STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

November 19, 2025

Modified: December 1, 2025 (see page 6 of 23)

Vandemark & Lynch, Inc
Attn: Douglas Eitelman, P.E.
4305 Miller Rd,
Wilmington, DE 19802

RE: PLUS review – 2025-10-02; Project Washington - South Campus

Dear Mr. Eitelman:

Thank you for meeting with State agency planners on October 29th, 2025 to discuss Project Washington - South Campus. According to the information received, you are seeking review of a proposed site plan for six 500,000SF 72MW data center buildings with supporting site and electrical infrastructure.

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 New Castle 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

In the *2020 Strategies for State Policies and Spending* the project shows up in levels 3, 4, and Out of Play. The southern parcel shows as Out of Play and has been identified as an error because of a conservation easement that was incorrectly located on the parcel when in fact it is on a nearby parcel. The error has been resolved and will be correctly reflected in the 2025 Strategies which in its draft form and shows the Southern parcel as Level 3 & 4 with Out of Play areas along the Red Lion Creek. The *2025 Strategies for Policies and Spending* is awaiting adoption so at this time we can only go by what the 2020 Strategies show.

This project is in Investment Levels 3, 4, and Out of Play according to the *2020 Strategies for State Policies and Spending*. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental

or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future.

Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

The Office of State Planning is opposed to development in the Level 4 and Out of Play areas because development within these areas is inconsistent with the *2020* and *DRAFT 2025 Strategies for State Policies and Spending*. Based on comments from State agencies below, this parcel contains environmental concerns (see DNREC comments below). The state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features by removing any development within the Level 4 and Out of Play areas.

Priority Comments from DNREC

DNREC reviewers express concerns regarding potential environmental, human health, and quality of life impacts that may result from this data center proposal, depending on the scale, design, and demands on Delaware's resources. Data center projects of the scale proposed in this application have the potential to present very unique challenges not seen in other proposals. For example, data centers have the potential to negatively impact the availability and longevity of local water resources. In addition, data centers have the potential to negatively impact aquatic species, including resident, migratory, and endangered fish populations through high volume water withdrawals, discharges of that same water, and stormwater run-off from impervious surfaces.

Data centers also have the potential to pose significant risks in terms of resource adequacy, grid reliability, and higher cost burdens for Delaware's electricity customers. Further, data centers have the potential to emit pollutants above threshold levels established by the DNREC Division of Air Quality for emitters that are classified as new major sources.

Such potential impacts can be minimized and offset through a combination of water reuse, on-site renewable energy, energy efficiency, cleaner technology, operational limits, and supplemental measures.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- Any site access points onto State maintained roads must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Development Coordination Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- In terms of traffic analysis and based on the expected trip generation this project will require a Traffic Impact Study (TIS). Once the Pre-Submittal Meeting has been completed please contact our office to begin and complete the TIS analysis.

- Section 1.7 of the Development Coordination Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

DART First State – Contact Jared Kauffman 302-576-6062

- Pedestrian access into the sites are needed from the DelDOT maintained roads.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Environmental Permits and Regulations - Data Center Projects

Through PLUS, DNREC reviewers typically provide information related to site design. In this context, reviewers provide information on permitting requirements, when it relates to site design and pre-construction activities. However, such information is not the entirety of all permits that may apply to this proposal. It is very important that the applicant take advantage

of DNREC's Regulatory Advisory Service, as described below, to learn about the environmental permits and regulations that apply to data center projects.

Due to the nature of the proposal, this project may trigger additional regulatory requirements and may require additional permits, beyond those which are described in this comment letter. Some examples may include permits related to stormwater at the electrical yards, contingency plans for directional drilling under the Fracturing Responsibility and Awareness of Chemicals Act (FRAC plans), permits for hydrologic dredging and dewatering, plans for the use of reclaimed wastewater where applicable, Title V operating permits, and noise regulations.

