



COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

Original Application
Exhibit: 1

August 7, 2018

Tyler Brown
Wetlands and Subaqueous Lands Section, DNREC
89 Kings Highway
Dover, DE 19901



Dear Tyler:

Enclosed are three copies of the DNREC Wetlands and Subaqueous Lands Section Basic Application Form and Appendix R (Maintenance Dredging), submitted on behalf of Sargio Corp. (c/o John Candeloro, applicant) to conduct 3,500 c.y. of mechanical maintenance dredging in the Bay Vista marina basin and access channel to depths of -4' MLW and -6' MLW, respectively, adjacent to the Lewes and Rehoboth Canal at Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-19.16-23.03). Dredging will be conducted by land-based and barge-mounted excavators. Dredged material (predominantly mud) will be placed in an on-site upland disposal area adjacent to/north of the marina basin (Tax Map Parcel #3-34-19.16-23.02), also owned by the applicant. Dredging and disposal will be conducted by Apple Marine Construction, Inc.

Also enclosed are two checks payable to the State of Delaware, one for \$300.00 for the dredging application fee, and one for \$85.00 for the Public Notice fee.

Please feel free to contact me if you have any questions, or require additional information to issue the permit.

Sincerely,

Evelyn M. Maurmeyer, Ph. D.

Enclosures

cc: John Candeloro, Sargio Corp. (applicant)
George Apple, Apple Marine Construction, Inc. (contractor)

Section 1: Applicant Identification

1. Applicant's Name: Sargio Corp. Telephone #: (302) 545-4655
 Mailing Address: c/o John Candeloro Fax #: (302) 453-0446
PO Box 1066 E-mail: john@martahomes.com
Newark DE
2. Consultant's Name: Evelyn Maurmeyer Company Name: CER, Inc.
 Mailing Address: PO Box 674 Telephone #: (302) 645-9610
Lewes, DE 19958 Fax #: (302) 645-4332
 E-mail: maurmeye@udel.edu
3. Contractor's Name: George Apple Company Name: Apple Marine Construction
 Mailing Address: 11702 Bay Landing Dr. Telephone #: (410) 213-7097
Berlin MD 21811 Fax #: _____
 E-mail: georgerapple@comcast.net

Section 2: Project Description

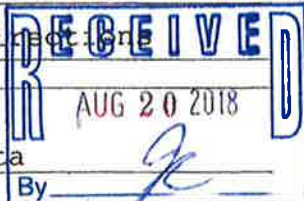
4. Check those that apply:
 New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
Applicant proposes 3,500 c.y. mechanical maintenance dredging to a
depths of -4' MLW (marina basin) and -6' MLW (access channel) in the
Bay Vista marina basin, with disposal at adjacent uplands. See
enclosed Project Description for details.
6. Check each Appendix that is enclosed with this application:

<input type="checkbox"/> A. Boat Docking Facilities	<input type="checkbox"/> G. Bulkheads	<input type="checkbox"/> N. Preliminary Marina Checklist
<input type="checkbox"/> B. Boat Ramps	<input type="checkbox"/> H. Fill	<input type="checkbox"/> O. Marinas
<input type="checkbox"/> C. Road Crossings	<input type="checkbox"/> I. Rip-Rap Sills and Revetments	<input type="checkbox"/> P. Stormwater Management
<input type="checkbox"/> D. Channel Modifications/Dams	<input type="checkbox"/> J. Vegetative Stabilization	<input checked="" type="checkbox"/> Q. Ponds and Impoundments
<input type="checkbox"/> E. Utility Crossings	<input type="checkbox"/> K. Jetties, Groins, Breakwaters	<input checked="" type="checkbox"/> R. Maintenance Dredging
<input type="checkbox"/> F. Intake or Outfall Structures	<input type="checkbox"/> M. Activities in State Wetlands	<input type="checkbox"/> S. New Dredging

Section 3: Project Location

7. Project Site Address: Bay Vista marina, County: N.C. Kent Sussex
Basin Street, Bay Vista Site owner name (if different from applicant): same
Rehoboth Beach DE 19971 Address of site owner: _____

8. Driving Directions: See Figures 1, 2, and 3 for maps and directions
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: #3-34-19.16-23.03 Subdivision Name: Bay Vista



WLSL Use Only: Permit #: 368/18

Type SP SL SU WE WQ LA SA MP WA

Corps Permit: SPGP 18 20 Nationwide Permit #: _____ Individual Permit # _____

Received Date: 8/22/18 Project Scientist: _____

Fee Received? Yes No Amt: \$ 200. Receipt #: 677022

Public Notice #: _____ Public Notice Dates: ON _____ OFF _____

85" PN 677023

Wetlands and Subaqueous Lands Section Basic Application Form

Section 3: Project Location (Continued)

Bay Vista Marina,

10. Name of waterbody at Project Location: access chann waterbody is a tributary to: Lewes and Rehoboth Canal

11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water 245' ± (marina basin)

12. Is the project: On public subaqueous lands? On private subaqueous lands?*
 In State-regulated wetlands? In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

Applicant owns marina basin

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: Agricultural Residential Commercial Industrial Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):
See attached sheet.

