



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

April 14, 2011

Laura Swiski
Northpoint Engineering
102 Robino Court, Ste. 203
Newport, DE 19804

RE: PLUS review – 2011-03-01; Pioneer Materials

Dear Ms. Swiski:

Thank you for meeting with State agency planners on March 23, 2011 to discuss the proposed plans for the Pioneer Materials project to be located on Industrial Street within the Town of Millsboro.

According to the information received, you are seeking a site plan review through the Town of Millsboro for a 36.98 acre stone depot which will include a small office, pole building and rail road spur and improvements.

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 Town of Millsboro 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 in Investment Level 1 according to the *Strategies for State Policies and Spending*. This site is also located within the Town of Millsboro. 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.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is a known historic resource on this parcel (property) and another nearby. The one that is on the parcel is an archeological site (S07936; 7S-J-034), and the other one nearby is the Wharton's Branch Railroad Bridge (S04039), which was probably built between 1900 and 1920. With this in mind, it is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. Furthermore, the unexpected discovery of unmarked human remains during construction can result in significant delays, while the process is carried out.

Therefore, prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery or unmarked human remains.

- 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 the project's effects on any known or potential historic resources.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. This manual is available on-line at [http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision Manual Revision 1 proposed 060110.pdf](http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/Subdivision_Manual_Revision_1_proposed_060110.pdf). While compliance with the entire manual is required, as relevant, we direct your attention to the following areas in particular:
 - Referring to Chapter 3 of the Standards and Regulations – Site Plan Design, Section 3.4.1: Traffic Information, page 3-3, the traffic generation diagram is required.
 - As per the PLUS Application, under item #25 the summer weekday daily traffic is 170 trips per day with 95% being trucks. The entrance plan under SSR 4605, Expansion to Millwood, will need to be reviewed to determine if there is sufficient right-of-way to widen the entrance from 25 feet to 32 feet in order to accommodate the increase in truck ADT.
 - Referring to the Standards and Regulations, Chapter 5; Design Elements, Figure 5-27 – Pavement Design Chart for Entrances, page 5-39, due to the increase in truck traffic, DelDOT will prepare a design of the pavement section. Also under SSR 4605,

DelDOT will determine if the 2-inch hot mix overlay along Mitchell Road (Sussex Road 83) is sufficient to support the additional truck traffic.

- Please refer to the Standards and Regulations, Appendix D – Plan Review Checklist, pages D-2 through D-39, for the new checklists for all plan type submittals.
- Please refer to the DelDOT website to determine whether a pre-submittal meeting is required. The pre-submittal request form and requirements are located on our website at the following address: <http://www.deldot.gov/information/business/>
- Referring to the Standards and Regulations, Chapter 3 – Site Plan Design, Section 3.1: Purpose, page 3-1, a “Letter of No Objection” will be required for this project.
- Referring to the Standards and Regulations, Chapter 1 – Introduction, Section 1.4: Review Fees, page 1-8, the Initial Stage review fee shall be assessed to this project.
- This project shall coordinate all entrance and roadway improvements with the improvements being completed under SSR 4605; Expansion to Millwood development.
- Please contact the DelDOT Subdivision Manager for eastern Sussex County, Mr. John Fiori, if you have questions regarding these requirements. Mr. Fiori may be reached at (302) 760-2260.

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

Wetlands

- The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property. This determination can only be made by contacting the Division of Water Resources’ Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State’s official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC’s Wetlands Section.
- In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands. Ponds, which are connected to other waters, are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Please contact the Wetlands

and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

TMDLs and Nutrient Management Plans

- The project is located in the greater Inland Bays drainage - specifically within the area designated as the “high nutrient reduction zone” of the Indian River Bay watershed. In this portion of the watershed, specific Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. 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 Low Reduction zone of the Inland Bays watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction in bacteria from baseline conditions.
- A nutrient management plan is required under the *Delaware Nutrient Management law (3 Del. Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at 739-4811 for further information concerning compliance requirements, or view the following web link for additional information: <http://dda.delaware.gov/nutrients/index.shtml>
- The adopted Inland Bays Pollution Control Strategy regulation was published in the Delaware Register of Regulations on November 11, 2008 and is now an enforceable regulatory directive. A Pollution Control Strategy (PCS) is an implementation strategy that identifies the actions necessary (regulatory and nonregulatory) to systematically reduce the pollutant loading to a given water body, and meet the TMDL reduction requirements specified for that water body. These regulations can be reviewed at <http://regulations.delaware.gov/documents/November2008c.pdf> and background information, guidance documents, and mapping tools can be retrieved from http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

