



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

January 16, 2014

New Castle County Land Use Department
Attn: George Haggerty
87 Reads Way
New Castle, DE 19720

RE: PLUS review 2013-12-01; New Castle County Ordinance 13-097

Dear Mr. Haggerty,

Thank you for meeting with State agency planners on December 18, 2013 to discuss the proposed New Castle County Ordinance 13-097 regarding on-site wastewater treatment (septic) systems.

Please note that changes to the ordinance, 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 Office of State Planning Coordination (OSPC) has no objection to the ordinance as written. However, we offer the following comment from the Department of Natural Resources and Environmental Control:

- DNREC's Groundwater Protection Branch (GPB) has reviewed the above referenced project for content and form. The purpose of this proposed amendment to Chapter 40 ("UDC"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting of the *New Castle County Code* is to recognize the ability of DNREC to administer its new on-site wastewater and disposal regulations.
- As the County has been the leader in source water protection in the State of Delaware, GPB questions the deletion of Section 40.22.360, subsections B and C. Section 40.22.360, subsections B and C, address the density of developments requiring on-site septic systems within any water resource protection area (source water protection area). By deleting these sections the County will be downgrading the protection afforded to water resource protection areas.

- DNREC recommends retaining the portions of Section 40.22.360, subsections B and C, that pertain to development 'located in any water resource protection area' in order to continue the County's standards in protecting their sources of drinking water.

Should the ordinance be adopted please forward a copy to OSPC for our files. 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