

Requirements

Sediment and Stormwater Program. A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees (Delaware Code, Title 7, Chapter 40; Delaware Regulations, Administrative Code, Title 7, 5101). *James Sullivan - (302) 739-9921, James.Sullivan@state.de.us*

Water Supply. The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 99-CPCN-07.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is an Underground Storage Tank associated with the 7Eleven Store located within 1000' of the proposed project. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

Water Resource Protection Areas. The DNREC Water Supply Section has reviewed the above referenced PLUS application and determined that a significant portion of the proposed rezoning falls within excellent ground-water recharge area. In addition, a wellhead protection area for Kent County lays within the project boundaries (See Map). This well is part of the Tidewater Utilities Lakeland Mobile Home Park public water system. Kent County does not have a Source Water Protection Ordinance in place at this time, as required by Delaware Code Title 7, Section 6082.

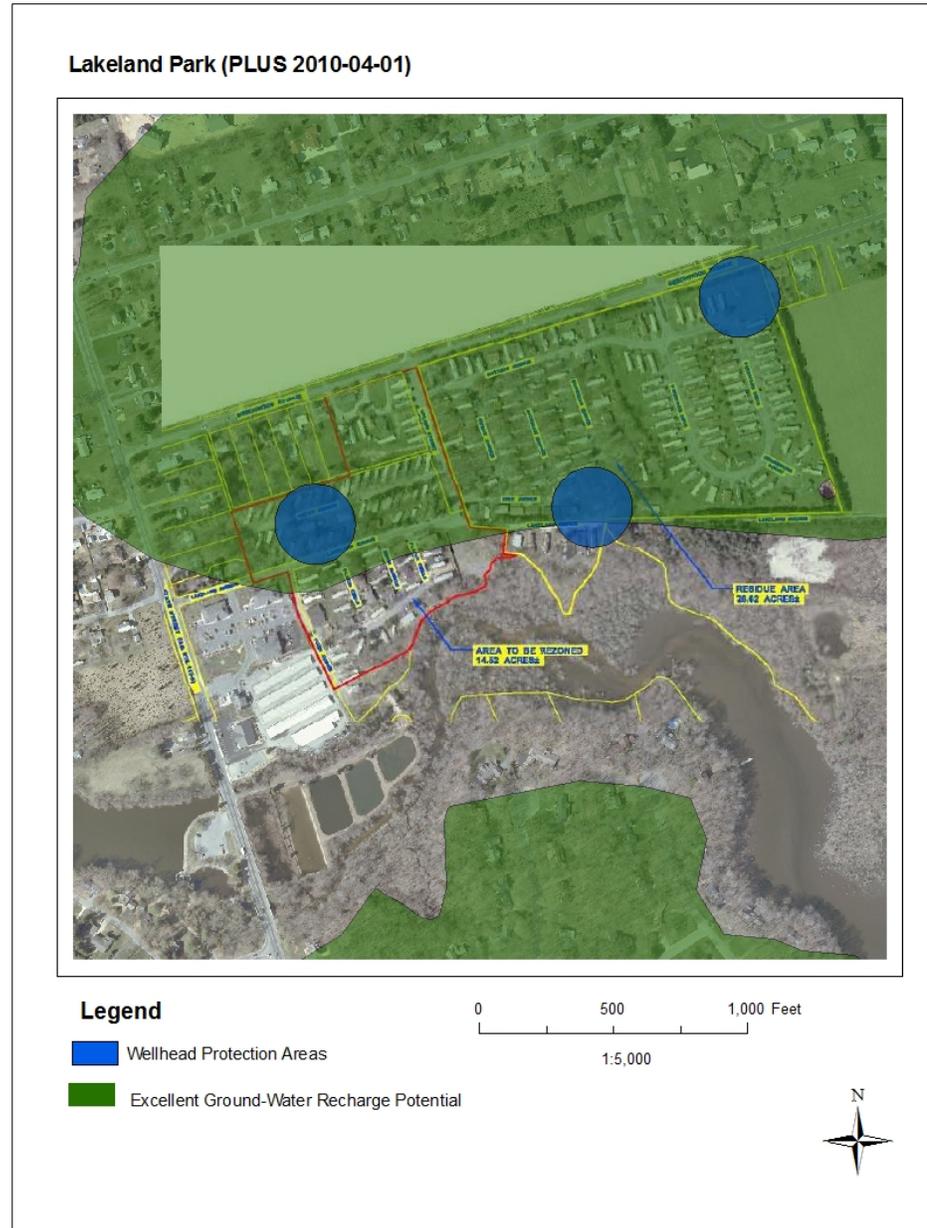
Excellent ground-water recharge potential areas are near-surface areas within which precipitation infiltrates the land surface to the unconfined aquifer at a more rapid rate than other areas. Kent County has approximately 14 percent of its total area classified as “excellent” recharge.