For more information on environmental permits and regulations that may apply to future operations of the data center, please schedule a meeting with the DNREC Regulatory Advisory Service, a free service provided by DNREC.

Contact: DNREC Regulatory Advisory Service at (302) 739-9069.
Website: https://dnrec.delaware.gov/community-services/regulatory-advisory-service/.

Coastal Zone Act

The Coastal Zone Act regulates new and existing manufacturing, heavy industry, and bulk product transfer activities in Delaware's coastal zone through a permitting system. Due to the nature of this proposal and due to the location of the proposed site within Delaware's coastal zone, this project requires submission of a Coastal Zone Act Status Decision application. Consult with the Delaware Coastal Zone Act program for more information on this requirement.

Contact: DNREC Coastal Zone Act Program at (302) 739-9283.
Website: https://dnrec.delaware.gov/coastal-zone-act/

Water Supply

The proposed project may result in large volume withdrawals of water. The application states that the water supplier will be Veolia. The Water Supply Coordinating Council is charged with planning and managing Delaware water supplies to ensure they can meet peak demand during times of water shortage, especially in times of drought. The current Council was established by the Delaware General Assembly (7 Del. Code Chapter 75A) to manage, protect, and ensure the adequacy of a clean water supply throughout Delaware. For more information on how this may impact your proposal, contact the DNREC Division of Water.

Contact: DNREC Division of Water at (302) 739-9945.
Website: https://dnrec.delaware.gov/water/boards/water-supply-coordination/

Current or Previous Contamination – Metachem Superfund and Delaware City Groundwater Management Zone

Parcel 1200200025 is located within the boundary of a Superfund site known as Standard Chlorine of Delaware/Metachem. This site has soil, groundwater and sediment contamination. The area is also part of the Delaware City Groundwater Management Zone and has restrictions on groundwater for potable use.

Further, Red Lion Creek and the sediments within it are contaminated with chlorobenzenes and polychlorinated biphenyls (PCBs).

- For more information related to the Superfund site and associated limitations that may affect this project proposal, please visit the U.S. Environmental Protection Agency's site profile at: https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.docdata&id=0300058

- Avoid directing any stormwater east, toward the former Metachem location.

- Avoid installing groundwater wells for extractive use, as such wells have the potential to mobilize and cause groundwater contaminants to migrate.

State Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600. Website: https://dnrec.delaware.gov/waste-hazardous/remediation/

U.S. Environmental Protection Agency Region 3 Superfund Contact: (215) 814-2396 Website: https://www.epa.gov/superfund

Geothermal Cooling Systems within Groundwater Management Zone

If the project is going to utilize a geothermal system for all or a portion of its cooling on-site, one or more geothermal well construction permits will be required from the Division of Water.

The proposed site is located in the Delaware City Industrial Area Groundwater Management Zone. Groundwater Management Zones are areas where DNREC's Remediation Section implements long-term stewardship measures and restricts water supply wells to maintain the desired level of protection of human health and the environment over an extended period of time. Geothermal well construction permits for this site must be submitted to the Division of Waste and Hazardous Substances Remediation Section for concurrent review.

Geothermal Well Permit Contact: DNREC Commercial and Government Services at (302) 739-9948. Website: https://dnrec.delaware.gov/water/commercial-government/

Groundwater Management Zone Contact: DNREC Remediation Section at (302) 395-2600.
Website: https://dnrec.delaware.gov/waste-hazardous/remediation/stewardship/.

Water Resources Protection Area and Wellhead Protection Area

A Wellhead Protection Area is located on the northeast portion of parcel 1004900073*. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.

*The original letter incorrectly listed Tax Parcel 1200200025. OSPC has updated the Tax Parcel to 1004900073 as of 12/1.

- The applicant must comply with all county and municipal codes that affect public drinking water supply in Wellhead Protection Areas.

- Additional requirements may apply if transformers in this area contain oils or solvents.

- Additional requirements may apply if proposed impervious cover exceeds 20% within the Water Resources Protection Area, including but not limited to application review by New Castle County's Resource Protection Area Technical Advisory Committee (RPATAC).

