



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

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SECRETARY'S ORDER

Pursuant to 7 Del. C. Chapter 60

Order No. 2011-W-0050

Sent By Certified Mail and First Class Mail

Respondent:

Mr. Jerome Savaliski
4641 Bartholow Road
Sykesville, MD 21784

Dear Mr. Saviliski:

This is to notify you, Jerome Savaliski (Respondent), that the Secretary of the Department of Natural Resources and Environmental Control (Department) has determined that the Respondent is and has been in violation of 7 Del. Admin. C. §7301, the Regulations Governing the Construction and Use of Wells (Regulations). This Secretary's Order (Order) is being issued to you pursuant to the authority delegated by Chapter 60 of Title 7 of the Delaware Code (Chapter 60).

BACKGROUND

The Respondent owns property in Blackwater Cove near Clarksville, Sussex County, Delaware, more specifically described as Lot 11-B, Blackwater Cove III, Tax Parcel # 1-34-7-413.01 (Property).

An anonymous telephone call prompted the Department to inspect the location of the well in relation to the property line. An inspection revealed the well is constructed within the required ten (10) foot isolation distance to the property line.

Further internal investigation revealed the Respondent did not obtain a variance from the minimum isolation distance. Therefore, the Respondent was required to drill the well a minimum of 10 feet from the adjacent property line.

Delaware's Good Nature depends on you!

FINDINGS OF FACT

On July 18, 2011, the Well Permitting Branch issued the Respondent Notice of Violation (NOV) W-11-WSS-07, specifying the well location violation and providing a required compliance timetable for the Respondent to commence construction to abandon (seal) well permit #213474.

On July 25, 2011, the Department received confirmation of the Respondent's receipt of this NOV.

On July 27, 2011, the Respondent contacted the Department and was given further clarification of the NOV. At that time, the Department also provided the names of three (3) licensed water well drilling contractors.

To date, the Respondent has taken no remedial action; and the violation remains outstanding.

STATUTORY, REGULATORY AND PERMIT REQUIREMENTS

7 Del. Admin. C. § 7301-4.1.1.1 states, in relevant part: "All wells...shall satisfy the following minimum horizontal separation distance requirements...ten (10) feet from a property line...to allow access to the well without encroaching on adjoining properties.... Wells may be constructed less than ten (10) feet from a property line if prior approval is granted by the Department for the purpose of maximizing other horizontal separation distance as required by this Section."

CONCLUSIONS

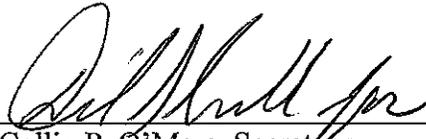
The Respondent is, and has been since late July 2011, in violation of 7 Del. Admin. C. § 7301-4.1.1.1 of the Regulations.

In view of the above, the Respondent is ordered to submit to the Department, **within thirty (30) days** of the receipt of this Order, an application for a permit to drill a replacement well on the Property. The permit will be **valid for a period of thirty (30) days** of issuance. Further, the Respondent is ordered, pursuant to 7 Del. Admin. C. §7301-9.0, to abandon the existing well on the Property immediately upon completion of the replacement well.

This action does not preclude the Department from commencing additional enforcement action or seeking penalties pursuant to Chapter 60 or any other applicable statute or regulation.

The foregoing is so ordered.

1/3/12
Date


Collin P. O'Mara, Secretary

cc: Kathleen Stiller, Director, Division of Water
Robert Phillips, Deputy Attorney General
Alan Pongratz, Supervisor, Water Supply Section
Stewart Lovell, Program Manager II, Water Supply Section
Roy Heineman, Paralegal
Jennifer Bothell, Enforcement Coordinator