



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

August 20, 2014

Mr. Pete Mellits, PE
McLaren Engineering Group
601 E. Pratt Street, #302
Baltimore, MD 21202

RE: PLUS review 2014-07-02, Rehoboth Landing

Dear Mr. Mellits:

Thank you for meeting with State agency planners on July 23, 2014 to discuss the proposed plans for Rehoboth Landing. According to the information received, you are seeking site plan review for a retail shopping center and surface parking located SE of DE Route 214 and SW of DE Route 1 in Sussex County. Phase I of the shopping center will be 141,200 sq. ft. and Phase II will be approximately 19,000 sq. ft.

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 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.**

Strategies for State Policies and Spending

- This project is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. 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 archaeological sites or National Register-listed properties on this parcel. However, if there is going to be any construction or development on this parcel, 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 pertaining 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 may want to hire an archaeological consultant to examine the parcel for any potential archaeological site (historic or pre-historic), historic cemetery or unmarked human remains. 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

- In accordance with the traffic volume warrants found in Section 2.3.1 of Standards and Regulations for Subdivision Streets and State Highway Access, the proposed development

warrants a Traffic Impact Study (TIS). However, a significant amount of work has already been done in this regard.

- In 2011, working with the seller of the subject land and the owner of the adjoining Warrington Property, DelDOT conducted a study of 11 intersections in the Old Landing Road Area. That study examined a specific development scenario that included full development of the pad sites along Route 24 with office uses, a Discount Superstore on the subject land, a mix of retail uses on the Warrington Property, and a network of local roads connecting these properties to Delaware Route 24 and Old Landing Road. The connection to Old Landing Road would involve lands not controlled by the applicant. The study found that in 2014, with the completion of the proposed development, the local roads and DelDOT's planned widening of Route 24 most intersections would operate acceptably. The study also identified four areas of concern, that would need to be addressed through further analysis, and possibly improvements not included in DelDOT projects. These were the Beebe Hospital and Wal-Mart access drives on Route 24, and the intersection of Old Landing Road and Airport Road, all of which would connect to the local road network just mentioned, and Airport Road itself, which would need to be improved to accommodate the increased traffic.

Since then, conditions have changed for DelDOT, and apparently for the seller of the subject land and the owner of the adjoining Warrington Property as well. While DelDOT does intend to widen Route 24 between Love Creek and Delaware Route 1 at some future date, the widening is no longer planned for construction within the next six years, which is as far forward as planned in that regard. DelDOT presently has no projection for when that construction could occur.

Similarly, the present developer of the subject land is not proposing to build the local road network discussed above. Their plan acknowledges that the extension of Airport Road is a future project for someone but does not say who that might be. DelDOT has heard nothing recently from the owner of the Warrington Property.

- While, as detailed in the table below, the proposed shopping center would generate slightly less traffic than the previously proposed discount superstore under weekday conditions, it still warrants a TIS. Further, as it now stands, all of the shopping center's traffic would have to enter and exit by way of the existing Route 24, which is only two lanes wide west of Bryn Mawr Drive. Accordingly, DelDOT anticipates requiring a TIS and the construction of off-site improvements based on that TIS.

Description	ITE Land Use Code	Floor Area (square feet)	Trip Generation				
			Weekday	Weekday A.M. Peak Hour	Weekday P.M. Peak Hour	Saturday	Saturday Midday Peak Hour
Discount Superstore	813	185,646	9,422	343	808	11,894	1,047
Shopping Center	820	141,700	8,518	193	757	11,508	1,075

- In accordance with Section 2.5.1 of the Standards and Regulations, the developer's engineer should contact Mr. Troy Brestel of the DelDOT Planning Office at (302) 760-2167 to arrange for a scoping meeting prior to beginning work on the TIS. Because summer season traffic counts would be needed to conduct the TIS and that season ends in late August, DelDOT recommends that the developer not delay in obtaining a scope of work and counting traffic.

While DelDOT would make files from the Old Landing Road study available to the applicant, and would expect to review and comment on their work, DelDOT is not presently prepared to undertake new work in this regard.

