



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

February 14, 2014

Mr. Zach Crouch
Davis, Bowen, & Freidel
23 North Walnut Street
Milford, DE 19963

RE: PLUS Review 2014-01-02; Nassau Road Storage Facility

Dear Mr. Crouch:

Thank you for submitting this Preliminary Land Use Service (PLUS) application for review. According to the information received you are seeking to build 140,800 square feet of commercial, office, retail and storage units on 3.84 acres located between Route 1 and Nassau Road.

Please note that changes to the application could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies given opportunity to comment on this application. Any development will need to comply with all applicable Federal, State and local regulations regarding this property. We also note that as Sussex 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.

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

- This project is located in Investment Level 1 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.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact: Terrence Burns 736-7404

- There are a couple of known houses (S-916, S-918) and an agricultural complex (S-917) on this parcel, which seem to date to the late 19th century, or early 20th century. However, one of the houses does not seem to be there now. Furthermore, according to the Pomeroy and Beers Atlas of 1868 (which is a 19th-century historic map), it appears

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that there was a dwelling on the parcel associated with S. G. Paynter; there may be archaeological resources associated with this dwelling as well. With this in mind, the developer should 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. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the 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. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information that pertains to unmarked human remains or cemeteries, please check the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for potential historic or cultural resources, such as a potential archaeological site, a cemetery or unmarked human remains. Furthermore, the developer should also include a sufficient landscaping protection or barrier between the proposed development, the house (S-916) and the agricultural complex (S-917), which is on the parcel, in order to protect it from any adverse sound and visual effects. Furthermore, 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. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or

funds. 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.

Department of Transportation – Contact : Bill Brockenbrough 760-2109

- Per Section 2.3.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, Traffic Impact Studies (TIS) are warranted for developments generating more than 400 vehicle trip ends per day or 50 vehicle trip ends per hour. However, Section 2.3.2 provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour, DelDOT may accept an Area Wide Study Fee of \$10 per daily trip in lieu of a TIS.
- Before DelDOT can determine whether a TIS will be needed as part of the site plan review, they will need to have a better understanding of how much traffic the site will generate. The PLUS application shows an expected summer Saturday trip generation of 1,610 vehicle trips per day. If the office/retail space is an accessory use to the storage space, then this is about seven times the amount of traffic DelDOT would expect. If it is not an accessory use, what use is proposed? Also, is any specific use proposed for Parcel 88? Presently, it appears that a TIS will not be warranted and that if a TIS is warranted, the applicant would qualify to pay the Area Wide Study Fee instead. To obtain a scope of work for a TIS, the applicant may have their engineer contact Mr. Troy Brestel of this office. Mr. Brestel may be reached at (302) 760-2167.
- If the site's trip generation is less than 2,000 vehicles per day and 200 vehicles per hour, payment of the Area Wide Study Fee would be acceptable. If the developer chooses this option, payment would be due when the site plan is submitted for review. Payment of the fee would not relieve the developer of responsibility for making off-site improvements or contributing to DelDOT capital projects. In accordance with Section 3.10.2 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, needed off-site improvements or contributions would need to be shown on the record plan by illustration or note.
- If the site would generate more than 200 vehicle trip ends per day, a Traffic Operational Analysis may be required as part of the site plan review, in accordance with Section 2.14 (formerly 3.9) of the Standards and Regulations. If the developer performs a TIS, the work involved in a TOA would be included therein. Payment of the Area Wide Study Fee does not exempt the developer from providing a TOA if one is found to be necessary. The need for a TOA will be determined at the Pre-Submittal Meeting.
- The site entrance must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, which is available 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).

- As necessary, in accordance with Section 3.6.5 and Figure 3-3 of the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT will require dedication of right-of-way along the site's frontage on Nassau Road to provide a minimum of 50 feet of right-of-way from the road centerline. The right-of-way dedication note has been revised to the following, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."
- In accordance with Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Nassau Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot wide permanent easement is hereby established, as per this plat."
- In accordance with Section 4.8 of the Standards and Regulations for Subdivision Streets and State Highway Access, a 20-foot wide buffer will be required from the edge of any stormwater management pond to the ultimate right-of-way of the nearest State-maintained road. The ultimate right-of-way is based on the functional classification of the road. It appears that the plan submitted at PLUS meets this requirement.
- Metes and bounds and total areas need to be shown for any drainage easements. Section 5.7.2.5 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access requires, in part, a minimum 20-foot wide drainage easement for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements must be shown on the record plan, not referenced by a note.
- In accordance with Section 3.5.7.4 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, a perpetual cross-access easement will need to be established to Parcel 88.0 and the following note should be included on the record plan, "A 25-foot wide perpetual cross-access easement from the entrance to tax parcel 3-34-05.00-88.00 is hereby established as per this plat."
- As specified in Section 3.4.1.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, a traffic generation diagram is required on the record plan.
- In accordance with Section 3.4.1.2 of the Standards and Regulations for Subdivision Streets and State Highway Access, the record plan should show all existing entrances (residential/commercial) within 400 feet of the proposed site entrance.
- In accordance with Section 3.4. of the Standards and Regulations for Subdivision Streets and State Highway Access, label the roadway number (Sussex Road 266B) and roadway classification (Local Road) for Nassau Road.