State Contact: DNREC Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/supply/ground-water-protection/

RPATAC Contact: New Castle County Department of Land Use at (302) 395-5400.
Website: https://www.newcastlede.gov/424/RPATAC

Underground Injection Wells

The DNREC Division of Water reviews and permits the use of underground injection wells in Delaware. If the applicant proposes non-contact "once-through" cooling water and proposes to discharge said water into underground injection wells, state permits from the DNREC Commercial and Government Services Section will be required.

- Additional permits may be required. Contact DNREC's Regulatory Advisory Service at (302) 739-9069 for more information on these requirements. https://dnrec.delaware.gov/community-services/regulatory-advisory-service/

Contact: DNREC Underground Injection Control Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/uic/.

Wastewater Disposal Systems – Large Systems

For wastewater conveyance offsite by way of a new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the DNREC Commercial and Government Services section.

The application proposes average flow rates of 15,000 gallons per day of liquid waste. For this flow rate, additional local government requirements may apply. Contact the New Castle County Public Works for more information.

State Contact: DNREC Commercial and Government Services Section at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/

County Contact: New Castle County Public Works at (302) 395-5700.
Website: https://www.newcastlede.gov/1954/Contact-Us

Wetlands and Waterways

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal and tidal wetlands throughout the central portion of the site, following and extending from Red Lion Creek. The application indicates that wetlands have been delineated. The application proposes to disturb approximately 0.5 acres of tidal wetlands and waterways. The application also proposes activities that may be classified as Hydrologic Dredging and Dewatering.

State Requirements:

- State permits from the DNREC Wetlands and Waterways Section may be required for disturbance proposed in state jurisdictional wetlands and waterways. To apply for a permit online, please visit their website at https://dnrec.delaware.gov/water/wetlands/permits/

- If Hydrologic Dredging and Dewatering is proposed, additional state and federal permits may be required.

- It is recommended to schedule a meeting with the DNREC Joint Permit Processing (JPP) service for assistance with the necessary wetlands and subaqueous lands state and federal permitting procedures and requirements. Please contact the DNREC Division of Water's Wetlands and Waterways Section to schedule.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/

Federal Requirements:

- Federal permits from the U.S. Army Corps of Engineers will be necessary if dredge or fill is proposed in tidal wetlands, streams, and certain non-tidal wetlands. A delineation of waterways and wetlands may also be required. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the US Army Corps of Engineers to determine the appropriate federal permitting requirements.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

Coastal Zone Federal Consistency Certification (state contact): DNREC Coastal Management Program at (302) 739-9283.
Website: https://dnrec.delaware.gov/coastal-programs/coastal-management/

Air Quality – Pre-Construction Modeling and Permitting

The Division of Air Quality oversees regulations and permits governing the control of air pollution from all sources in the state to ensure that Delaware's air meets state and federal air quality standards created to protect public health and the environment. New sources that have the potential to emit any criteria pollutant or hazardous air pollutant at levels equal to or greater than the Major Source Thresholds set in the federal *Clean Air Act* are classified as "major sources" and are subject to 7 DE Admin Code 1130 *Title V State Operating Permit Program.*

Table 1: Major Source Thresholds for New Castle County DE, Measured in Tons Per Year

Volatile Organic Compounds	Nitrogen Oxide	Carbon Monoxide	Sulfur	Particulates	Hazardous Air Pollutants	Other
25	25	100	100	100	10	100

- Submit pre-application air quality modeling, demonstrating that the new facility will not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS) per 7 DE Admin Code 1125, *Requirements for Preconstruction Review*.

- If the proposed project has the potential to emit pollutants above state major source thresholds, applicant must obtain preconstruction permits as required by 7 DE Admin

Code 1125, *Requirements for Preconstruction Review*, and a subsequent Title V State Operating permit.