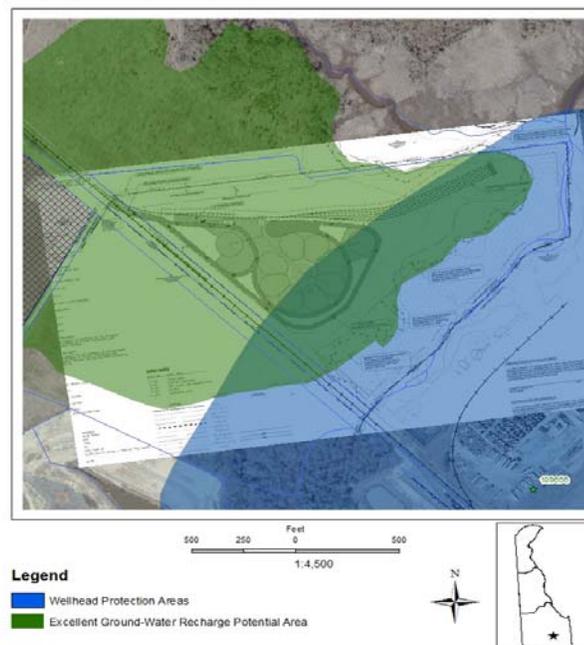
The applicant should assess nutrient loading on their parcel through the DNREC developed methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) that result from the conversion of individual or combined land parcels to a different land use(s), while providing applicants with quantitative information about their project’s impact(s) on baseline water quality. We strongly 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.

Water Supply

- The project information sheets state water will be provided to the project by the Town of Millsboro via a public water system. DNREC records indicate that the project is located within the public water service area granted to the Town of Millsboro under Certificate of Public Convenience and Necessity 94-CPCN-10.
- 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 a Groundwater Management Zone associated with NCR Corporation and a Spray Irrigation Site associated with Vlastic located within 1000 feet of the proposed project.

Pioneer Materials (PLUS 2011-03-01)



Water Resource Protection Areas

- The DNREC Water Supply Section has determined that the project falls partially within a wellhead protection area for Pinnacle Foods and fully within an excellent ground-water recharge potential area for the Town of Millsboro (see map).

Wellhead protection areas are the surface and subsurface areas adjacent to public water supply wells where contamination could, if released, travel to the well. Land use activities or impervious cover on wellhead protection areas may adversely affect the quality and quantity of drinking water in these areas.

- Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category is an “indicator of how fast contaminants will move and how much water may become contaminated” (Andres, 2004, pg. 1). Land use activities or impervious cover on areas of excellent groundwater recharge potential may adversely affect the quality and quantity of ground water in these areas.
- In addition, because the wellhead protection area is the source of public drinking water for Pinnacle Foods and the excellent ground-water recharge area so readily affects the underlying aquifer, the storage of hazardous substances or wastes should not be allowed within these areas unless specific approval is obtained from the relevant state, federal, or local program.
- The Town of Millsboro has a source water protection ordinance and jurisdiction in this project. GBP recommends reviewing the ordinance and refer to the Town to determine if this projects land use is in conflict.

References

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14. <http://www.udel.edu/dgs/Publications/pubform.html#nvestigations>

Sediment and Stormwater Program

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. A project application meeting is required for this 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 the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees (Delaware Code, Title 7, Chapter 40; Delaware Regulations, Administrative Code, Title 7, 5101).

Hazardous Waste Sites

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware *Regulations Governing Hazardous Substance Cleanup* shall be followed.”
- “The proposed project includes an environmental covenant, a Groundwater Management Zone (GMZ), that was executed pursuant to 7 Del. C. Chapter 79, Subchapter II, Uniform Environmental Covenants Act. It shall be binding upon the Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to 7 Del. C. Section 7910(a), subject to amendment or termination as set forth herein. The term “Transferee,” as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees. It may be enforced pursuant to 7 Del. C. Section 7916. Failure to timely enforce compliance with this Environmental Covenant or the use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party’s right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Secretary of DNREC from exercising any authority under applicable law. There shall be no interference with this environmental covenant, such as any land disturbing activities, without the prior written approval of the Department.”
- There is one SIRB site found within a ½-mile radius of the proposed project: NCR Corp. (DE-0042) is located 0.02 miles north-west of the project area.
 - Cash reregister manufacturing, which involved electroplating, was operated on site.
 - Groundwater monitoring began in 1981 under the direction of DNREC for contaminants in the groundwater.
 - The site was placed on the National Priorities List (NPL) in 1987.
 - A Record of Decision (ROD) was filed in 1991, requiring quarterly groundwater sampling.
 - A Groundwater Management Zone (GMZ) was placed on the NCR site, which prevents new domestic or public wells from being installed. This GMZ also extends to the property to the east of the NCR Corp site, **which includes the proposed Pioneer Materials site**. The conditions of the GMZ must be followed

