



July 22, 2015

Delaware Office of State Planning Coordination
c/o Constance C. Holland, AICP
122 Martin Luther King Jr. Blvd. S
Dover, DE 19901

RE: Response to “PLUS Review 2015-04-09,
The Middletown Technology Center”
Project No: 10617.BA
Dated May 19, 2015

Dear Ms. Holland:

We are writing to respond to various comments in the May 19, 2015 report entitled “PLUS Review 2015-04-09, Middletown Technology Center” formulated by the Office of State Planning Coordination after the April 22, 2015 meeting for the referenced project.

For ease of review, we have presented excerpted statements from the Preliminary Land Use Service Review, and CABE’s response to those statements as follows:

Strategies for State Policies and Spending

- The 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.

CABE’s Response:

The provided information is noted. No further response is required.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies...

CABE’s Response:

The Applicant requested a copy of the 2011 agreement and received the same from DeIDOT on July 28, 2015. The Applicant is reviewing the agreement and will respond to DeIDOT’s recommendation.

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

TMDLS

- The project is located in the greater Delaware River and Bay drainage area, specifically within the Appoquinimink River watershed...

CABE's Response:

The provided information is noted. Nutrient application to areas of open space in excess of 10 acres is not planned and therefore the project does not require that a nutrient management plan be developed.

Water Supply

- The project information sheets state that public water will be provided to the project by Artesian Water Company via a public water system...

CABE's Response:

The applicant has contacted The Town of Middletown and their water supplier, Artesian Water and has confirmed availability of public water. Confirmation is enclosed herein. Other comments provided as related to well permits are noted and will be addressed if a well or dewatering is required.

Sediment and Stormwater Program

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site...

CABE's Response:

CABE has met with representatives of the Town of Middletown and submitted a Stormwater Management Report for the project to the Town dated May 15, 2015. The Town's engineer has reviewed the report, issued comments by letter dated June 25, 2015 enclosed herein, and determined the following:

“ This site is currently grandfathered as a pad site under the pre-2014 Delaware Sediment and Stormwater Regulations (DSSR). As such, the project will need to demonstrate compliance with the previously approved SWM design and begin construction on or before December 31, 2019, or be subject to the requirements of the 2014 DSSR.”

CABE is preparing a response to the Town engineer's comments and will seek approval from the Town which is the delegated agency for stormwater management review for this project.

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....

CABE's Response:

The provided information is noted. No further response is required at this time.

Tank Management Section

- 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...

CABE's Response:

The provided information is noted. No further response is required at this time.

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...

CABE's Response:

The provided information is noted. The applicant intends to file for all required permits at the appropriate time in the design and construction process.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known archaeological sites, or National Register-listed property on this parcel....

CABE's Response:

The provided information is noted. It is further noted that the proposed parcels for current development have previously been improved with roads and utilities. No further response is required at this time.

Recommendations/Additional Information

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

Soils Assessment

- Reybold and Reybold-Queponco are the primary mapping units mapped on subject parcel(s). These soil mapping units are well-drained and, generally, have few limitations for development. The Zekiah soil mapping unit is mapped along the eastern boundary of the proposed project...

CABE's Response:

The provided information is noted. No further response is required.

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 Appoquinimink watershed, a multifaceted and comprehensive process known as a Pollution Control Strategy (PCS) has been developed to enable such reductions...

CABE's Response:

The provided information is noted and will be considered.

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) 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)...

CABE's Response:

The provided information is noted and will be considered. As of this application, the property has not changed ownership or is changing zoning. Should either occur, additional assessment will likely be provided.

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.

CABE's Response:

The applicant is not presently aware of contamination on site, but the information provided is noted and will be considered should such conditions arise. Any tanks exceeding 12,500 gallons will be submitted for TMS approval.

Additional information on air quality

- New homes 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...

CABE's Response:

The provided information is noted. It is anticipated that the project will need to apply for air permits from DNREC at a later stage. Requirements of the air permit application(s) will be satisfied, including applicable requirements to detail the specific emission mitigation measures that will be incorporated into this project.

On behalf of the Applicant, Mautom, LLC, we wish to thank the State Planning Office and the constituent regulatory agencies for their comments and assistance in developing this project. Should there be any questions or additional information required, please do not hesitate to contact me.

Very truly yours,

CABE
A Duffield Associates Company



Steven H. Lewandowski, P.E.
Municipal Services Section Manager