

THE ENVIRONMENTAL APPEALS BOARD
OF THE STATE OF DELAWARE

IN THE MATTER OF:)
Carl M. Freeman, Assoc., Inc.) Findings of Fact, The Law,
Sea Colony North, Phase One) Decision and Order

INTRODUCTION

1. A hearing was held on Wednesday, December 19, 1979 for the Environmental Appeals Board in the Center Conference Room, Highway Administration Building, Dover, Delaware at 10:00 a.m. to consider appeals filed by the Commissioners of Bethany Beach, Carl M. Freeman, Associates, Inc., Tamara Wahl Green and Save Our Sea Shores of Delaware appealing the decision of the Secretary of the Department of Natural Resources and Environmental Control granting a permit for a sewage treatment facility to Carl M. Freeman, Assoc., Inc. at Sea Colony North, Phase One (Order No. 79-W-3, dated October 29, 1979).

2. Conducting the hearing were Thomas J. Kealy, Chairman of the Environmental Appeals Board and Wheeler K. Neff, Deputy Attorney General. Members of the Environmental Appeals Board were Joseph Melson, Evelyn Greenwood, Phyllis Schabinger Ray Woodward

OFFICE OF DIRECTOR

JAN 15 1980

Carl M. Freeman, Assoc., Inc.
Sea Colony North, Phase One

FINDINGS OF FACT

All exhibits introduced into the record are incorporated herein by reference.

1. The proposed sewage treatment plant will comply with the Departmental regulations.

THE LAW

Under the provisions of 7 Del. C. §6008(a) any person whose interest is substantially effected by any action of the Secretary may be appealed to the Environmental Appeals Board within twenty (20) days after the Secretary has announced the decision. Appeals of a decision of the Secretary shall be conducted according to 29 Del. C. §6606 and regulations promulgated pursuant to section 6010. Pursuant to §6008, the Board may affirm, modify or reverse the decision of the Secretary.

DECISION AND ORDER

It is hereby ordered that the decision of the Secretary of the Department of Natural Resources and Environmental Control Order No. 79-W-3, dated October 29, 1979 is hereby upheld except that paragraph one shall be modified to read:

Carl M. Freeman, Assoc., Inc.
Sea Colony North, Phase One

The effective date of this permit shall be 120 days from the date of the execution of the Appeals Board Order or one day after the decision of the Sussex County on the application of Carl M. Freeman to connect at Freeman's expense to the Bethany Beach sewer line whichever date is earliest.

There appears to be no evidence in the record before the Board to warrant reversal of the Secretary's Order on the ground that the proposed sewage treatment plant approval is in violation of Departmental regulations. The special conditions section of the permit should also reflect the above-mentioned 120 day or Sussex County decision date restriction.

Thomas J. Keagy

Phyllis G. Schabinger

Ray K. Woodward

Joseph B. Melton

Joseph A. Greenwood

Wheeler K. Neff
Deputy Attorney General

Thomas J. Kealy
Thomas J. Kealy, Chairman

Evelyn Greenwood
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Clifford H. Hubbard 10/14/85
Clifford Hubbard

Richard Sames
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Ray K. Woodward