and **has been attached for your review**. Please feel free to contact Robert Asreen, the project manager for the NCR site, at 302.395.2600, should you have any questions.

- A groundwater extraction system was installed in 1995 and is still in operation.
- The NCR site is still undergoing remediation activities.

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.
- After review of the tax parcel provided, there are two (2) LUST project sites located within a quarter mile of the project site:
 - First Omni Bank NA, Facility: 5-000354, Projects: S9203075, S9204091 (Inactive)
 - Vlastic Foods Inc., Facility: 5-000078, Project: S9305084 (Inactive)
- No environmental impacts related to the above-mentioned inactive LUST projects are anticipated; however,
- 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

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):

- **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
 - Where a water distribution system is proposed for Storage and Industrial sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- **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. This means that the access road from Industrial Street must be constructed so fire department apparatus may negotiate it.
 - 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.
 - All turn-around or cul-de-sac is to be arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver.
 - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

- **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.

- **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)
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

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.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- According to the site plan, the right-of-way for Industrial Street curves as it crosses the railroad tracks, but nonetheless crosses the tracks more or less at a right angle. As proposed, the plan would place the site entrance on the railroad tracks, significantly lengthening the distance that entering and exiting vehicles would travel along the mainline tracks. While this entrance is a private grade crossing, and therefore outside our jurisdiction, its design seems inherently unsafe. DelDOT strongly recommends that the site access road be relocated such that exiting traffic would cross the proposed siding, turn to the left and then cross the mainline tracks at a right angle.
- Due to the 162 trips of truck traffic, if the existing pavement section for Industrial Street is not strong enough to handle the additional truck traffic, it is recommended that Industrial Street be designed to accommodate those types of vehicles. Because Industrial Street is a Town-maintained street, this is only a recommendation.
- Traffic leaving Industrial Street has three ways to access the collector and arterial street network: it can travel north on Mitchell Street to Old Landing Road and from there travel to US Route 113 or to Iron Branch Road (Sussex Road 331); it can travel south on Mitchell Road to Delaware Route 20; or it can travel north on Mitchell Street and then west on the M&T Bank access road to US Route 113. Each of these routes has drawbacks. The first route involves over a mile of travel on relatively narrow town streets, which may not be structurally adequate to handle the increase in truck traffic. The second route leads to an unsignalized intersection with a road that is seasonally congested at a point where a traffic signal may not be feasible. The third route, while direct, involves a private road, the owner of which may not be amenable to its use for this purpose.
- DelDOT recommends that the developer contact the owner of that private road, M&T Bank, and attempt to secure the right to use the road for their traffic. They would be willing to consider State maintenance of that road if it were dedicated to public use and improved to meet State standards.

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

Additional information on wetlands

- When designing a project on a site with regulated watercourses, any extensive piping, filling or burying of streams or ditches in excess of the minimum needed for road crossings should be avoided. Where road crossings are necessary, bridge spans which avoid significant impacts to stream banks and channels should be used wherever possible. Where placement of culverts is unavoidable, culvert designs which utilize multiple barrels at different elevations to preserve a low flow channel are usually preferred.

Additional information on water quality.

- Please maximize open space through voluntary preservation of the existing forest cover and/or establishment of additional native tree cover on this parcel.
- Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands (See figure 1).
- The applicant should 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 encourage the use of pervious paving materials (in lieu of conventional asphalt and concrete) to mitigate surface imperviousness and its' impacts on water quality wherever practicable.
- The applicant should explore the use of rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant impacts via runoff from impervious surfaces.

