



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

October 19, 2010

Stephen L. L. Johns  
Vandemark & Lynch, Inc.  
4305 Miller Road  
Wilmington, DE 19802

RE: PLUS review – 2010-09-03; A.I. DuPont Hospital for Children

Dear Mr. Johns:

Thank you for meeting with State agency planners on September 22, 2010 to discuss the proposed plans for the A.I. DuPont Hospital for Children expansion.

According to the information received, you are seeking site plan approval through New Castle County for a 475,000 sq. ft. expansion to the existing hospital located at 1600 Rockland Road near Wilmington.

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 New Castle 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.**

**Strategies for State Policies and Spending**

This project is located within an Investment Level 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas.

### **Code Requirements/Agency Permitting Requirements**

#### **State Historic Preservation Office – Contact Terrence Burns 736-7404**

- According to the Pomeroy and Beers Atlas of 1868, which is a 19th-century historical map, properties that existed on this parcel were associated with the following: A. Murphy, T. Husband, A. Bird, and E.I. DuPont Company. In addition, the USGS Topo Map of 1904 also indicated that there were structures on this parcel. With this in mind, it is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

Prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains. Also, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential historic or cultural resources.

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

- As proposed, the subject development would meet DelDOT's volume warrants for a traffic impact study (TIS), as contained in Section 2.3.1 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. It would also meet New Castle County's warrants for such a study. In recognition of that fact, the hospital's representatives met with appropriate New Castle County officials and Mr. Troy Brestel of our Development Coordination Section on September 17, 2010, to set a scope of work for that study. On September 29, DelDOT completed that scope of work, and on September 30, at the request of the hospital's engineer, they sent it to their consultants for the preparation of priced proposals.

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

### **Sediment and Stormwater Program.**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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 New Castle County Dept. of Land Use Engineering Section. Contact Dept. of Land Use at (302) 395-5470 for details regarding submittal requirements and fees (Delaware Code, Title 7, Chapter 40; Delaware Regulations, Administrative Code, Title 7, 5101).

### **Natural Areas.**

- A portion of the Brandywine Creek Valley Natural Area is located on this parcel. The Office of Nature Preserves looks forward to receiving a Critical Natural Areas report as required by the New Castle County Unified Development Code.

### **Air Quality.**

- The applicant shall comply with all applicable Delaware air quality regulations. These regulations include:
  - **Regulation 1106** - Particulate Emissions from Construction and Materials Handling
    - Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.
    - Use covers on trucks that transport material to and from site to prevent visible emissions.
  - **Regulation 1113** - Open Burning
    - Prohibits open burns statewide during the Ozone Season from May 1-Sept. 30 each year.
    - Prohibits the burning of land clearing debris, trash or building materials/debris.
  - **Regulation 1141** – Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products
    - Restricts the use of certain coatings and consumer products in typical architectural applications.
  - **Regulation 1145** - Excessive Idling of Heavy Duty Vehicles
    - Restricts idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

### **Tank Management Branch.** Please be aware:

- If a release of a Regulated Substance occurs at the proposed 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.
- There are seven (7) **inactive** LUST projects located within the project boundary:
  - Alfred I DuPont Institute, Facility: 3-001339, Projects:
    - N0006084

- N0302024
  - N9411259
  - N9412284
  - N9506132
  - N9601023
  - N9906121
- There are four (4) LUST facilities located within a quarter mile of the project boundary:
    - Alapocas Maintenance Base, Facility: 3-001179, Project: N0107058 (Inactive)
    - Wilmington Friends School, Facility: 3-000148, Projects: N0708077 (Inactive), N8811069 (Inactive)
    - Estate of Neil H Keough J, Facility: 3-001665, Project: N9512282 (Inactive)
    - DelDOT Right of Way Foulk Road, Facility: 3-002026, Project: N9911252 (Inactive)
  - 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.”

