



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET  
STATE PLANNING COORDINATION

July 21, 2006

Jack McFadden  
McBride & Ziegler  
2607 Eastburn Center  
Newark, DE 19711

RE: PLUS review – PLUS 2006-06-01; Twin Spans Business Park

Dear Mr. McFadden:

Thank you for meeting with State agency planners on June 28, 2006 to discuss the proposed plans for the Twin Spans Business Park project to be located on Anchor Mill Road and Wilmington Road in New Castle.

According to the information received, you are seeking a site plan approval for a 98,800 sq. ft. warehouse on 4.5 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 the City of New Castle is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

**Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

*notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.*

### **Natural and Cultural Resources**

Although most of this parcel's wetlands were likely filled and graded before legal sanction to regulate wetlands was first authorized (1972 Clean Water Act, Section 404 guidelines) and apparently no longer meet all the environmental criteria (vegetation, soils, or hydrology) necessary for regulatory protection, the prevalence of poorly-drained (hydric) Othello soil mapping units suggests that functional wetlands conditions may still be present regardless of their jurisdictional status. The filling and grading of hydric soils increases offsite stormwater runoff which may likely to leave potential residents on this and adjoining parcels, significantly more susceptible to flooding events, especially during extended periods of high intensity rainfall events associated with tropical storms/hurricanes or "nor'easters." Also filling and grading of hydric soils reduces the sites ability to retain nutrients while increases offsite nutrient runoff impacts.

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Since the amount of imperviousness generated by this project (approximately 89%) will far exceed the desirable watershed threshold of 10 percent, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover via preservation or additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the New Castle Conservation District. Contact Larry Irelan at 302-832-3100 for details regarding submittal requirements and fees.

The following are a complete list of comments received by State agencies:

#### **Office of State Planning Coordination – Contact: Herb Inden 739-3090**

The project is located in Investment Level 1 according to the Strategies for State Policies and Spending and is consistent with the current use and zoning. The State supports development in this area.

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

Nothing is known on Parcel 7C where the proposed warehouse will be built or in the vicinity. There is only a low potential for any archaeological sites here. This project will not affect any historic properties.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

Because the proposed development is located on a private road, Anchor Mill Road, the entrance on that road is outside our jurisdiction. The intersection of Anchor Mill Road and Delaware Route 9 was designed and built to serve the full development of the business park and this project is consistent with that full development. We have no further comments regarding it.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071**

**Soils**

According to the New Castle County soil survey, Mattapex and Othello were mapped in the immediate vicinity of the proposed project. Mattapex is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Othello is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Most of the soils mapped on subject parcel were mapped as Othello.

Although most of this parcel's wetlands were likely filled and graded before legal sanction to regulate wetlands was first authorized (1972 Clean Water Act, Section 404 guidelines) and apparently no longer meet all the environmental criteria (vegetation, soils, or hydrology) necessary for regulatory protection, the prevalence of poorly-drained (hydric) Othello soil mapping units suggests that functional wetlands conditions may still be present regardless of their jurisdictional status. The filling and grading of hydric soils increases offsite stormwater runoff which may likely to leave potential residents on this and adjoining parcels, significantly more susceptible to flooding events, especially during extended periods of high intensity rainfall events associated with tropical storms/hurricanes or "nor'easters." Also filling and grading of hydric soils reduces the sites ability to retain nutrients while increases offsite nutrient runoff impacts.

**Impervious Cover**

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Since the amount of

imperviousness generated by this project (approximately 89%) will far exceed the desirable watershed threshold of 10 percent, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with an increase in forest cover via preservation or additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

### **TMDLs**

A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting. Although TMDL development has not been scheduled for this watershed to date, it is still recommended that the applicant employ best available technologies (BATS) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts that might be associated with this project.

Reducing imperviousness, planting/preservation of trees, and maintaining 100-foot minimum upland buffers from wetlands and streams are some examples of proactive mitigative strategies that will help reduce excessive nutrient runoff from this development and its impacts on water quality, while ensuring State compliance with potential Federal TMDL regulatory requirements.

### **Water Supply**

The project information sheets state that the City of New Castle Water System will be used to provide water for the proposed project. Our records indicate that the project is located within the public water service area granted to New Castle County Water & Light Co. under Certificate of Public Convenience and Necessity number 88-WS-05. It is recommended that the developer contact the New Castle County Water & Light Co. to determine the availability of public water. Any questions concerning CPCNs should be directed to the Public Service Commission at 302-739-4247. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

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 do 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, they are: Chicago Bridge & Iron and Castle Ford within 1000 feet of this project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **Sediment and Erosion Control/Stormwater Management**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the New Castle Conservation District. Contact Larry Irelan at 302-832-3100 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the New Castle Conservation District to schedule a preapplication 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. Because this is a redevelopment of a site that currently drains to a stormwater management facility, this project may be eligible for a waiver of stormwater quantity and quality management. Because it drains to an existing facility, erosion and sediment control on site will be a critical element of the plan.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

### **Underground Storage Tanks**

There are two inactive LUST site(s) located near the proposed project:

Castle Ford Site, Facility # 3-000062, Project # N9402046

Former Witco, Facility # 3-001386, Project # N0502016

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

### **Site Investigation and Restoration**

Three SIRB sites were found within a 1/2-mile radius of the proposed site:

- New Castle Abandoned Cont Site (DE-0148) is a HSCA site, located northeast of the proposed site. It was closed out in 1986 under the CERCLA EPA emergency removal section.
- New Castle Spill Site (DE-0033) is located southwest of the proposed site. volatile organic compounds were detected in groundwater samples. The remedy included pumping groundwater from the shallow aquifer to prevent further contamination, and monitoring contaminant levels. Samples of groundwater were tested in 1993. The result showed that the VOC levels were dropping. Since then, the site has been removed from the National Priority List (NPL). No further action was taken and a certificate of remedial action has been issued.
- Castle Ford (DE-0192) is located south of the proposed site. A Site Investigation was conducted. The soil samples collected had lead, PAH, PCBs, and SVOCs. The groundwater samples had low levels of TCEs. There is no threat posed due to soil contamination. The site is a commercial site and thus did not require extensive remediation.

Since the proposed site is designated as commercial use only, DNREC does not foresee any negative impact due to the above SIRB sites. However, DNREC recommends that the proposed site use public water supply.

**State Fire Marshal's Office – Contact: Duane Fox 856-5298**

This project is in the City of New Castle which has their own FMO and thus would need to comment on the plan.

**Department of Agriculture - Contact: Milton Melendez 698-4500**

The Delaware Department of Agriculture has no objections to the proposed project.

*Right Tree for the Right Place*

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property value in excess of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

*Native Landscapes*

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

*Tree Mitigation*

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

CC: City of New Castle