



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

PHONE  
(302) 739-9000

Ms. Amber Moore  
RainWise Environmental Solutions, LLC  
8 East Darby Circle  
Dover, DE 19904

Re: Coastal Zone Act Request for Status Decision – Atlantic Concrete (Project # CZA-440SD)

Dear Ms. Moore:

Please be advised that the Request for a Coastal Zone Act (CZA) Status Decision submitted by you, on behalf of Atlantic Concrete Company, Inc. (Atlantic Concrete), on December 1, 2020, for the construction of one new concrete manufacturing plant to replace two existing plants with nonconforming use status at 16762 Old Orchard Rd., Lewes, DE 19958, has been reviewed and analyzed by the Delaware Department of Natural Resources and Environmental Control (DNREC).

Based on the analysis of the information provided and according to Subsection 5.1.15 of the *Regulations Governing Delaware's Coastal Zone*, the proposed activity does not require a CZA permit because it is a Use Not Regulated as a "replacement in-kind of existing equipment." The CZA Program consulted with a subject matter and legal experts in making this decision. Our decision is contingent upon the following:

1. Demolition of the previously utilized concrete manufacturing plants upon commencement of operations of the replacement plant.
2. Adherence to the 200,000 cubic yards of concrete production capacity over a 12-rolling month period.
3. Maintenance of a Dust Control Plan to limit impacts to the surrounding residential communities.

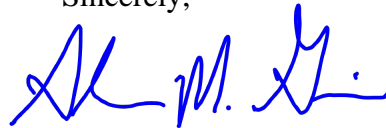
Please be advised that this CZA Status Decision does not exempt the facility from permitting requirements of other sections of DNREC or other applicable regulatory requirements at the local level, including (but not limited to):

1. Compliance with any air quality permits under DNREC's Division of Air Quality
2. Registration of any aboveground storage tanks at the facility with DNREC's Division of Waste and Hazardous Substances, Tanks Compliance Section.
3. Obtainment of allocation permits for any wells needed for operations through DNREC's Division of Water, Water Allocation Program.
4. Compliance with the facility industrial stormwater permit authorized by DNREC's Division of Water, Surface Water Discharges Section.

Should the facility seek to make other operational changes in the future, please reach out to DNREC and the CZA Program for consultation.

Notice of this decision as it will appear in the Wilmington News Journal and Cape Gazette is attached for your records. There is a fourteen (14) day appeal period following the date of publication of the enclosed legal notice. You will be informed if an appeal is received. If you have any questions or concerns about this decision, please contact Laura Mensch with the Division of Climate, Coastal, & Energy at (302) 739-9283.

Sincerely,



Shawn M. Garvin  
Secretary

Enclosure

## **DNREC – DIVISION OF CLIMATE, COASTAL, & ENERGY**



### **LEGAL NOTICE**

The Secretary of the Department of Natural Resources and Environmental Control has made a decision regarding the Request for Status Decision (Project CZA-440SD) from Atlantic Concrete Company, Inc. (Atlantic Concrete). Atlantic Concrete submitted a status decision application on December 1, 2020 to determine whether or not they must apply for a Coastal Zone Act (CZA) permit to construct a new concrete manufacturing plant to replace two existing plants with nonconforming use status at its current location, 16762 Old Orchard Rd., Lewes, DE 19958.

In consideration of the applicant's proposed activity, the Secretary has determined that the activity would not require a permit under the CZA, according to Subsection 5.1.15 of the Regulations Governing Delaware's Coastal Zone, as a "replacement in-kind".

Anyone wishing to appeal this decision to the State Coastal Zone Industrial Control Board must do so within 14 days. An appeal form may be acquired by calling Sascha Mohammed at (302) 739-9000. There is a \$100 application fee. If no appeal is received within the appeal period, this decision becomes final.