

State of Delaware
Executive Department
Office of State Planning Coordination
Dear Ms. Holland,

Thank you for the response from the PLUS Hearing on 2015-02-01 dated March 24, 2015 for the proposed rezoning of the lands of Kevin Huey located on Williamsville Rd. in Houston, DE.

The proposal from K2H to the Office of State Planning Coordination requests a change in zoning from AR to IG in a Level 4 Investment area. This request was made in order to relocate a plastic injection molding company from South Carolina to Houston Delaware along with the associated jobs. K2H understands the nature of the request and the impact it may have on the *Strategies for State Policies and Spending*. K2H respectfully submits this letter to request reconsideration of the proposed change in zoning.

K2H understands the need for the State of Delaware to preserve agricultural areas and the pristine natural beauty of these protected areas. From the fiscal perspective the proposed facility will provide jobs and additional income to the state by way of payroll, land and business taxes. The proposed project will have a minimal impact on existing infrastructure requiring no investment from the state. In no way will the proposed facility impact nor damage the rural character of the surrounding area. The facility will generate the same or lesser impact on the area as any of the farming activities currently under way. K2H understands the many possible challenges that may present themselves as a result of this request, and is prepared to work with state and county officials and departments to make the process of rezoning and the continued protection of surrounding area their top priority.

Code Requirements/Agency Permitting Requirements

- The entrance to the proposed facility was constructed to meet the commercial entrance standard according to DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access.
- While K2H understands DelDOT's position of nonsupport in the effort to rezone the property, the requirement for the entrance to the proposed facility according to Standards and Regulations have been met. Should the county find the creation of the desired district appropriate, K2H will follow any and all requirements set forth at that juncture.

Department of Natural Resources and Environmental Control

Wetlands

While K2H understands the need to protect wetlands as delineated by the U.S Army Corps of Engineers, SWMP Maps, and Soil Surveys and/or USGS topographic maps, the proposed facility is already onsite and maintains an existing approval for agricultural use. The environmental concerns for wetlands impact are moot from the perspective of new construction as the facility is already onsite and received approval as an agricultural facility. The water that is used in the production process is contained in a closed loop system and at no time will be discharged into surrounding areas and/or wetlands.

Wastewater

As defined, Section 5.3.3.8 of the Regulations Governing the Design, Installation and Operation of Onsite Wastewater Treatment and Disposal Systems does not apply. As stated previously, all water required for production and used in the facilitation of processes is contained in a closed loop system.

According to section 6.3.2.3.1.2.1 K2H will comply with evaluation of said closed loop water system and supply a list of any work place chemicals. K2H is prepared to address any and all concerns from the state and county concerning wastewater constituency, odors, nuisance conditions and adverse impacts to groundwater or soil, such as clogging and runoff.

Section 6.8.3.2 does not apply to this facility. The facility will not produce wastewater containing metals, salts or other pollutants that will be introduced to surrounding soils and/or vegetation. The facility will comply with site inspection by the proper regulating authority in order to insure compliance with all Federal, State and Local requirements concerning wastewater systems.

TMDLs.

K2H understands the location of this proposed facility is within the Greater Delaware River and Bay drainage area, specifically within the Mispillion River Watershed. Total Maximum Daily Load (TMDL) as defined by the State of Delaware in section 303(d) of the Clean Water Act do not apply for the proposed facility. Being that all water used in the industrial applications for this facility are to be contained in a closed loop system with no discharge into waterways, wetlands, sewer systems, septic systems and/or soils TMDLs and provisions under the State of Delaware Surface Water Quality Standards do NOT apply.

Delaware Nutrient Management Law (3 Del.C Chapter 22) does NOT apply as there will be no application on any parcel of land of any nutrients whatsoever.

Water Supply

The project is not located in an area where public water is available. Should an onsite Industrial Public/Miscellaneous

Public well be needed, K2H will adhere to all requirements set forth by the Division of Water Resources and all requirements as stated in the current Regulations Governing the Construction and Use of Wells.

Sediment and Storm Water Program

K2H will contact the Kent Conservation District to ascertain the requirements and details regarding submittal requirements and fees.

Air Quality

K2H will comply with all applicable Delaware air quality regulations as noted in the letter

Hazardous Waste

K2H will comply with the remediation requirements of any release of hazardous waste in accordance with the Hazardous Substance Cleanup Act and Delaware Regulations Governing Hazardous Substance Cleanup

Regulatory Advisory Service

K2H will contact RAS to schedule a review of business permits, requirements and regulations that may apply to the facility and its operation.

State Historic and Preservation Office

The facility is pre-existing and as such the requirement(s) stated in the Unmarked Human Burials and Human Skeletal Remains Law, Chapter 54 of Title 7, of the Delaware Code (7 Del. C. 54) do NOT apply.

Fire Protection Water Requirements

K2H will comply with all Federal, State and Local fire codes and fire suppression requirements.

Gas Piping and System Information

In the event this type of system is utilized, it will be clearly indicated on the required plan.

Required Notes

All required notes requested by the Fire Marshall will be supplied in a timely manner.

Thank you for your continued cooperation in the development of this project and the associated jobs that will be produced to benefit the County of Kent and its residents.

Kevin Huey