



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

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Office of the
Secretary

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SECRETARY'S ORDER NO 2017 – WS- 18

Date of Issuance, July 18, 2017
Effective Date: July 18, 2017

AUTHORITY AND FINDINGS:

Pursuant to the authority granted to the Secretary of the Department of Natural Resources and Environmental Control pursuant to Delaware Code Title 7, Chapter 60 and Title 29, Chapter 80 and Delaware Administrative Code *7402 Shellfish Sanitation Regulations 3.1.5*, the Secretary has the authority to close shellfish growing areas in response to events which could affect the introduction of contaminants into shellfish growing waters.

Based upon the recommendation of the Division of Watershed Stewardship's Shellfish Program, as outlined in the attached Memorandum of Record, the Delaware Bay (GA-1), north of the entrance to the Mispillion Inlet, will be placed under emergency closure due to contamination of the growing area by undertreated wastewater. The Delaware Bay will remain closed to all commercial and recreational bi-valve molluscan shellfish (clams, oysters and mussels) harvest. This closure will remain in effect for twenty-one (21) days following the repair of the mechanical issues and the bacterial water quality of the effluent has returned to acceptable levels.

ORDER

It is hereby ordered that the Delaware Bay (GA-1) is placed under emergency closure and the harvest of bivalve molluscan shellfish is prohibited for twenty-one days after the wastewater infrastructure failure has been corrected.

Shawn M. Garvin, Secretary
Department of Natural Resources and
Environmental Control



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
STATE STREET COMMONS
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WATERSHED ASSESSMENT &
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MEMORANDUM OF RECORD

To: Shawn M. Garvin, Secretary
Delaware Department of Natural Resources and Environmental Control

Through: Robert Palmer, Acting Director *RP*
John W. Schneider, Environmental Program Administrator *Bl F2 Sus*
Bradford L. Smith, Environmental Program Manager *BS*

From: Michael Bott, Environmental Scientist
Shellfish and Recreational Water Programs

Date: July 18, 2017

Subject: Emergency Closure of Delaware Bay (GA-1) Due to Undertreated Wastewater
Entering the Murderkill River

On July 18, the Shellfish and Recreational Waters Program was notified of a mechanical issue with the Kent County Waste Water Treatment Plant that is causing undertreated wastewater to be discharged into the Murderkill River. At the time of this report, these mechanical issues are ongoing and the final volume of wastewater to enter the river is unknown. Due to the health risks associated with undertreated waste water, the Delaware Bay, north of the entrance to the Mispillion Inlet, will be placed under an emergency shellfish harvesting closure to protect public health. This shellfish closure only impacts the harvest of bivalve molluscan shellfish (clams, oysters and mussels) and does not affect the legal harvest of other shellfish species such as crabs and conchs. While there is no commercial oyster harvest currently occurring in the Delaware Bay, recreational harvest of hard clams does occur at this time of year. The closure will last for twenty-one (21) days after the mechanical issues have been repaired and the bacterial water quality of the effluent has returned to acceptable levels. This closure timeframe is based on US Food and Drug Administration Guidelines under the National Shellfish Sanitation Program, and provides adequate public health protection for pathogens of concern, including viruses.

Delaware's good nature depends on you!