Species of Greatest Conservation Need

- There are several Species of Greatest Conservation Need (SGCN¹) associated with riparian and wetland areas downstream from the project site. Upland buffers at the site are important for the protection of water quality downstream. Research suggests that buffer widths need to be at least 100 feet-in most cases- to adequately protect water quality. The applicant indicated that there are a minimum of 100 feet upland buffers on the majority of the site and vegetative buffer strips will be planted adjacent to the existing forest in areas where the buffers are less than 100 feet. We recommend plant species native to Delaware and those beneficial to wildlife. If the applicant would like assistance

¹ 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. Congress challenged the states to demonstrate comprehensive wildlife conservation. Delaware, along with all of the other states and provinces throughout the country are working to implement their wildlife action plans. This document can be viewed via the Division of Fish and Wildlife's website at <http://www.fw.delaware.gov/dwap/Pages/default.aspx>. DEWAP also contains a list of species of greatest conservation need, key wildlife habitat, and species-habitat associations.

in drafting a list of these species, our program botanist, Bill McAvoy would be glad to provide assistance. Bill can be contacted at (302) 735-8668 or William.McAvoy@state.de.us.

Additional information on hazardous waste sites

- SIRB strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (**including a title search to identify environmental covenants**) 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.
- **Additional remediation may be required if the project property or site is re-zoned by the county or state.**
- 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.

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.
- 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.

Delaware Department of Education – Contact John Marinucci 735-4199

- This stone depot appears to be in relatively close proximity to the East Millsboro Elementary School. DOE recommends the developer meet with the Indian River School District to consider and review potential impacts. The Indian River District Office number is 302-436-1000

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: Town of Millsboro

GROUNDWATER MANAGEMENT SECTION

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATER RESOURCES

ROUTING SLIP

TO: *Mays Zhang*

DATE	INITIAL
<i>11/18/99</i>	<i>MS</i>

Stamp: RECEIVED BY ROUTING SLIP UNIT

- RUSH - Immediate Action
- Review and See Me
- Review and Comment
- For Your Approval
- For Your Information
- Circulate
- Please Handle
- Please Respond Directly
- Please Note & File
- Prepare Reply for My-Signature
- Note & Return to Me
- Other, See Below

REMARKS:

For an original and copy of our memo. We'll post into immediately!!!

FROM:

John B. Sandt

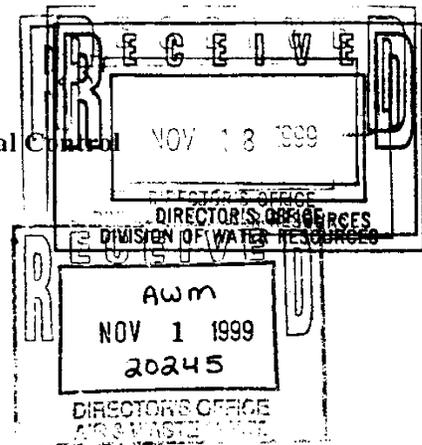
DATE:

11/18/99

Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Site Investigation and Restoration Branch

Memorandum

To: Denise Ferguson-Southard, Director
Through: N.V. Raman *N.V. Raman 10/25/99*
From: Manjiang Zhang *MZ*
Subject: Memorandum of Agreement DNREC DAWM and DNREC DWR
NCR Corporation Superfund Site
Millsboro, Sussex County, Delaware
Date: October 25, 1999



Attached is the Memorandum of Agreement ("MOA") between two (2) Divisions within the Department of Natural Resources and Environmental Control ("DNREC"), the Division of Air and Waste Management ("DAWM") and the Division of Water Resources ("DWR"). The MOA establishes a Groundwater Management Zone ("GMZ") at and near the NCR Corporation Superfund Site. The MOA is an administrative mechanism for assuring a detailed department review of water well permits applications at and near the Site.

The attached document and its copies (5) are to be signed by the Directors of DAWM and DWR; with DWR and DAWM each keeping one original, and one for the Site Administrative Record.