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

n/a

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:
Applicant's contractor met on site with Tyler Brown and Zack Messick, WSLs, DNREC.

A. Have you had a State Jurisdictional Determination performed on the property? | Yes No

B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? | Yes No

*If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands? Yes No

*If yes, provide the permit and/or lease number(s):

LA-0015/90; LA-033/02

*If no, were structures and/or fill in place prior to 1969? Yes No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers? No Pending Issued Denied Date: submitted 8/7/18

Type of Permit: IP Federal Permit or ID #: not yet available



18. Have you applied for permits from other Sections within DNREC? No Pending Issued Denied Date: submitted 8/7/18 Permit or ID #: not yet available

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: DCMP Coastal Consistency Certification

Layer Visibility

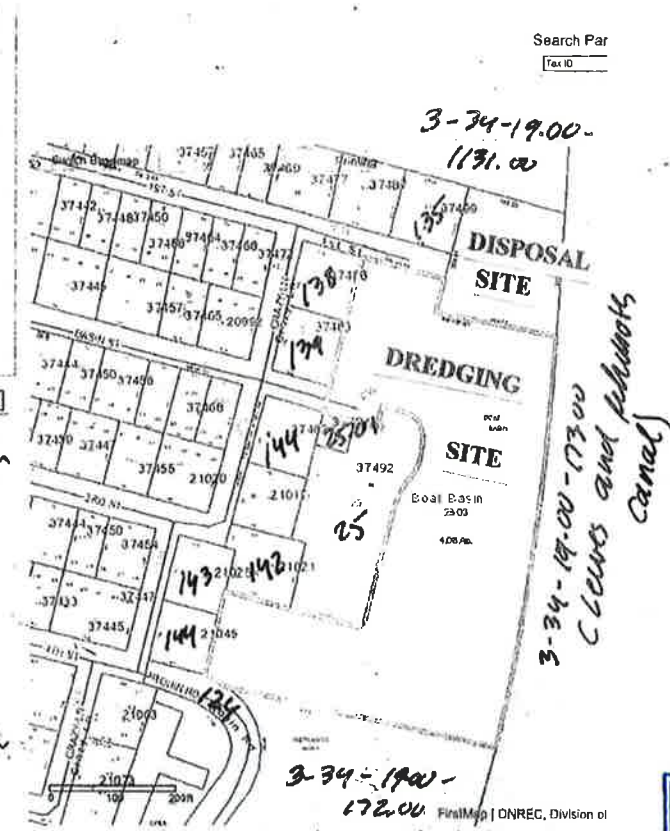
- Addresses/Parcels
 - 911 Addresses Id7
 - Tax Parcels Id7
 - Parcel Labels
 - Annotation
- Zoning
- County Districts
- Schools/Libraries
- Hydrology
- Tax Index/Tax Ditch
- Transportation
- Statewide

Selected Features: Tax Parcels (1)

1) 334-19-19-25.03 Zoom

Book	D 2353 34
Owner Name	SARGIO, CORPORATION
Mailing Address	PO BOX 1066
City	NEWARK
State	DE
Description	BOAT BABIN
Description 2	BAY VISTA MARINA
Land Code	MA
School	8
BLDG Improvement	3800
LND Improvement	20400
PIN with Unit	334-19-19-25.03

Selected Features (1)



14A. List the name and complete mailing address of the immediately adjoining property owners on all sides of the project.

Dredging Site: Bay Vista Marina basin, Tax Map Parcel #3-34-19.16-23.03

Disposal Area: Adjacent cleared upland area (Tax Map Parcel #3-34-19.16-23.02)