- It is recommended to contact DNREC's Regulatory Advisory Service at (302) 739-9069 for more information on Title V State Operating permits and program requirements. https://dnrec.delaware.gov/community-services/regulatory-advisory-service/

Permitting Contact: DNREC Division of Air Quality at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/permitting/

Air Quality – Generators

To ensure emissions of nitrogen oxides (NOx), nonmethane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO2), carbon monoxide (CO), and carbon dioxide (CO2) from stationary generators in the State of Delaware do not adversely impact public health, safety, and welfare, generators may require permitting along with restrictive use per 7 DE Admin. Code, 1144 *Control of Stationary Generator Emissions* and 7 DE Admin. Code, 1102 *Permits.*

- The applicant must submit a permit application and receive approval before construction or installation of any new stationary emission source, including generators.

- Generator testing, maintenance, and non-emergency operation are generally prohibited on Air Quality Action Days to avoid worsening air pollution.

- Any process (including generators) that will emit between 0.2 and 10 pounds of air contaminants per day must apply for a Registration. Those processes that have emissions greater than 10 pounds per day before control must have an Air Quality Permit to operate. Any process emitting more than 10 pounds per day (pre-control) must apply for a full Air Quality Permit to operate.

Contact: DNREC Division of Air Quality at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/permitting/

Air Quality – Particulate Emissions

Particulate emissions are regulated by DNREC's Division of Air Quality by Title 7 DNREC Admin. Code, 1106 *Particulate Emissions from Construction and Materials Handling*. To control

particulate emissions from construction and materials handling operations, the following is required:

- The applicant must use dust suppressants and other measures during demolition activities, grading, land clearing, excavation of non-paved roads, material movement or storage, and sandblasting activities.

Contact: DNREC Division of Air Quality at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/permitting/

Stormwater Management

The project proposes greater than 5,000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the New Castle County Department of Land Use.

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically https://enoi.dnrec.delaware.gov/, (select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: New Castle County Department of Land Use at (302) 395-5400.
Website: https://www.newcastlede.gov/2420/Land-Use

General Stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Although buildings and infrastructure are proposed outside of the Special Flood Hazard Area (SFHA), lenders may require the purchase flood insurance, based on the proximity to the SFHA.

A portion of this site is also situated within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding), identified as a shaded zone-X.

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Limit of Moderate Wave Action

The central portion of the site lies seaward of the Limit of Moderate Wave Action line. Any permanent infrastructure built in this area will be subject to enhanced coastal hazards, due to high velocity wave action from storms. Areas seaward of the Limit of Moderate Wave Action line are considered to be coastal high-hazard areas and are designated on FIRM maps as flood insurance risk Zone VE. Development proposed in coastal high-hazard areas will be subject to more stringent local ordinances and regulations.

- The applicant must comply with local code requirements applicable to development or construction within coastal high-hazard areas.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/

Bog Turtle

Habitat suitable for the bog turtle (*Glyptemys muhlenbergii*) exists on the project site. The bog turtle is protected under the Federal Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required. Projects can be submitted through the Information for Planning and Consultation tool through the U.S. Fish and Wildlife Service at https://ecos.fws.gov/ipac/.

- To ensure that the project will not impact bog turtles or their habitat, a Phase I survey for bog turtle habitat must be conducted on the entire project parcel(s) prior to any land disturbing activity taking place. Phase I surveys can be conducted any time of year when ice and/or snow cover is not present.

- If potential bog turtle habitat is found during Phase I surveys, you are required to either:

    1. Completely avoid all direct and indirect project impacts to the wetland and implement a 300-foot buffer of the wetland, in consultation with the U.S. Fish and Wildlife Service and DNREC Division of Fish and Wildlife; or

    2. Have surveys (Phase II and/or trapping) conducted to determine if bog turtles are present. In accordance with Delaware's bog turtle site survey procedures, surveys must be conducted by a qualified bog turtle surveyor between April 15 and June 15. Please note that surveys may confirm presence of turtles, but they cannot confirm absence and guidance to minimize impact to the habitat may be applicable even if bog turtles are not found during surveys.