- In accordance with Section 3.4. of the Standards and Regulations for Subdivision Streets and State Highway Access, dimension from the centerline of Nassau Road to the existing and dedicated right-of-way and the permanent easement.
- In accordance with Section 3.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, label and dimension the existing travel lane and shoulder widths along Nassau Road.
- In accordance with Section 3.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, any off-site improvements and when those improvements are warranted need to be noted on the record plan.
- In accordance with Section 5.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, a sight distance triangle is required for the sight entrance and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.
- Referring to Section 1.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, the Initial Stage review fee shall be assessed to this project.
- In accordance with Section 3.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, a site plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:

Copy of the Initial Stage Fee Calculation Form
Copy of the Initial Stage Review Fee
Gate-Keeping Checklist – Site Plan
Sight Distance Spreadsheet
Design Checklist – Record Plan*
Owners and Engineer’s name and e-mail address
Auxiliary Lane Spreadsheet
Three (3) paper sets of the Record Plan
Conceptual Entrance Plan
CD with a pdf of the Site Plan
Submission of the Area-Wide Study Fee (if applicable)

*For the design checklist for the site plan, please refer to the Standards and Regulations for Subdivision Streets and State Highway Access, Appendix D, Plan Review Checklist, pages D-2 and D-3.

- Referring to Section 1.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, the Construction Stage review fee shall be assessed to this project.
- Referring to Section 4.4 of the Standards and Regulations for Subdivision Streets and State Highway Access, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review;

Copy of the Construction Stage Fee Calculation Form

Copy of the Construction Review Fee

Gate-Keeping Checklist – Entrance Plan

Auxiliary Lane Worksheet

Design Checklist – Entrance Plan**

Three (3) paper sets of the Entrance Plan

SWM Report and Calculations (if applicable)

Pipe/Angle Spreadsheet (if applicable)

CD with a pdf of the Entrance Plan

**For the design checklist for the entrance plan, please refer to the Standards and Regulations for Subdivision Streets and State Highway Access, Appendix D, Plan Review Checklist, pages D-9 and D-13.

Department of Natural Resources and Environmental Control – Contact Bahareh van Boekhold 735-3495

TMDLs

- The project is located in the greater Delaware River and Bay drainage area, specifically within the Broadkill 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 Broadkill River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75 percent reduction in bacteria from baseline conditions.

Water Supply

- The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. Our records indicate that the project is located within

the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 05-CPCN-02.

- 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.

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 the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.

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.
- There is one SIRS site within a ½ mile radius of the property in question.
 - Hudson Pit Site (DE-0107) is located 0.28 miles north-east, of the project property. The Site is a former borrow pit. After material was removed from the pit, it was backfilled with inert construction debris. Oil waste from Rehoboth and Dewey Beach was deposited in the pits with the authorization of DNREC in November and December of 1977. A Preliminary Assessment was conducted in March 1985 followed by a Site Inspection in March 1988. The Site was given a No Further Action designation. A Facility Evaluation was conducted on the Site due to concerns of

nearby residents. Based on data collected during the FE, it was determined that the Site did not pose a threat to human or environmental health.

Tank Management. 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.
- The following confirmed leaking underground storage tank (LUST) project is located within a quarter mile from the proposed project area:
 - Edgehill Pharmacy Warehouse, Facility: 5-000661, Project: S9512290 (Inactive)
- No environmental impacts 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

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • 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.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris. • Prohibit the burning of trash or building materials/debris.

7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> Use structural/ paint coatings that are low in Volatile Organic Compounds. Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Office of the State Fire Marshal – Contact: R.T. Leicht 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 Mercantile 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:

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- 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 entrance way into the property from Nassau 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. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- 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.

