



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

May 17, 2012

Mr. Mike Riemann  
Becker Morgan Group  
309 S. Governors Avenue  
Dover, DE 19904

RE: PLUS review – 2012-04-04; Tri-County Hot Mix Facility

Dear Mr. Riemann:

Thank you for meeting with State agency planners on April 24, 2012 to discuss the proposed plans for the Tri-County Hot Mix facility to be located at 1180 Little Creek Road near Dover.

According to the information received, you are seeking a site plan review through Kent County for a hot mix production facility to replace an existing material storage site.

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

**Strategies for State Policies and Spending**

This project is located in Investment Level 2 according to the 2010 *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. 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

- There are no known cultural or historic resources such as an Archeological Site, a National Registered listed property, or a potential historic property of any kind on or within this parcel. However, it still important that the developer be aware of Delaware's

Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title 7 of the Delaware Code.

- Abandoned or unmarked family cemeteries are very common in the State of Delaware, and often they are on historic farm sites, rural areas or open space lands. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area for the presence of such a cemetery. If a cemetery is discovered, it is very costly to have it archaeologically excavated and the burials moved. In the event of such a discovery, the Division of Historical & Cultural Affairs recommends that the plans be re-drawn to leave the cemetery on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with a homeowners association or development. If you need or would like to read more information that pertains to cemeteries or unmarked human remains, please go to the following websites for additional information at [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).
- Prior to any demolition or ground-disturbing activities (such as development or construction 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 their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of a permit or receipt of funding if it is determined that such opportunity to comment has been foreclosed. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at [www.achp.gov](http://www.achp.gov).

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Please refer to DeIDOT's Standards and Regulations for Subdivision Streets and State Highway Access (February 15, 2010) for the design of the site entrance. The website for the Standards and Regulations is [http://www.deldot.gov/information/pubs\\_forms/](http://www.deldot.gov/information/pubs_forms/). We recognize that the proposed plant would use an existing entrance and we presently see no need for further improvements there, but the addition of the plant is a change in use. Therefore as discussed in Section 8.6, a more formal evaluation of the adequacy of the entrance will be required.
- Relative to trip generation and traffic impact, DeIDOT has two comments:
  - As specified Section 2.3.1 of the Standards and Regulations, Traffic Impact Studies (TIS) are warranted for developments generating more than 400 trips per day or more than 50 trips per hour in any peak hour. Item 25 in the PLUS application indicates that 308 trips per day are anticipated. Therefore, DeIDOT does not anticipate requiring a TIS.
  - Section 3.9 of the Standards and Regulations provides that in evaluating access, DeIDOT may require an Operational Analysis. While it is not contained in our regulations, DeIDOT uses a threshold of 200 daily trips to determine when to begin considering the need for an Operational Analysis. A decision in this regard will be made at the pre-submittal meeting discussed below.
- As indicated on the DeIDOT Meeting Request Form, available at <http://www.deldot.gov/information/business/>, because the site would generate more than 200 trips per day, a pre-submittal meeting is required. The purpose of such meetings, similar to PLUS meetings, is to identify problems with your plan so that they can be corrected before the plan enters our formal plan review process. Please complete and submit the form to request such a meeting.

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

**Water Supply**

- The project information sheets state that individual on-site well(s) will be used to provide water for the proposed project. Our records indicate that the project is not located in an area where public water service is available. Since an on-site Industrial, Public/Miscellaneous Public well will be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. 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 current Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing each and every 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 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 1 Zone associated with Dover Air Force Base located within 1000 feet of the proposed project.

### **Sediment and Stormwater Program**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application 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. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 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 is located within the boundaries of a SIRS site - Dover Air Force Base Site (DE-0031). Although the proposed project is not located on the Dover Air Force Base proper, it is located within the Groundwater Management Zone (GMZ) of the Dover Air Force Base Site. **The GMZ restricts the installation of new domestic and public wells without prior notification and review by the Division of Water Resources.**
- The Record of Decision for the Dover Air Force Base Site was signed in April of 2006, followed by a Remedial Action in May 2006. The Site is currently undergoing groundwater remediation. The selected remedies for the Site included bioremediation injections with long-term monitoring and institutional controls. As mentioned above, the Dover Air Force Base Site includes a Groundwater Management Zone (GMZ). The GMZ restricts the installation of wells to minimize the potential of exposure to humans. The most recent report submitted to DNREC in January 2012 was the Final Area 5 Monitoring Report.

Any additional questions concerning the Dover Air Force Base SIRS site, please contact Stephanie Scholl, Project Manager at 302-395-2600 or [Stephanie.Scholl@state.de.us](mailto:Stephanie.Scholl@state.de.us).

### **Tank Management Section (TMS)**

- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

### **Air Permitting**

- Please contact the Air Quality Management Section, Engineering & Compliance Branch, Dover Office, at (302) 739-9402, regarding applicable air permitting requirements.

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:**
  - Where a water distribution system is proposed for Industrial sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- **Fire Protection Features:**

- If buildings are classified as High Hazard, they will require automatic sprinkler protection installed. Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- If buildings are classified as High Hazard, they will be required to meet fire lane marking requirements. Show Fire Lanes and Sign Detail as shown in DSFPR

- **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 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.
- 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

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

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

#### **Additional information on hazardous substances**

- SIRS 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.
- 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.

**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: Kent County