DNREC Water Supply Section recommends that that portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies (DNREC, 1999).

Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of ground water moving toward such wells may

be adversely affected by land use activities. DNREC recommends that Parcels of land within one-hundred fifty feet of the well annulus be preserved in a natural condition with the exception of impervious surface limited to building and access associated with the well and distribution and treatment facilities and their maintenance.

In addition, because the wellhead protection area the source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.



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Hazardous Waste Sites. If it is determined by the Department that there was a release of a hazardous substance on the property in question, it is suggested that the guidelines and provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware *Regulations Governing Hazardous Substance Cleanup* be followed.

There is one SIRB site found within a ½-mile radius of the proposed project:

- Pugh Dump Site (DE-0227) located adjacent to the south-east portion of the project area.
- The site was issued a No Further Action designation in 1990.

SIRB strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Assessment in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions.

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Tank Management Branch. If a release of a Regulated Substance occurs at the project site, compliance of 7 Del.C. Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.

The following Leaking Underground Storage Tank (LUST) projects are located within a quarter mile of the rezoning site:

- Taylor Property (Inactive), Facility ID: 1-000533, Project: K9303045
- Lakeside Dairy Market (Inactive), Facility ID: 1-000395, Project: K9105103, K9502055
- Moores Lake Pump Station # 3 (Inactive), Facility ID: 1-000634, Project: K9811191

The following AST facility is located within the rezoning project parcel:

- Villabona Mobile Home Trailer Park Above Ground Storage Tanks, Facility: 6-000002. No petroleum release projects are associated with this facility; however, if additional information is required, please contact Erich Schuller at 302-395-2500.

Per the **UST Regulations: Part E, § 1. Reporting Requirements:**

- “Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department’s 24-hour Release Hot Line by calling 800-662-8802; and
 - The DNREC, Tank Management Branch by calling 302-395-2500.”

When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB.

Should the municipality anticipate being more restrictive than Delaware’s Regulations Governing Underground Storage Tank Systems or Delaware’s Regulations Governing Aboveground Storage Tanks, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.

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Recommendations

TMDLs. The project is located in the greater Delaware River and Bay drainage, specifically within the St. Jones River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the St. Jones River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent reduction in bacteria from baseline conditions.

A Pollution Control Strategy (PCS) is the regulatory directive requiring the implementation of various best management practices (BMPs) that help reduce transport of nutrient and bacterial pollutant runoff from all waters draining into a “greater” common watershed, with the ultimate objective of achieving the obligatory TMDL reduction requirements for that watershed. However, the PCS for the St. Jones watershed has not been formally completed to date. In absence of a current PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through the voluntary commitment to the implementation of the following recommended BMPs:

- ❖ Please maximize open space by maintaining the existing tree cover on this parcel.
- ❖ It is strongly recommended that a 100-foot upland buffer width be maintained from the water body and wetlands adjacent to the project's southern boundary.
- ❖ We strongly recommend that the applicant calculate post-construction surface imperviousness with all forms of created surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation. We further encourage the use of pervious paving materials (instead of conventional asphalt and concrete) to mitigate impacts from surface imperviousness.
- ❖ We strongly encourage the use of rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as BMPs to reduce nutrient pollutant impacts.

The Department has also developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to help meet the TMDL requirements. Please contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Soils, wetlands, subaqueous lands and TMDL comments provided by John Martin, Watershed Assessment Section, (302) 739-9939, John.Martin@state.de.us