- All bog turtle surveys must be conducted by a Delaware approved bog turtle surveyor.

- Please contact the DNREC Division of Fish and Wildlife Species Conservation and Research Program to obtain a list of professionals who are qualified to conduct Phase I and II surveys.

State Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

Federal Contact: U.S. Fish and Wildlife Service, Chesapeake Bay Ecological Services Field Office at (410) 573-4599. Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

Northern Long-eared Bat and Tricolored Bat
The northern long-eared bat (*Myotis septentrionalis*) and tricolored bat (*Perimyotis subflavus*) may occur on the site due to habitat suitable for such species existing within the project boundary. This species is federally-listed as endangered and is protected under the U.S. Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required. Projects should be submitted through the Information for Planning and Consultation tool as well as the Range-wide Northern Long-eared Bat and Tricolored Bat determination key through the U.S. Fish and Wildlife Service at https://ipac.ecosphere.fws.gov/.

State Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

Federal Contact: U.S. Fish and Wildlife Service, Chesapeake Bay Ecological Services Field Office at (410) 573-4599. Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

Atlantic Sturgeon
A review of our database indicates that the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) may occur on the site due to habitat suitable for such species existing within the project boundary. This fish is protected under the Federal Endangered Species Act.

- Consult with the National Marine Fisheries Service to determine what permits or surveys may be required.

State Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

National Marine Fisheries Service Contact: Greater Atlantic Regional Fisheries Office at (978) 281-9300. Website: https://www.fisheries.noaa.gov/about/greater-atlantic-regional-fisheries-office

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- The Delaware SHPO does not recommend or support development in Level 4 & Out of Play areas. There are three known archaeological sites on the subject parcels, and a known historic structure. The historic structure has been demolished but was 19th century. There is not a lot of information for the two southern archaeological sites. The northern site is precontact with a decent amount listed as recovered. The nearby survey is from a chlorine cleanup project. The archaeological potential is high for precontact archaeological resources on the entire project area, and high for historic archaeological resources on the northern parcel. Our office highly recommends an archaeological survey prior to any ground disturbing activities.

- The presence of historic agricultural complexes means a potential for unmarked human remains from a historic family cemetery or graveyard. Abandoned or unmarked family cemeteries are very common in Delaware, especially on historic farm sites, rural areas, or open space lands. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

- If there is federal involvement, 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). 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 the following: www.achp.gov If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office.

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. (Mercantile)

- Where a water distribution system is proposed for the site, 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 Sq. Ft. 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

- Large area building and mid-rise requirements found in Reg 702, Chap 5 shall be considered during design.

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 subdivision from Governor Lea Road and River 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-round.

- 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 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.

Delaware Public Service Commission – Contact Matthew Hartigan 302-736-7532

- The Delaware Public Service Commission ("PSC" or "Commission") does not regulate data centers, but is concerned about the economic impact of such new, large loads

interconnecting with Delmarva Power's transmission and distribution system, and the impact such a load would have on electric and water supply, and electric and water prices in Delaware.

- On October 15, 2025, the Public Service Commission approved Order 10829 (attached) which establishes a process by which a large load tariff will be created for Delmarva Power customers. A tariff establishes the rates, terms and conditions of service between a utility and its customers, and other States throughout the country have implemented large load tariffs as data centers have emerged in recent years as a major driver of electricity and usage.
- The Commission ordered Delmarva to file a large load tariff and defined large load customers as those whose maximum monthly demand is greater than 25 megawatts. After a proposed tariff is filed, a Hearing Examiner will solicit feedback from interested parties to a record and then make a recommendation to the Commission on a final version of tariff language that should be adopted. Until a large load tariff is approved by the Commission, Delmarva Power is prohibited from interconnecting new large loads greater than 25 megawatts to its system.
- Interested parties can petition the Hearing Examiner to intervene in the docket in order to provide feedback on the proposed tariff. Additional information can be found in the PSC electronic filing system, which can be accessed via our website, by searching for Docket No. 25-0826.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- Please 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 dates of March 21, 2019 and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Energy Use

The proposed project may have the potential to pose significant risks in terms resource adequacy, grid reliability, and higher cost burdens for Delaware's electricity customers. The DNREC State Energy Office has a policy interest and an obligation to ensure that the electric grid remains reliable and affordable. Potential risks can be mitigated with careful planning.

