



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF AIR & WASTE MANAGEMENT  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
DIRECTOR

TELEPHONE: (302) 739-9400  
FAX: (302) 739-5060

May 4, 2007

Ms. Rose Marie Mili  
2819 East Oakland Drive  
Wilmington, DE 19808

**Re: Response to March 15, 2007 letter regarding Delaware National / Hercules Golf Course Site**

Dear Ms. Mili:

I am writing in response to your March 15, 2007 letter seeking to clarify DNREC's involvement at the former Delaware National / Hercules Golf Course Site ("Hercules"). Within the Department, the Site Investigation and Restoration Branch (SIRB) has been working with New Castle County Government (NCC) to provide technical assistance with the proposed remediation. In providing this assistance, the Department has entered into a Memorandum of Understanding with NCC to ensure that the technical and substantive requirements of the Hazardous Substance Cleanup Act are met at Hercules. The Department will consider your specific comments on the Proposed Remedial Action plan before it is finalized.

In addressing the second part of your letter, DNREC's Wetlands and Subaqueous Lands Section is specifically mandated to deal with designated tidal wetlands and subaqueous lands within the State. Tidal wetlands are those wetlands that are influenced by the daily ebb and flow of the tide cycle and are typically found near Delaware's coastal areas and along tidal rivers and creeks. Any wetlands that would be found at Hercules would be non-tidal in nature and would fall under the jurisdiction of the U.S. Army Corps of Engineers. Delaware does not have any State mandated wetland protection laws for non-tidal wetlands such as would be at Hercules. Most filling and construction activity in non-tidal wetlands requires a permit from the Corps of Engineers. More information about their program can be obtained by calling the Corps of Engineers Regulator of the Day at (215) 656-6728.

DNREC's Wetlands and Subaqueous Lands Section does require permits for work done in subaqueous lands such as streams, creeks and other submerged lands and has received an application to stabilize two unnamed tributaries to Red Clay Creek at Hercules. The application is currently under review by the Section. For more information on the status of the permit

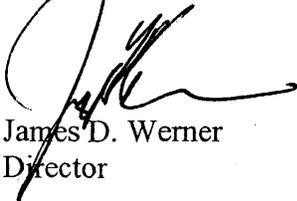
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application, please feel free to contact Jim Chaconas, an Environmental Scientist with that Section, at (302) 739-9943.

In addition, the Department understands your traffic concerns regarding this proposed development of Hercules; however, Delaware Department of Transportation (DelDOT) has jurisdiction over this issue. In a response to your comment DelDOT has stated the following *"We restrict trucks on some roadways if there is a load limit on a bridge. We restrict trucks to local deliveries only on some residential roadways. It is difficult to restrict construction vehicles from using roadways of a certain functional classifications and above. Hercules Road is a major collector and therefore should allow trucks to perform normal business activity and make deliveries to construction projects."* For further clarifications or questions regarding traffic concerns, please direct them to DelDOT public relations at (302) 760-2080.

If you have any other questions or concerns that DNREC may assistance you with, please feel free to call the Subaqueous Land Section (739-9943) or the Site Investigation and Restoration Branch (395-2600).

Sincerely,  
AIR & WASTE MANAGEMENT DIVISION



James D. Werner  
Director

Enclosures

pc: John Hughes, Secretary  
Kathleen Stiller-Banning, DNREC - SIRB  
Laura Herr, DNREC - Wetlands  
Timothy Ratsep, DNREC - SIRB  
Jim Chaconas, DNREC- Wetlands  
Bob King, DelDOT

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Rose Marie Mili  
2819 East Oakland Drive  
Wilmington, DE 19808

March 15, 2007

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34005

Mr. John A. Hughes  
Secretary, State of Delaware, Department  
of Natural Resources and Environmental Control  
89 Kings Highway  
Dover, DE 19901

Subject: New Castle County-Hercules / Delaware National Golf Course Proposed Clean-up and Development

Dear Secretary Hughes,

I am a home owner in Brandywine Springs Manor Development, which lies adjacent to the proposed subject housing development. I object to the proposed housing development for numerous reasons, many of which have already been conveyed publicly by other effected parties.

I wish to inform you and other interested regulatory authorities that my property backs up to an area that for weeks at a time remain wet from rainfall and possibly other sources of water. Consequently I understand that such an area is considered a designated wetland, precluding its destruction or elimination by construction activities, such as that proposed for the housing development. I should hope that DNREC and/or other interested regulatory authorities will adequately address this issue, if unfortunately, this project ever goes forward.

Additionally, I understand from the various newspaper articles that an area wide soils cleanup, monitored by DNREC, will be part of this undertaking, if it proceeds. I have very serious and deep concern with the contaminated dust that this project will generate, since my house and property lie immediately adjacent to the proposed construction and cleanup activities. No matter how careful or what precautions are undertaken to mitigate or minimize the generation of contaminated dust, as a practical matter the movement of the soil for cleanup purposes, even with DNREC control, cannot be appropriately accomplished to avoid getting contaminated dust onto and into my house, thereby effecting my healthful enjoyment of my surroundings.

The above concerns as well of those published by others, coupled with the traffic impacts to already congested roads (especially in the morning and evening rush hours) make it inconceivable that a development such as that contemplated should be endorsed.

I trust my comments will receive your attention.

If you wish to contact me I can be reached at 302-995-6705.

Sincerely,



Rose Marie Mili

Concerned Homeowner and Native Delawarean

cc: Donald S. Welsh-USEPA Regional Administrator-Region III  
US Army Corps of Engineers – Philadelphia  
Tom Carper – Senator  
Mike Castle – Congressman  
Patricia M. Blevins-State Senator  
Deborah Hudson – State Representative  
Chris Coons – New Castle County Executive  
Dorothy Zupon – Brandywine Springs Manor Civic Assoc.  
William H. Dunn – Milltown-Limestone Civic Alliance

**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
OFFICE OF THE SECRETARY**

**ROUTING SLIP**

TO	DATE	INITIAL
<i>Jim Werner</i>		
<i>LOG# 34005</i>		
<i>Sent via P.F. 3/20/07</i>		

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|------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> RUSH - Immediate Action     | <input type="checkbox"/> Respond/Send Me Copy                        |
| <input type="checkbox"/> Review and See Me           | <input type="checkbox"/> Prepare Reply for Gov. Signature            |
| <input type="checkbox"/> Review and Comment          | <input type="checkbox"/> Prepare for Gov. Staff Signature            |
| <input type="checkbox"/> For Your Approval/Signature | <input checked="" type="checkbox"/> Prepare Reply for Sec. Signature |
| <input type="checkbox"/> For Your Information        | <input type="checkbox"/> Prepare Reply for<br>Dept. Sec. Signature   |
| <input type="checkbox"/> Circulate                   |                                                                      |
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**REMARKS:**

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DUE DATE: *3/27/07*

FROM: *AK*

DATE *3/20/07*