

April 14, 2004

Mr. Marc Shaener
836 Postles Corner Road
Little Creek, DE 19961

RE: PLUS review – PLUS 2004-03-06; Eastern Shore Environmental

Dear Mr. Shaener:

Thank you for meeting with State agency planners on March 24, 2004 to discuss the proposed plans for the Eastern Shore Environmental Project to be located at 123 Milford Neck Road in Frederica.

According to the information received, you are seeking a conditional use through Kent County to build a waste transfer station on approximately 6.89 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The State Historic Preservation Office has noted that no historic resources will be harmed by building a waste transfer station on this site.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Trucks cannot readily make the right turn from northbound Delaware Route 1 to Milford Neck Road. As an interim measure, DelDOT would anticipate prohibiting that movement and directing trucks to make a U-turn at the next crossover and then a southbound left turn at Milford Neck Road. An alternative might be for the applicant to buy the land currently for sale on Milford Neck Road opposite the proposed entrance and

build a better connection to Route 1. DelDOT has asked Eastern Shore to determine if this is possible. As a long-term solution, DelDOT has conceptual plans for a South Frederica interchange that would tie Milford Neck Road and Frederica Road (Kent Road 10) together with a bridge over Route 1 and a series of ramps. A copy of the plan is enclosed. The interchange would afford safer access than presently exists.

As proposed, the entrance on Milford Neck Road is very close to the treatment plant access road. DelDOT recommends that access be taken from the treatment plant road. It is DelDOT's understanding that the applicant will speak with the Director of the Kent County Department of Public Works in this regard. In any case, the applicant's engineer should coordinate with the DelDOT Subdivision Manager, Mr. George Shaw, to determine what DelDOT will require regarding the proposed site entrances. Mr. Shaw may be reached at (302) 760-2261.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Water Quality

The Department recommends that the applicant minimize the clearing/removal of trees on this parcel. Forest areas are important for water quality as well as preservation of habitat for a variety of wildlife species.

Water Supply

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. 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.

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Well Drained – Sassafras
- Poorly drained (**hydric**) – Fallsington

Sassafras is a well-drained upland soil with few limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Most of the soils on this parcel (~60%) are mapped as Fallsington.

Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine scrub-shrub wetlands are found on a significant portion (~50-60 %) of subject parcel. A 100-foot minimum buffer width is encouraged from the landward edge of all delineated wetlands.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands.

Impacts to waters of the U.S., including impacts to “isolated wetlands,” are regulated by the USACE. Individual permits and certain Nationwide Permits from the USACE also require 401 Water Quality Certification from the Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting.

As was stated at the March 24th PLUS meeting, the location for the 21,600 s.f. Proposed Building is a concern. As depicted on the Preliminary Site Plan, the building would be placed in a wooded area (as shown on the 2002 Orthophotography of the area). DNREC has reason to believe, as stated above, that there are wetlands in the wooded area and it may not be developable. A better location for any buildings would be toward the front of the parcel and out of the wooded area.

Stormwater Management

Sufficient information has not been provided to allow detailed comments. Based on the site characteristics, a pre-application meeting with the Kent Conservation District is required to discuss stormwater management and drainage for the site.

Contact: Kent Conservation District – Jared Adkins – (302) 697-2600

State Fire Marshal’s Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 SqFt, a fire alarm signaling system which is monitored off-site is required
- Automatic fire suppression, (sprinklers) are required based on State Fire Prevention Regulation Part II, Section 4-1.1C. Use of water supply from Kent County Water Treatment facility will be considered acceptable as it meets water quality requirements of NFPA 13, section 15.1.5 and fire flow requirements of the sprinkler system.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Lock box required, contact fire chief for ordering
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Public Service Commission - Contact: David Bonar 739-4247

No CPCN on file, none required for private well.

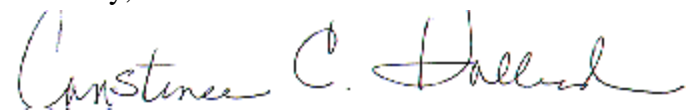
Movement of any natural gas line would require pipeline safety coordination.

Delaware Economic Development Office – Contact: Dorrie Moore 739-4271

The Delaware Economic Development Office (DEDO) has been tasked and is actively engaged with assisting Eastern Shore Environmental (ESE) to relocate their existing facility adjacent to the Dover Air Force Base main runway. The Air Force has concerns that the current location attracts birds, which, if drawn into an aircraft jet engine, will cause catastrophic damage. The Air Force has requested the relocation be at least five miles from the Base. The DEDO feels that it is fortuitous to relocate to a parcel adjacent to the Kent County sewage processing facility south of Frederica. ESE has agreed to purchase the land contingent on obtaining a conditional use permit. The land is appropriately zoned for heavy industry, meets the Air Force request, and the area is already characteristically industrial. Kent County has agreed to supply water for the proposed facility's fire suppression system. The DEDO supports this project as presented.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director

CC: Kent County