- The site entrances on Route 24 and any subdivision streets to be built for State maintenance 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. To be clear, excepting an access easement along the northeast side of Sterling Crossing, presently the roads labeled Connector Road, Airport Road (where it connects to Route 24) and Rehoboth Landing Way are privately owned and maintained. For them to be eligible for acceptance into the State maintenance system, improvement or construction as necessary to meet State standards would be required.
- Please be advised that DelDOT has advertised for comment a comprehensive revision of the Standards and Regulations. The comment period ran through June 30 and DelDOT could adopt this revision as soon as September 2014. Implementation guidance has not been developed but DelDOT recommends that the developer's engineer become familiar with the proposed changes and assess whether any of them could be relevant to this project. Information on the proposed revision is available in the Register of Regulations and at http://www.deldot.gov/information/pubs_forms/revisions_to_ASR/index.shtml.
- 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 Route 24 to provide a minimum of 40 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 Route 24. 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 to the State of Delaware, as per this plat.”**
- 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.
- 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.
- 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 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
 - Design Checklist – Record Plan*
 - Owners and Engineer’s name and e-mail address
 - 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)
- 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.

*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 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
 - Design Checklist – Entrance Plan**
 - Three (3) paper sets of the Entrance Plan
 - SWM Report and Calculations (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.
- 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>.
- Metes and bounds and total areas need to be shown for any drainage easements. Section 5.7.2.5 of DeIDOT'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 and noted on the record plan.

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

Wetlands

- State regulated wetlands ARE NOT located on this property based on a review of the State wetland maps. State regulated subaqueous lands ARE NOT likely to be located on this property based on a review of aerial photographs, SWMP maps, Soil Surveys and/or USGS topographic maps but do not look to be impacted by the planned construction. Waters of the U.S. regulated by the U.S. Army Corps of Engineers ARE NOT located on this property based on a review of aerial photographs, SWMP maps, Soil Surveys and/or USGS topographic maps.

TMDLs

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, 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 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions.

A nutrient management plan is required under the Delaware Nutrient Management Law (3 Del.C., 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>

Water Supply

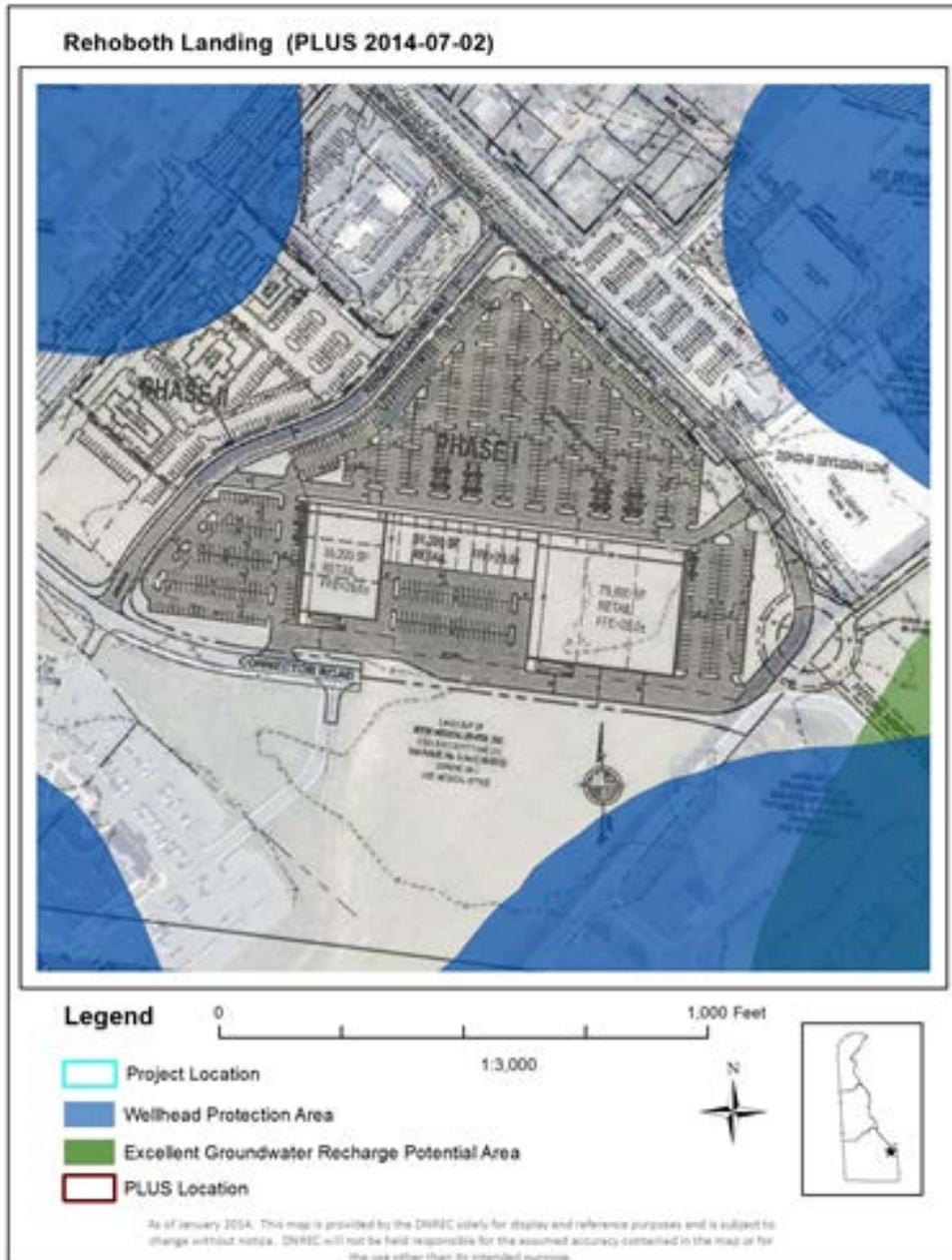
- The information provided indicates that Tidewater Utilities will provide water to the proposed project through a public water system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15.
- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

- Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there are Underground Storage Tanks associated with: (1) Ocean Petroleum Company of Rehoboth, and (2) Pep-Up #11, located within 1,000 feet of the proposed project.

Source Water Protection Areas

- The DNREC Water Supply Section, Ground-Water Protection Branch (GPB) has determined that the while the parcel falls within close proximity to five wellhead protection areas for Sussex County (see map). No wellhead protection or areas of excellent recharge potential exist on the property. The wellhead protection areas protect wells owned by Tidewater Utilities Lewes-Rehoboth District and the City of Rehoboth.



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. (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.

There are no SIRS sites or salvage yards found within a ½-mile radius of the proposed project.

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	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	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	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	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	Ensure that emissions of nitrogen oxides (NO _x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO ₂), carbon monoxide (CO), and carbon dioxide (CO ₂) 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	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>.

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

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 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 access road to the site 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.
- 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

- Because the proposed development would generate more than 200 vehicle trips per day, a Pre-Submittal Meeting is required before plans are submitted for review. Guidance on what will be covered at this meeting and how to prepare for it 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.
- DelDOT continues to support the concept of extending Airport Road north from Old Landing Road to Route 24 as a local road open to the public. DelDOT anticipates recommending that the roundabout shown conceptually on the plan be shifted north so as to be entirely on the subject lands, that the Connector Road be extended south to the roundabout separate from the shopping center’s drive aisles, that the right-of-way for both of these facilities be dedicated to public use and that the private road serving the Rehoboth Mall’s delivery entrance be extended to tie into the roundabout.

As there is no current plan for development of the Warrington Property or for extension of Airport Road from Old Landing Road to the roundabout, it may be appropriate to leave construction of the roundabout for the developer of the Warrington Property. However, now

is the time to establish the right-of-way for the roundabout. The concept shown on the plan would require the participation of the developer and/or the homeowners association of Sterling Crossing and therefore is not acceptable.

DelDOT recommends against connecting the fire lane on the south side of the Wal-Mart building to the roundabout before Airport Road is extended north from Old Landing Road because it could result in cut-through traffic for which the fire lane and the Wal-Mart parking lot are not designed.