Attachment: Department of Natural Resources and Environmental Control, Memorandum of Agreement Between Division of Air and Waste Management and Division of Water Resources, For the NCR Corporation Superfund Site, Millsboro, Sussex County, Delaware

cc: Project File with Attachment

MMZ:hbq
MMZ99034.doc
DE1075, II B8

Memorandum of Agreement

Department of Natural Resources and Environmental Control

**Between:
Division of Air and Waste Management
And
Division of Water Resources**



**For:
NCR Corporation Superfund Site
Millsboro, Sussex County, Delaware**

October 1999

Whereas, the former NCR Corporation Site is located approximately 0.25-mile southeast of the intersection of Routes 24 and 113 in the town of Millsboro, Sussex County, Delaware (see Attachment 1). The site includes a 58-acre parcel of land currently owned by First Omni Bank, and an 80-acre parcel of agricultural land; and

Whereas, the NCR Site is a Superfund site on the National Priority List (NPL) and is lead by the U.S. Environmental Protection Agency (EPA) Region III with the Delaware Department of Natural Resources and Environmental Control (“DNREC”) as a support agency. The site was chosen in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300; and

Whereas the groundwater underneath the site is highly contaminated with volatile organic compounds (VOCs), primarily Trichloroethylene (TCE), and to a lesser extent Chromium. TCE was used in the vapor degreasing process by NCR Corporation and stored in an above ground tank outside the plant during the period from 1967 to 1977; and

Whereas a Record of Decision (ROD) was issued on August 12, 1991 to address remedial actions at this site. The remedy consists of pump-and-treat system to remove contamination from groundwater, provision for air emission controls, continuing monitoring of groundwater, surface water and sediments of Iron Branch, and institutional controls restricting groundwater use until the clean up levels are achieved; and

Whereas, the DNREC Division of Air and Waste Management (“DAWM”) is responsible for ambient air and hazardous waste management in the State of Delaware; and

Whereas, the DNREC Division of Water Resources (“DWR”) is responsible for management of the withdrawal of waters in the State of Delaware; and

Whereas, DNREC’s intent is to formally establish a groundwater management zone (“GMZ”) for the NCR site and its environs that are consistent with Subsections 2.2, 3.2, 3.6, 4.2, and 4.4 of Delaware’s Comprehensive State Ground Water Protection Program (“CSGWPP”). In developing this Memorandum of Agreement (MOA) for the aforementioned area, two key Department ground-water programs (the Water Supply Section and the Site Investigation and Restoration Branch) are:

- Giving priority to an area because of substantially degraded ground-water conditions, and
- Coordinating efforts and collaborating to come up with a ground-water decision, which is based on the area’s severely degraded ground-water quality; and

Whereas, groundwater directly underneath the site belongs to the unconfined Columbia Aquifer, which is approximately 80 feet in thickness. The contaminants distribute predominantly in the

shallow portion of the aquifer. Groundwater of the Columbia Aquifer flowing northeasterly discharges to the Iron Branch, and

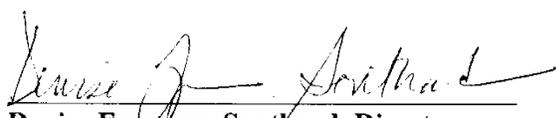
Whereas, according to the ROD, groundwater use should be restricted throughout the entire groundwater plume until clean up levels are achieved. DNREC has determined that a GMZ for the Columbia Aquifer is appropriate for management of the releases at the NCR site and its environs. The area bounded by Mitchell Street to the southwest, the Iron Branch to the north and northeast, and the Whartons Branch to the south and southeast demarcating the area of the GMZ; and

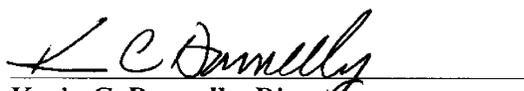
Whereas, Attachment 2 defines the aerial extent of the GMZ.

NOW, THEREFORE, IT IS AGREED BY DAWM AND DWR AS FOLLOWS:

1. A GMZ shall be established to include the NCR and its vicinity as defined both in the text and on the attached map, Attachment 2. The GMZ consists of the aerial extent of property of the 58-acre parcel of land currently owned by First Omni Bank, and the 80-acre parcel of agricultural land; as well as the land on the southeast side adjacent to the building of First Omni Bank. It is physically bounded by Mitchell Street to the southwest, the Iron Branch to the north and northeast, and the Whartons Branch to the south and southeast.
2. No public or domestic water supply well will be allowed or permitted in the Columbia Aquifer within the GMZ. Other types of wells may be screened in the Columbia Aquifer following joint review and approval of both DWR and DAWM.
3. Permits for any deep wells in the GMZ may be issued by DWR following joint review and approval by both DWR and DAWM.