- Consider using renewable energy infrastructure such as on-site solar to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities ((https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Explore the feasibility of implementing waste heat recovery and water reuse technologies, where applicable, within the data center buildings.

- Consider participating in a demand response program to temporarily reduce power consumption from the electrical grid during times of local or regional peak demand. This may involve adjusting non-urgent tasks to times when overall demand on the grid is lower.

- It is recommended to coordinate with the local utility to protect grid reliability and protect against unreasonable cost impacts for Delaware's electricity customers.

- The local utility is Delmarva Power and is regulated by the Public Service Commission (PSC). More information related to regulated utilities can be found on the Public Service Commission's website at: https://depsc.delaware.gov/.

Energy Planning Contact: DNREC State Energy Office at 302-735-3356.
Website: https://dnrec.delaware.gov/climate-coastal-energy/energy-office/

Air Quality – Design to Minimize Mobile Source Emissions

Mobile sources include a variety of motor vehicles and mobile equipment that generate air emissions, such as ozone, particle pollution, and air toxics. The DNREC Mobile Sources Control Program implements measures and programs to reduce motor vehicle-related pollution from both on-road vehicles and non-road vehicles.

- This site lies within New Castle County. Ambient air quality in this area may not meet Federal Air Quality Standards. Projects in this area should aim to minimize emissions through thoughtful design and planning.

- Integrate Delaware's anti-idling requirements, Title 7 DE Admin. Code 1145, *Excessive Idling of Heavy Duty Vehicles*, directly into pre-construction specifications and site management plans to limit unnecessary idling from heavy-duty vehicles and equipment from the outset.

- Consider designing the project for low maintenance green spaces. Designing green spaces to be less dependent on gas-powered lawn and garden equipment has the potential to minimize emissions associated with the on-going maintenance of this site.

Contact: DNREC Division of Air Quality's Mobile Sources Program at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/mobile-sources/

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: New Castle County Department of Land Use at (302) 395-5400.
Website: https://www.newcastlede.gov/2420/Land-Use

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Special Flood Hazard Area

- Locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss. As currently proposed, this plan avoids these areas.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Limit of Moderate Wave Action

- Locate proposed structures outside of the Limit of Moderate Wave Action area and/or build to Zone VE construction standards within this area. As currently proposed, this plan avoids these areas.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.
Website: Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/

Sea Level Rise

The central portion of this site is vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

- In areas within 5 feet of expected sea level rise, avoid construction of permanent structures and infrastructure. All infrastructure and structures on the site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control. As currently proposed, this plan avoids these areas.

Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: https://dnrec.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

Removal of Forest

The preliminary plan proposes the elimination of approximately 44 of 140 acres of forest on the site. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

- Removing forested areas for development should be avoided to the greatest extent possible.

- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Vegetated Buffer Zones - Forested Wetlands in Key Wildlife Habitat

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands throughout the central portion of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians.

The wetland on this property is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is part of a large wetland complex that can support an array of plant and animal species across the landscape.

Aerial imagery and wetland habitat maps indicate that low marsh habitat is present. Several state-rare species of conservation concern frequently nest in low marsh habitat, including the seaside sparrow (*Ammospiza maritimus*), clapper rail (*Rallus longirostris*), and willet (*Tringa semipalmata*).

To reduce impacts to these species, the following is recommended:

- Do not disturb forested wetlands. Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.

- Increase upland buffers to at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover.

- Maintain vegetated buffer zones as native species meadows or forest.

