



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

November 23, 2010

Keith Kooker
Landmark Engineering
29 S. State Street
Dover, De 19901

RE: PLUS review – 2010-10-06; William Henry Middle & Booker T. Washington Site Improvements

Dear Mr. Kooker:

Thank you for meeting with State agency planners on October 27, 2010 to discuss the proposed site improvements for the William Henry Middle School and the Booker T. Washington Elementary school site. According to the information received, the site improvements include reconfiguring site parking, bus and traffic flow patterns and the site entrance locations. It is noted that no additional building are planned as part of the site improvements. It is also noted that these improvements will be completed in three phases.

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 school district will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.**

Strategies for State Policies and Spending

- This is an existing school site within a Level 1 area and within the City of Dover. The State supports these public safety improvements to the site provided the school district meets all codes/regulations set forth by the City of Dover.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- Both William Henry Middle School (K-6940) and Booker T. Washington Elementary School (K-6796) are considered historical and cultural resources. In addition, there are a few mid 20-century homes along Carver Street. If any federal involvement is planned for this project in the forms of licenses, permits, or funds, the school district is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider the project's effects, if any, on these potential historic or cultural resources.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the proposed development would access City of Dover streets, DelDOT has no requirements with respect to the redevelopment of the sites. With that said, because the school entrances are, and will continue to be, close to the network of State-maintained streets, DelDOT intends to work closely with the City in the review of these plans. Mr. Julio Seneus, the DelDOT Subdivision Manager for northern Kent County, will serve as the District's primary contact in this regard. Mr. Seneus may be reached at (302) 760-2145.
- Incidental to the redevelopment of these sites and the movement of the District offices from Forrest Avenue (Delaware Route 8) to North Street (Delaware Route 15), the District will need to remove existing curb cuts on Forrest Avenue. Pursuant to 17 Del. Code §131, the District will need to obtain a permit from the DelDOT Central District office to work in the State right-of-way. The District should contact the Central District Public Works Engineer, Mr. Eric C. Cimo, in this regard. Mr. Cimo may be reached at (302) 760-2416.

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

TMDLs.

- The project is located in the greater Delaware River and Bay drainage area; 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. The specific required nutrient and bacterial reductions can be reviewed via the following web link (click on TMDLs under Services): <http://www.dnrec.delaware.gov/Pages/default.aspx>

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. 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 are underground storage tanks associated with Super Soda Center and Playtex Apparel; hazardous waste generators associated with ACE Cleaners and Playtex; and a wastewater outfall associated with Kraft Foods Inc. located within 1000 feet of the proposed project.

Sediment and Stormwater Program.

- In accordance with 7 Del C. Ch. 40 and the Delaware Sediment and Stormwater Regulations, 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 DNREC Division of Watershed Stewardship Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees. In accordance with 7 Del. C. Ch. 60 and the Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities, a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval. Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique. In accordance with Section 10.3.5.1 of the Delaware Sediment and Stormwater

Regulations, Green Technology BMPs must be given first consideration for stormwater quality management. Existing stormwater management facilities that will be displaced by the construction on the site must be replaced to meet current sediment and stormwater management requirements.

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 is one LUST project and one facility located within the project site's boundary:
 - Capital School District Receiving (1-000061), Project: K8905237 (Inactive)
 - William Henry Middle School (1-000021), No LUST Project
- There are fourteen (14) inactive LUST project sites and one (1) active LUST project located within a quarter mile of the project site:
 - Playtex Apparel Incorporated (1-000377), Project: K9110226 (Inactive), K9810185 (Inactive)
 - Playtex Family Products Corporation (1-000378), Project: K9812210 (Inactive)
 - Universal Delaware – 1018 (1-000109), Project: K8905238 (Inactive), K9706092 (Inactive), K0712144 (Inactive)
 - Shore Stop #274 (1-000476), Project: K9810184 (Inactive)
 - Reeds Getty (1-000114), Project: K8806025 (Inactive), S8807032 (Inactive)
 - West Dover Exxon (1-000459), Project: K0712142 (Inactive)
 - Westside Car Wash (1-000167), Project: K9109199 (Inactive)
 - Terroco Oil Incorporated (1-000161), Project: K0705038 (Inactive)
 - Gede Insulation (1-000256), Project: K9404089 (Inactive), K0009123 (Inactive)
 - Ryder Truck Rental (1-000346), Project: K9811212 (Inactive)
 - Bennie Smith Bus Service (1-000272), Project: K9704047 (Inactive)
 - West Dover Elementary School (1-000027), Project: K9610180 (Inactive)
 - Southern States Cooperative Inc (1-000074), Project: K9112300 (Active)
 - Teal Construction Inc (1-000054), Project: K8707051 (Inactive), K0608096 (Inactive)
 - Capital Investments (1-000640), Project: K9809148 (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."

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- Because the project lies within the jurisdiction of the City of Dover, the Delaware State Fire Marshall's Office defers comment to the City of Dover Fire Marshal.

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

- The School District should also consider providing sufficient landscaping along the borders of the parcel to block any adverse visual and noise effects on these properties as well.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- A traffic signal at the intersection of Division Street (Delaware Route 8) and Weston Drive is an essential element of the District's plans, and a signal may also be needed at the intersection of Saulsbury Road (Delaware Route 15) and Clara Street. Because a signal necessarily results in increased delay for some drivers and can have a negative impact on safety, DelDOT requires a signal justification study demonstrating the need for any proposed signal before it is installed. Because the two subject signals would be necessitated by school traffic, DelDOT may require the District to have their engineers prepare the needed studies. The District should contact Ms. Kristen Melendez in DelDOT's Traffic Studies Section regarding these studies. Ms. Melendez may be reached at (302) 659-4096.

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

Additional information on TMDLs.

- A Pollution Control Strategy (PCS) is an implementation strategy that identifies the actions (i.e., regulatory and nonregulatory) necessary to systematically reduce the pollutant loading to a given water body; ultimately leading to the attainment of the obligatory TMDL pollutant load reduction requirements specified for that water body. However, the PCS for the St. Jones watershed has not been formally completed to date. In absence of a finalized PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended BMPs:
 - Please maximize open space by establishing more tree cover on this parcel.
 - DNREC recommends 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. They encourage the use of pervious paving materials (instead of conventional asphalt and concrete) to mitigate impacts from surface imperviousness. They further encourage replacement of the existing paved surface material with pervious paving materials wherever practicable.
 - Much of this parcel has been rendered largely impervious through past development. DNREC strongly encourages the use of rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as a “retrofit strategy” to implement BMPs that reduce nutrient pollutant impacts.
 - DNREC also encourages the applicant to voluntarily assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) that result from the conversion of individual or combined land parcels to a different land use(s), while providing applicants with quantitative information about their project’s impact(s) on baseline water quality. They encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact Lyle Jones at 302-739-9939 for more information on the protocol.

Additional information on tank management.

- 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.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- Contact the City of Dover Fire department regarding fire lane arrangement and changes in access, especially from Weston Drive.

Delaware Department of Education – Contact John Marinucci 735-4199

- The DOE supports this site and will continue to work with the district, architect, site engineer, City of Dover and various state agencies regarding the site plan as it develops. The DOE reserves the right to provide continued and on-going comments and input as the site plan develops.
- The Capital School District has engaged the stakeholders and interested parties/jurisdictions in their planning of the development of the site. Continued stakehold involvement is suggested as the site plan develops.

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,



Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: The City of Dover