- As shown on the Investment Level map associated with the Strategies for State Policies and Spending, the subject development is located in a Level 2 area. DelDOT's Shared-Use Path and/or Sidewalk Process policy (available at http://www.deldot.gov/information/business/subdivisions/SUP_Sidewalk_Process.pdf) requires that a path or sidewalk be installed along the State-maintained road frontage of any development in a Level 1 or 2 area. Therefore, the applicant should expect a requirement that a path or sidewalk be installed along Route 24 to serve this development.
- 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 November 26, 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.
- The applicant should expect a requirement that a separate turning template plan be provided to verify that vehicles can safely enter/exit the entrances. Each entrance shall be designed for the largest vehicle using that entrance.
- Please check to determine whether any utilities will need to be relocated as part of this project.
- Please use the Auxiliary Lane Worksheet to determine whether auxiliary lanes are warranted at the site entrances. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.
- Please be advised DelDOT's check handling procedures changed in 2012. For specific information, see the letter available at <http://www.deldot.gov/information/business/subdivisions/PaymentProcedure.pdf>.

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

Soils Assessment

- Based on soils survey mapping update, Greenwich is the predominant soil mapping unit mapped on subject parcel. Greenwich is a well-drained upland soil that, generally, has few limitations for development (Figure 1).



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

Additional information on TMDLs and water quality

- Compliance with the specified TMDL nutrient and bacterial reduction requirements specified for the Inland Bays watershed can be facilitated by the strategies and requirements described in the Inland Bays PCS, and the implementation/adherence to the following recommended BMPs:
 - Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation.
 - Use 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/discharges from impervious surfaces. Please contact Lara Allison at 739-9939 for further information about the possibility for installing a rain garden(s) on this parcel.
 - Use pervious paving materials (instead of conventional asphalt and concrete) as a BMP(s) to reduce the impacts from all forms of created surface imperviousness. Since the project proposed for this parcel is a commercial shopping center that will

significantly increase surface imperviousness, it is especially important that the applicant consider pervious paving materials in lieu of conventional asphalt or concrete here.

- 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) resulting from the conversion of individual or combined land parcels to a changed land use(s); thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. DNREC strongly encourages the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact Jen Walls or John Martin at (Division of Watershed Stewardship) at 302-739-9939 for more information on the protocol.

Additional information on hazardous waste sites

- DNREC 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. 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 air quality

- New homes and businesses may emit, or cause to be emitted, air contaminants into Delaware’s air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
 - Emissions that form ozone and fine particulate matter; two pollutants relative to which Delaware currently violates federal health-based air quality standards,
 - The emission of greenhouse gases which are associated with climate change, and
 - The emission of air toxics.
- Air emissions generated from new homes and businesses include emissions from the following activities:
 - Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.

- The generation of electricity needed to support your home or business, and
- All transportation activity.
- Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) could not be quantified. DAQ was able, however, to quantify the mobile emissions based on the proposed daily trip data presented in the application and data taken from the ITE Trip Generation Manual, 8th Edition. Table 2 – Projected Air Quality Emissions represents the actual impact the Rehoboth Landing may have on air quality.

Emissions Attributable to Rehoboth Landing (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Mobile emissions	2.9	3.8	*	*	*

(*) Indicates data is not available.

Note that emissions associated with the actual construction of the road, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- DNREC encourages sustainable growth practices that:
 - Control sprawl;
 - Preserve rural and forested areas;
 - Identify conflicting land use priorities;
 - Encourage growth on previously developed sites and denser communities;
 - Coordinate transportation, housing, environment, and climate protection plans with land use plans; and
 - Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.
- Additional measures may be taken to substantially reduce the air emissions which include:
 - Constructing with only energy efficient products. Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.
 - Offering geothermal and/or photo voltaic energy options. These systems can significantly reduce emissions from electrical generation, and from the use of oil or gas heating equipment.

- Providing tie-ins to the nearest bike paths and links to any nearby mass transport system. These measures can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk, a bike path or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.
- Using retrofitted diesel engines during construction. This includes equipment that are on-site as well as equipment used to transport materials to and from site.
- Using pre-painted/pre-coated flooring, cabinets, fencing, etc. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
- Planting trees in vegetative buffer areas. Trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, thereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the project. The applicant should submit a plan to the DNREC DAQ which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Rehoboth Landing project.

Delaware State Fire Marshall's Office – Contact Duane Fox 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,

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

CC: Sussex County