



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL

OFFICE OF THE  
SECRETARY

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**SECRETARY'S ORDER**

*Pursuant to 7 Del. C. Chapter 60*

**Order No. 2012-W-0004**

***PERSONALLY SERVED BY AN  
ENVIRONMENTAL PROTECTION OFFICER***

Mr. Roy Simonson, P.E.  
City of Newark  
220 Elkton Road  
Newark, DE 19711

Re: Notice of Violation (NOV) W-11-WSS-01, Public Well Construction Permit,  
Well #234551

Dear Mr. Simonson:

The Secretary of the Department of Natural Resources and Environmental Control (Department) is issuing the City of Newark (City) this Secretary's Order (Order) because the City has not satisfied all of the compliance actions delineated in Notice of Violation (NOV) W-11-WSS-01 dated May 18, 2011, and the Notice of Non-Compliance with the aforementioned NOV dated July 25, 2011.

NOV W-11-WSS-01 required the City to provide explicit documentation that each of the conditions enumerated in the NOV was satisfied during the actual drilling of Well #234551 (Well 14R). Unfortunately, the response provided by A.C. Schultes, Inc. (Schultes), on behalf of the City, provides only single-sentence summaries of construction activities and falls far short of the detailed information and documentation specifically requested by the Department in the NOV. The Schultes' response also stated that contamination is not an issue at this site. In reality, the analytical report of August 1, 2011, provided to the Department indicates that ground water in the vicinity of Well 14R exceeds the State of Delaware Maximum Contaminant Level (MCL) for tetrachloroethylene (PCE) and also shows the presence of other contaminants. The Department acknowledges the City's finding that Schultes' characterization of site conditions was defective. Still, these issues remain outstanding and need to be effectively addressed and resolved before the Department can render a decision on the fate of Well 14R and issuance of an allocation permit for this well.

*Delaware's Good Nature depends on you!*

In view of the above, and pursuant to 7 *Del. C.* §6005(b)(2), the Secretary, in an attempt to resolve the outstanding matters in a spirit of conciliation rather than litigation, hereby formally notifies the City that Well 14R needs to be evaluated for regulatory compliance, and extensively tested for the intention of its use as a public supply well, along with the establishment of a baseline ground-water and treated- water monitoring program for the South Wellfield.

Therefore, the City is required to submit to the Department, **within thirty (30) days of the receipt of this Order**, explicit documentation concerning the construction details of Well 14R. This documentation shall include the following:

1. A cement bond log/variable density log (CBL/VDL) to document the annular seal of Well 14R.
2. A down-hole video survey from ground level to the total depth of Well 14R to document the inner casing and screen depths.

The City is ordered to submit **within fourteen (14) days of the receipt of this Order** to the Department's Water Supply and Site Investigation and Restoration Section and the Department of Health and Social Services' (DHSS) Office of Drinking Water (ODW) documentation of water quality in the City's South Wellfield from sampling conducted by the City during the week of October 23, 2011. This documentation shall include a report from a state-certified drinking water laboratory, and a map showing the concentrations of tetrachloroethylene (PCE) and trichloroethylene (TCE) at each location.

The City is ordered to implement a program of quarterly sampling for volatile and semi-volatile organic compounds extant in the Delaware primary drinking water standards for the raw water from each supply well in the South Wellfield, **excepting well 16**, and for the finished water at the south wellfield treatment plant. Samples collected by the City during the week of October 23, 2011, shall constitute the initial round of sampling, and this sampling program shall continue for a period of one (1) year. A report of results for each round of sampling from a state-certified drinking water laboratory shall be provided to the Department's Water Supply and Site Investigation and Restoration Section and the DHSS ODW **within seven (7) days of receipt**.

Further, the City is hereby authorized to complete the development of Well 14R, including the performance of the pumping test as required by the well permit. In addition, the City shall abandon (permanently seal) Well 14 (Well # 10005) **within thirty days (30) days of receipt of this Order**.

To determine the acceptability of Well 14R for such use, the City shall sample according to the following schedule. The report of results for each round of sampling from a state-certified drinking water laboratory shall be provided to the Department's Water Supply and Site Investigation and Restoration Section and the DHSS ODW **within seven days (7) days of receipt**.

1<sup>st</sup> Sample—Raw water, after a minimum 24 hours of pumping or at conclusion of pumping test, whichever is greater, discharge to waste. **Connection and discharge to the system shall not proceed until authorization is granted by the DHSS ODW. Upon granting such authorization sampling shall recommence as follows.**

2<sup>nd</sup> Sample—Raw water and finished water, 36 hours after beginning discharge to system.

3<sup>rd</sup> Sample—Raw water and finished water, 72 hours after beginning discharge to system.

4<sup>th</sup> Sample—Raw water and finished water, 1 week after beginning discharge to system.

Weekly Samples—Raw water, 7 weeks after beginning discharge to system. **Upon completion of the weekly sampling, all data will be reviewed to determine whether Well 14 R will continue in operation and be subject to the remaining sampling cycle.**

Quarterly Samples—Raw water, remainder of year after beginning discharge to system.

If the DHSS ODW deems necessary at any time, upon notice, the City shall immediately terminate discharge of Well 14R to the system.

This Order does not preclude the Department from commencing further enforcement action pursuant to 7 Del. C. §6005, including the well being ordered abandoned (permanently sealed).

Date: 1/18/12

  
Collin P. O'Mara Secretary

cc: Robert Phillips, Deputy Attorney General, Dept of Justice  
Kathleen Stiller, Director, Division of Water  
Roy Heineman, Division of Water  
Stewart Lovell, Division of Water  
William Cocke, Division of Water  
Alan Pongratz, Division of Water  
Jennifer Bothell, DNREC Enforcement Coordinator  
Ed Hallock, Division of Public Health  
Paul Will, Division of Waste Management  
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Thomas Coleman, City of Newark  
William Zimmerman, City of Newark  
Daniel Barbato, Pennoni Associates, Inc.  
A.C. Schultes, Inc. of New Jersey