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

- Because the proposed development would generate more than 200 vehicle trips per day, the developer should expect a Pre-Submittal Meeting to be required before of plans are submitted for review. Guidance on what will be covered at this meeting and how to prepare for is located at http://www.deldot.gov/information/business/subdivisions/Pre-Submittal_Meeting_Requirements.doc. The form needed to request this meeting is available at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.doc.
- Expect a requirement for a turning template plan that verifies vehicles can enter and exit safely. Show complete turning movements to alleviate concerns over striking buildings and curbs.
- The map associated with the Strategies for State Policies and Spending shows this project as being located in Investment Level I. Therefore, in accordance with DelDOT's Shared-Use Path and/or Sidewalk Process policy (available at http://www.deldot.gov/information/business/subdivisions/SUP_Sidewalk_Process.pdf) the applicant should expect a requirement that a path or sidewalk be installed along the property's Nassau Road frontage. This policy includes a requirement for a fee in lieu of construction where construction is physically impossible but no such condition appears to exist.
- In accordance with the policy just mentioned, the applicant should expect a requirement that the following note be added to the record plan, "The shared-use path shall be the responsibility of the developer. The State of Delaware assumes no responsibility for the future maintenance of the shared-use path."
- The applicant's engineer should determine whether any utilities will need to be relocated as part of this project. For clear zone purposes, all utilities are to be a minimum of ten feet from the edge of the travel lane or five feet from the edge of the pavement. DelDOT will require that the applicant relocate any utility not meeting this requirement.
- Be advised that the standard general notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of June 28, 2013 for the Record/Site Plan and Construction Plan general notes and the Temporary Traffic Control general notes. The notes can be found at http://www.deldot.gov/information/business/subdivisions/DelDOT_Development_Coordination_Plan_Sheet_Notes.doc
- The applicant should expect a requirement that all PLUS and/or TAC comments be addressed prior to submitting record, subdivision or entrance plans for review.

- Please use the Auxiliary Lane Worksheet to determine whether auxiliary lanes are warranted at the site entrance. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.

Department of Natural Resources and Environmental Control – Contact Bahareh van Boekhold 735-3495

Soils Assessment

- Based on soils survey mapping update, the following soil mapping unit was mapped in subject parcels:

1) Evesboro (EvB) - Excessively well drained (high permeability, low runoff and little or no water holding capacity; See figure 1). Excessively well drained soils have little or no clay (and organic matter) in their subsoils which are likely to lead to leaching losses of nitrogen and dissolved forms of phosphorus into ground and surface waters.



Figure 1: NRCS soil mapping update in the immediate vicinity of the proposed project

Additional information on TMDLs and water quality

- In response to concerns about the need for reducing nonpoint source nutrient (nitrogen and phosphorus) and bacterial pollutants to levels sufficient to meet the prescribed TMDL reduction requirements in the Broadkill River Basin, a multifaceted and comprehensive process known as a Pollution Control Strategy (PCS) has been developed to enable such reductions. Specifically, a PCS is a combination of best management practices and control technologies that reduce nutrient and bacterial pollutant runoff

loading in waters of a given watershed to level(s) consistent with the TMDL(s) reduction levels specified for that watershed. The PCS for the Broadkill River watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. Additional information about Broadkill River PCS is available from the following web link: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

- DNREC encourages the applicant reduce nutrient and bacterial pollutants through voluntary implementation of the following recommended BMPs:
 - 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 waterbodies (including ditches) and wetlands (field delineated and approved by the USACE).
 - Applicant should calculate post-construction surface imperviousness with all forms of created surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, roads, and open-water storm water management structures) included in the calculation.
 - The applicant’s intention to use an open-water management structure(s) to meet open-space requirements is not considered an acceptable practice and is strongly discouraged.
 - Since this project will create additional impervious surface that will increase the probability for increased pollutant load runoff impacts to adjoining streams and wetlands, we encourage the use of pervious paving materials (instead of conventional asphalt and concrete) to mitigate such impacts.
 - Use rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as BMPs to reduce nutrient pollutant impacts.
- The applicant should 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. We strongly encourage the applicant/developer use this protocol to help them design and implement the most

effective BMPs. Please contact John Martin or Jen Walls at 302-739-9939 for more information on the protocol.

Additional information on hazardous waste sites

- DNREC's Site Investigation and Restoration Section (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) and a Phase II or Facility Evaluation in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA) and the HSCA Guidance Section 2, part 2.3 (page 2-1). 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.
- 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). SIRS 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 TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

Office of the State Fire Marshal – Contact: R.T. Leicht 739-4394

- 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, technical services link, plan review, applications or brochures.

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". The signature is written in black ink and is positioned above the typed name and title.

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