- Maintain habitat connections to undeveloped open space, which are especially important for species movement across the landscape.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

Sustainable Practices

- Consider installing electric vehicle charging stations for employees. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 80% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/

- On large expanses of impervious surfaces and asphalt, design parking areas to include trees or solar canopies for shading.

- Consider planting native trees in appropriate areas. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Consider planting native species meadows in appropriate areas. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
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,

David L. Edgell, AICP
Director, Office of State Planning Coordination

Attachment:
- PSC Order 10829
- Department of State Division of The Public Advocate Comments

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION OF STAFF OF THE DELAWARE PUBLIC SERVICE COMMISSION REGARDING A LARGE LOAD TARIFF TO BE PROMULGATED BY DELMARVA POWER & LIGHT COMPANY	)))))	DOCKET NO. 25-0826

ORDER NO. 10829

AND NOW, this 15th day of October 2025, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, Delmarva Power & Light Company ("DPL") is a public utility and electric distribution company as defined by 26 *Del. C.* §102(2) and 26 *Del. C.* §1001(12) respectfully;

WHEREAS, the Commission has broad authority to supervise and regulate public utilities, 26 *Del. C.* §201(a), to establish "just and reasonable standards, classifications, regulations, practices, measurements or services;" to require adequate and proper service, 26 *Del. C.* §209; and take action to ensure that electric distribution companies provide adequate and reliable service, 26 *Del. C.* §1010;

WHEREAS, large load facilities such as data centers are expanding at an unprecedented pace, with potentially enormous impacts on energy supply, energy costs, transmission resources, state energy policy, and grid reliability;

WHEREAS, large data centers require power for their operations, including for both servers and cooling, that is unmatched by almost any other facility. Indeed, a single large data center can have the same power demand as a city;

WHEREAS, Delaware is a net importer of power, so large load facilities, which require massive amounts of power, could have significant impacts on existing transmission systems as the new power demand competes for limited resources;

WHEREAS, both nationally and regionally, price increases related to data centers are disproportionately absorbed by residential and commercial customers;

WHEREAS, no tariff, regulation, or legislation addresses the unique needs related to consumers that use a disproportionately large amount of power;

WHEREAS, residents have held large town hall meetings and elected representatives have introduced legislation regarding data centers at both the county and State levels;

WHEREAS, to address concerns regarding increased electric transmission and distribution costs to existing ratepayers and reliability concerns, facilities that use a disproportionate amount of power, namely for customers that will use a monthly maximum demand of 25 megawatts (MW) or greater, need to be treated as a separate class within the current rate structure to protect reliability and other classes of ratepayers;

WHEREAS, at the September 3, 2025 Commission meeting, Commission Staff ("Staff") and the Delaware Division of the Public Advocate ("DPA") presented a joint petition (the "Joint Petition") requesting the Commission open a docket; authorize Staff to conduct workshops with interested stakeholders to develop the components of a large load tariff for customers that will use a monthly maximum demand of 25 MW or greater; and order DPL to, after the conclusion of the workshops, file revised tariff pages applicable to large load customers prior to the interconnection of any new large load customers;

WHEREAS, DPL filed a petition for leave to intervene in this matter and submitted an alternative proposed form of order on the Joint Petition;

WHEREAS, at the September 3, 2025 Commission meeting, the Commission voted to grant DPL's petition for leave to intervene in this matter;

WHEREAS, at the September 3, 2025 meeting, the Commission also voted to grant a motion that a revised tariff must be in place prior to the interconnection of any large load customers who use a monthly maximum demand of 25MW or greater in DPL service territory not already interconnected as of September 3, 2025;

WHEREAS, after considering the Joint Petition, the forms of proposed order submitted by the parties, and hearing argument from the parties, the Commission directed its counsel to prepare a revised form of order based on the discussion during the September 3, 2025 meeting to be presented for the Commission's consideration at its next meeting on October 15, 2025;

WHEREAS, the parties have reviewed this revised form of order and agree that the Commission should enter it;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That a docket shall be opened to establish a large load tariff.

