100% with a 6% reduction of benefits); if an employee is active with at least five years of credited service, eligible survivor received 75% of the benefit the employee would have received at age 62.



**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
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**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**  
**JUNE 30, 2023 AND 2022**

**NOTE 7: EMPLOYEE BENEFITS - CONTINUED**

6. Contributions

- a. Employer - Determined by Board of Pension Trustees. Required to contribute 12.45% of its gross payroll for 2023.
- b. Pre-2012 date of hire members - 3% of earnings in excess of \$6,000.
- c. Post-2011 date of hire members - 5% of earnings in excess of \$6,000.

7. Burial Benefit - \$7,000 per member.

The Board of Pension Trustees issues a publicly available report, presented on the accrual basis of accounting, with detailed information about the Plan's fiduciary net position, including financial statements and required supplementary information. That report may be obtained by writing to the State of Delaware, Office of Pensions, McArdle Building, 860 Silver Lake Blvd., Suite 1, Dover, Delaware 19904, or by calling 1-800-722-7300.

Information regarding the Other Post-Retirement Employee Benefit (OPEB) valuation is available in the State's comprehensive annual financial report.

**NOTE 8: ADMINISTRATIVE COST LIMIT**

Senate Bill 113, passed on August 12, 2019, changed the limit for administrative cost expenditures of the Fund, without approval of the Joint Finance Committee. The bill changed the limit from 15% of the moneys deposited into the Fund to 15% of the average of moneys deposited into the Fund over the previous 10 fiscal years, effective January 1, 2021.

**SUPPLEMENTAL INFORMATION**

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE**  
**BY ACCOUNT - MODIFIED CASH BASIS**  
**JUNE 30, 2023**

	<u>Administrative Account</u>	<u>Cleanup Fund</u>	<u>Voluntary Cleanup Fund</u>	<u>Brownfields Program</u>	<u>Total</u>
<b>REVENUES</b>					
Tax Assessments	\$ -	\$ 15,737,970	\$ -	\$ 7,868,983	\$ 23,606,953
Cost Recovery	14,572	139,835	-	162,810	317,217
Voluntary Cleanup	-	-	60,048	-	60,048
Interest	-	110,770	5,595	110,770	227,135
Other	58,837	279,882	7,198	-	345,917
<b>TOTAL REVENUES</b>	73,409	16,268,457	72,841	8,142,563	24,557,270
<b>EXPENDITURE</b>					
Cleanup Program	1,641,091	10,288,725	131,449	4,182,679	16,243,944
<b>NET CHANGE IN FUND BALANCE</b>	(1,567,682)	5,979,732	(58,608)	3,959,884	8,313,326
<b>FUND BALANCE - Beginning of Year</b>	(12,689,959)	30,308,151	750,289	2,256,370	20,624,851
<b>FUND BALANCE - End of Year</b>	<u>\$ (14,257,641)</u>	<u>\$ 36,287,883</u>	<u>\$ 691,681</u>	<u>\$ 6,216,254</u>	<u>\$ 28,938,177</u>

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
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**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE**  
**BY ACCOUNT - MODIFIED CASH BASIS - CONTINUED**  
**JUNE 30, 2022**

	<u>Administrative Account</u>	<u>Cleanup Fund</u>	<u>Voluntary Cleanup Fund</u>	<u>Brownfields Program</u>	<u>Total</u>
<b>REVENUES</b>					
Tax Assessments	\$ -	\$ 10,727,793	\$ -	\$ 5,363,896	\$ 16,091,689
Cost Recovery	17,481	237,658	-	28,068	283,207
Voluntary Cleanup	-	-	137,410	-	137,410
Other	38,084	228,735	-	-	266,819
<b>TOTAL REVENUES</b>	55,565	11,194,186	137,410	5,391,964	16,779,125
<b>EXPENDITURE</b>					
Cleanup Program	1,346,314	5,912,692	193,855	5,043,362	12,496,223
<b>NET CHANGE IN FUND BALANCE</b>	(1,290,749)	5,281,494	(56,445)	348,602	4,282,902
<b>FUND BALANCE - Beginning of Year</b>	(11,399,210)	25,026,657	806,734	1,907,768	16,341,949
<b>FUND BALANCE - End of Year</b>	<u>\$ (12,689,959)</u>	<u>\$ 30,308,151</u>	<u>\$ 750,289</u>	<u>\$ 2,256,370</u>	<u>\$ 20,624,851</u>



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***Independent Auditor's Report on Internal Control Over Financial Reporting and on  
Compliance and Other Matters Based on an Audit of Financial Statements  
Performed in Accordance with Government Auditing Standards***

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund  
Dover, Delaware

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the State of Delaware, Department of Natural Resources and Environmental Control, Hazardous Substance Cleanup Fund (the "Fund"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Fund's basic financial statements - modified cash basis, and have issued our report thereon dated October 16, 2024.

***Report on Internal Control Over Financial Reporting***

In planning and performing our audit of the financial statements - modified cash basis, we considered the Fund's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements - modified cash basis, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Fund's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Fund's financial statements - modified cash basis will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

To the Management of  
The State of Delaware  
Department of Natural Resources and  
Environmental Control  
Hazardous Substance Cleanup Fund

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses, or significant deficiencies. However, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses.

***Report on Compliance and Other Matters***

As part of obtaining reasonable assurance about whether the Fund's financial statements - modified cash basis are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

***Purpose of this Report***

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Fund's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Fund's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Belfint, Lyons & Shuman, P.A.*

October 16, 2024  
Wilmington, Delaware

**STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL  
HAZARDOUS SUBSTANCE CLEANUP FUND  
SCHEDULE OF FINDINGS AND RECOMMENDATIONS  
JUNE 30, 2023**

**No Findings in the Current Year.**

**STATE OF DELAWARE**  
**DEPARTMENT OF NATURAL RESOURCES AND**  
**ENVIRONMENTAL CONTROL**  
**HAZARDOUS SUBSTANCE CLEANUP FUND**  
**SUMMARY SCHEDULE OF PRIOR AUDIT FINDING**  
**JUNE 30, 2022**

***Prior Year Finding***

**Reference Number:** 2022-001

**Type of Finding:** Significant Deficiency

**Lack of Evidence of Approval of Time for Employees Using eStar (Employee State Time & Attendance Reporting)**

**Condition:** In our testing of payroll controls, we sampled and examined 40 individuals' pay for certain pay periods during the year. There was no evidence of supervisory review for five of the 40 individuals tested. This is a repeat finding.

**Criteria:** The State of Delaware's Budget and Accounting Policy Manual, Chapter 14 states: "Organizations are required to maintain and enforce effective internal controls to monitor payroll related transactions. These internal controls must include, but are not limited to, the review and approval of all wage payments, preapproval of overtime, docking and leave usage for employees."

**Cause:** Supervisory review was not documented in the eStar system for five individuals that were tested. Management believes that supervisors failed to indicate their review and approval by pressing an "Approve" button in the software.

**Effect:** For the five employees, we were unable to obtain evidence that the time had been reviewed and approved by their supervisors, before they were paid.

**Current Status:** Management has taken appropriate steps to address this finding. There have been multiple levels of review implemented, including having the timekeeper and supervisor review time entry. Also, all leave requests must be approved by the respective supervisor in the eStar timekeeping software.