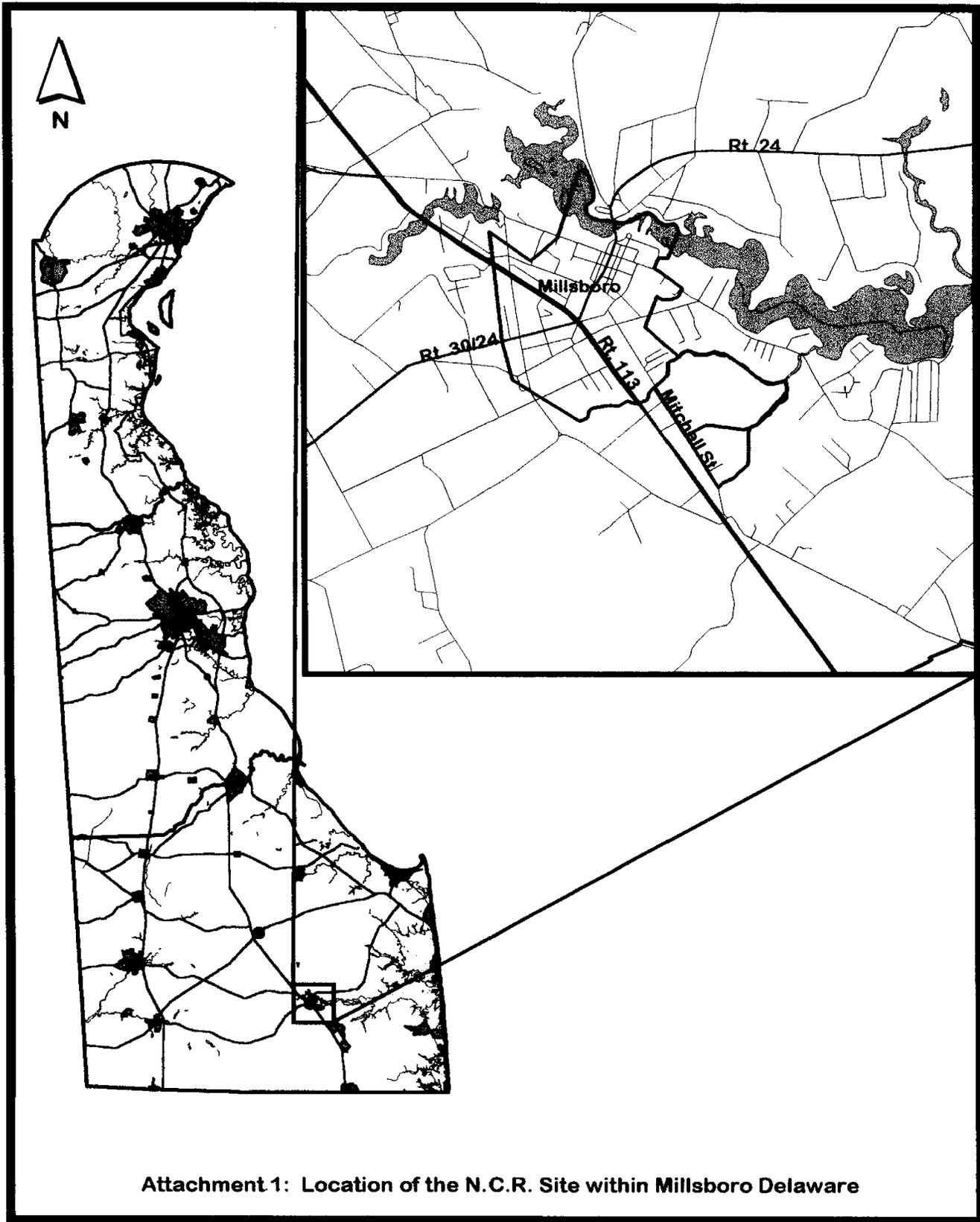
This MOA may be modified or terminated only upon the agreement of both parties. Any modifications must be made in writing and signed by the Director of DAWM and the Director of DWR. A copy of this MOA will be placed within the Administrative Record for the Site.


Denise Ferguson-Southard, Director
Division of Air and Waste Management
Date: *November 2, 1999*


Kevin C. Donnelly, Director
Division of Water Resources
Date: *11/10/99*

Attachments: Attachment 1: NCR Site Location
Attachment 2: Aerial Extent of Groundwater Management Zone

cc: N.V. Raman - DNREC DAWM with Attachments
John Barndt - DNREC DWR with Attachments
Stewart Lovell - DNREC DWR with Attachments
Kate Lose - EPA Region III with Attachments
Project File with Attachments



Attachment 1: Location of the N.C.R. Site within Millsboro Delaware