### **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.

### **Recommendations/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is a known historic district on this parcel (property), the Nemours Historic District (N14008), which is considered eligible for nomination to the National Register of Historic Places. This historic district consists of thirty-four buildings, structures, and objects as well as the designed landscape. Included are late-19th- to early-20th-century historic features such as the Murphy House (N00543), Old A.I. DuPont Institute (N01361), the current A.I. DuPont Institute (N09571), and the Nemours House and Garden (N09570) along with other historic structures and buildings.
- Because the new construction is in the middle of the property, visual effects on the buildings to the north and west will be blocked, but the developer should ensure that landscaping is added on the south side towards Nemours and the gardens as necessary to block any adverse visual or noise effects on the museum.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- As we understand it, much of the 475,000 square feet of floor area presently proposed is to convert from existing semi-private rooms to private rooms, with no increase in the number of beds, and to otherwise make more room for existing functions of the hospital. The TIS mentioned above is warranted based only on the planned addition of 52 new beds and the scope of work is sized for that change. If, in the future, the hospital decides to redevelop their space within the new or existing buildings in a way that would generate more than 50 peak hour trips or 400 trips per day, DeIDOT may require a new or updated TIS.
- DeIDOT recommends that the hospital's engineer contact our Subdivision Manager for northeastern New Castle County, Mr. Richard Woodhall, to schedule a pre-submittal plan review meeting. Mr. Woodhall may be reached at (302) 760-2262.

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

**Rare Species.**

- A review of our database indicates that there are numerous state-rare and Species of Greatest Conservation Need<sup>1</sup> (SGCN) documented on this parcel, primarily within the

---

<sup>1</sup> Species of greatest conservation need (SGCN) are indicative of the overall diversity and health of the State's wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware. SGCN are identified in the Delaware Wildlife Action Plan (DEWAP) which is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state's natural resources. This document can be viewed via our program website at <http://www.fw.delaware.gov/dwap/Pages/default.aspx>. This document also contains a list of species of greatest conservation need, Key Wildlife Habitat Maps, as well as species-habitat associations.

forest. The site plan depicts the area of disturbance to be primarily within paved, landscaped or previously disturbed areas. Species of concern should not be impacted unless there will be impacts to the forest. If impacts to the forest are planned, please contact me for additional comments.

- DNREC GIS database indicates that there may be suitable habitat for the federally listed bog turtle (*Glyptemys muhlenbergii*) on this tax parcel. Bog turtles typically occur in freshwater wetlands with open canopies, mucky soils, and tussock vegetation; however, they can occur in more marginal habitats as well. Because the bog turtle is a federally listed species, protected under the Endangered Species Act, its presence can affect the scope of work. The wetlands of concern are not within proximity to the proposed project area; therefore, bog turtle is not an issue at this time. If the scope of work or limits of disturbance are expanded, please contact Edna Stetzar for additional comments.

#### **Additional air quality information.**

- Measures may be taken to substantially reduce the air quality emissions and include:
    - **Construct only energy efficient buildings.** Energy Star qualified buildings are up to 30% more energy efficient. These savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of increased energy efficiency translates into a percent reduction in pollution.
    - **Offer geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation, and from the use of oil or gas heating equipment.
    - **Provide tie-ins to the nearest bike paths and links to any nearby mass transport system.** For every vehicle trip that is replaced by someone using a sidewalk, bike path or mass transit can significantly reduce mobile source emissions.
    - Additionally, the following measures will reduce emissions associated with the actual construction phase of the development:
      - **Use retrofitted diesel engines during construction.** This includes equipment that is used on-site as well as equipment used to transport materials to and from site.
      - **Use pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
-

- **Plant trees at residential units and in vegetative buffer areas.** Trees reduce emissions by trapping dust particles and by replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development on air quality. The applicant is advised to contact DNREC Air Quality Management Section for measures that may be incorporated into the A.I DuPont Children's Hospital Expansion.

#### **Additional Tank Management Branch information.**

- 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 local jurisdiction 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 local jurisdiction shall be responsible for enforcing the more restrictive rules.

#### **Additional hazardous waste sites information.**

- 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.

There are three SIRB site found within a 1-mile radius of the proposed project:

- DuPont Experimental Station (DE-0023) is across Alapocas Dive to the southwest portion of the project area.
  - The site is a HSCA site, and it is also an active RCRA site with a corrective action. No remedial actions will take place until the site is no longer operational.
- Container Corp (DE-0094) is across Alapocas Drive to the south of the project area.

- The site is a HSCA site. The remediation was completed in 1997. The site is currently capped and has operation and maintenance activities performed regularly.
- Blue Ball Dairy Barn (DE-1307) is across Alapocas Run to the east of the project area.
  - The site is a HSCA site. The remediation was completed in 2004.

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.

Department of Agriculture – Contact Scott Blaier 698-4529

- The Delaware Department of Agriculture Forest Service encourages the school district to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to reduce heating and cooling costs. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Leyland Cypress

Ash Trees

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

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.

**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, Office of State Planning Coordination

CC: New Castle County