2. That pursuant to the Commission's authority under 26 *Del. C.* § 301(a), DPL shall develop and file proposed revised tariff pages applicable to large load customers defined as customers that will use a monthly maximum demand of 25 megawatts (MW) or greater.

3. That the Commission designates Hearing Examiner Mark Lawrence as hearing examiner for this matter pursuant to 26 *Del. C.* § 502 and 29 *Del. C.* ch. 101, to schedule and conduct, upon due notice, such public comment sessions, workshops, and evidentiary hearings as may be necessary to have a full and complete record concerning the justness and reasonableness of the proposed tariff modifications. Thereafter, Hearing Examiner Lawrence shall file with the Commission for its consideration his proposed order with his findings and recommendations.

4. That pursuant to 29 *Del. C.* ch. 101 and 26 *Del. Admin. C.* § 1001-2.9, Hearing Examiner Lawrence is specifically delegated the authority to grant or deny petitions seeking leave to intervene and for admission of counsel pro hac vice. In addition, Hearing Examiner Lawrence is delegated the authority, under 26 *Del. C.* § 102A, to determine the form and manner of any further public notice in this matter.

5. That such revised tariff must be in place prior to the interconnection of any large load customers who use a monthly maximum demand of 25 MW or greater in DPL service territory not already interconnected as of September 3, 2025.

6. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold B. Gray, Commissioner

Manubhai Karia, Commissioner

K. F. Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary



STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF THE PUBLIC ADVOCATE

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October 29, 2025

Re: Office of State Planning Coordination regarding Project Washington – South Campus

Dear Office of State Planning Coordination:

My office supports economic growth and business development, but new industries should not impose unfair harms on other Delawareans.

Data centers in general, including the proposed data center in Delaware City, use truly extraordinary amounts of power. A large data center can easily use the same amount of power as a small city, or more. Large load facilities, almost exclusively data centers, are growing so fast – especially in the mid-Atlantic and mid-West – that their impact on the energy sector is unlike anything that has been seen for decades. If fully built out, this proposed data center would use roughly half the electricity that the entire State currently uses. Across the PJM electrical grid, which Delaware is part of, projections of data center growth over the next 5 years are roughly similar to adding the entire power demands of California or Texas to the PJM region. And that is in contrast to projections that were essentially flat only three (3) years ago. Those sorts of power demands run the significant risk of pushing up costs on other ratepayers.

My office is very concerned about those risks. These include the costs of any electrical system infrastructure upgrades being passed on to residential electricity customers. The risks that the costs of electricity increasing as demand for electricity is increasing and projected to continue increasing rapidly over the next decade. And the risks that other costs, like the costs for energy capacity from PJM's capacity auction also continue to increase rapidly as demand for electricity continues to increase. Data centers also have the potential to use enormous quantities of water and to impact neighboring communities, through air, noise and light pollution.

These risks are not hypothetical. Electricity utility rates are increasing in the places with the highest number of data centers. Prices in the PJM capacity market auctions have spiked almost 10 times over the last two auctions and PJM's Independent Market Monitor has calculated that billions of dollars of additional capacity market costs – roughly $9 billion in one auction alone – are directly attributable to data centers.

My office, along with the Staff of the Public Service Commission requested that the Public Service Commission open a docket, which it has now done through Order 10829, to establish a large load tariff for very large energy users and to pause the interconnection of any very large

energy customers until the large load tariff is in place. A large load tariff helps to ensure data centers pay their fair share, including for the huge investments for electrical infrastructure data centers need. Such a tariff can also help to address risks to grid reliability, if power demand from data centers grows faster than new power generation is built.

But a large load tariff cannot manage all the potential risks of data centers alone, and all regulators and interested parties should carefully evaluate the risks and benefits of any data center projects.

Respectfully submitted,



Jameson Tweedie
Public Advocate