Tax Map Parcel #	Name, address of owner
#3-34-19.00-1131.00	Susan Townley & Robert Wood, 37777 Bay Harbor Circle, Rehoboth Beach, DE 19971
#3-34-19.16-135.00	Henry & Phoebe Shaubach, 1004 Buck Road, Quarryville, PA 17566
#3-34-19.16-138.00	Janice Manley, 2606 Landon Dr., Wilmington, DE 19808
#3-34-19.16-139.00	Harvey & Darlene Janner, 202 Glcnshane Pass, Bear, DE 19701
#3-34-19.16-140.00	Ashley & David Bickel, 37482 Basin Street, Rehoboth Beach, DE 19971
#3-34-19.16-25.01	Sussex County Pump Station #219, PO Box 589, Georgetown, DE 19947
#3-34-19.16-25.00	Candeloro Properties, LLC, 885 Marrows Road, Newark, DE 19713
#3-34-19.16-142.00	James & Bianca Hilt, 4 Hillspring Rd., Chadds Ford PA 19317
#3-34-19.16-143.00	Glenn Brown, Trustee, 71 McBry Dr., Dover, DE 19901,
#3-34-19.16-144.00	Glenn & Charity Vernon, 21045 Crazy Lane, Rehoboth Beach, DE 19971
#3-34-19.16-124.00	(Robin Road), Ronald T. Moore, 20408 Silver Lake Drive, Rehoboth Beach, DE 19971
#3-34-19.00-172.00	State of Delaware, Div. of Parks and Recreation, 89 Kings Highway, Dover, DE 19901
#3-34-19.00-173.00	Lewes and Rehoboth Canal, United States Govt., PO Box 2000, Georgetown, DE 19947

Section 5: Signature Page

19. Agent Authorization:

If you elect to complete this agent authorization section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf.

I wish to authorize an agent as indicated below.

I, John M. Candeloro, hereby designate and authorize Evelyn Maurmeyer
Name of Applicant Sargio Corp. Name of Agent

to act on my behalf in the processing of this application and to furnish any information that is requested by the Department.

Authorized Agent's Name: Evelyn Maurmeyer
Mailing Address: C.E.R., Inc. Telephone #: (302) 645-9610
P.O. Box 674 Fax #: (302) 645-4332
Lewes, DE 19958 E-mail: maurmeye@udel.edu

20. Agent Signature

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge, I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

[Signature]
Agent's Signature

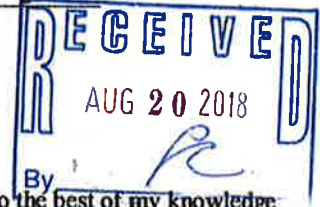
8/7/2018
Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Sargio Corp. John M. Candeloro
Applicant's Signature
John M. Candeloro
Print Name

7-1-18
Date



22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Apple Marine Construction Inc.
Contractor Name
George Apple, Pres.

7-1-18
Date



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
PO. Box 674
Lewes, Delaware 19958
302-645-9610

August, 2018

**PROJECT DESCRIPTION:
MECHANICAL MAINTENANCE DREDGING,
BAY VISTA MARINA AND ACCESS CHANNEL
REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE**

Applicant

Sargio Corp.
John M. Candeloro
PO Box 1066
Newark, DE
(302) 545-4655 (cell)
johnm@martahomes.com

Contractor

Apple Marine Construction, Inc.
George Apple
11702 Bay Landing Drive
Berlin, MD 21811
(401) 213-7097; (443) 944-5199
Georgerapple1@comcast.net

Project Location

The dredging site is the Bay Vista Marina basin and access channel, located on Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware. See Figures 1 and 2 for location maps and directions to the site. The site is identified as Tax Map Parcel #3-34-19.16-23.03, Sargio Corp., owner (see Figure 3). The site is depicted on the U.S.G.S topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is an artificially-excavated basin adjacent to the Lewes and Rehoboth Canal. The marina provides slips for approximately 25 vessels; a boat launch ramp is also present. See Figure 5a for GoogleEarth 2017 aerial photograph. The artificially-excavated basin was present in 1968 (see Figure 5b for 1968 aerial photograph). The dredging site is depicted on the National Wetlands Inventory Map (Figure 6), and is mapped E1UBL (estuarine subtidal, unconsolidated bottom, subtidal). The dredging site is depicted on State of Delaware DNREC wetland map #036, 1988 photobase (Figure 7), and is mapped W (water). See Figure 8 for photographs of marina and access channel.

Existing Conditions

Existing MLW depths range from 0' to -1.7' in the slips; typically -1.8' in the center of the basin; and -1.1' to 1.2' in the access channel. See Figure 9 for plan view sketch showing existing MLW depths (as measured on site by Evelyn Maurmeyer, CER, Inc., August 5, 2018). These depths are too shallow for boaters to leave or enter their slips at lower stages of tide (boats rest on the substrate); boaters have to time their egress and ingress to coincide with high tide, resulting in limited boating opportunities. Water depth drops of to -6' MLW and greater in the Lewes and Rehoboth Canal. See Figure 10 for representative cross-section sketches showing existing and proposed depths. Bottom material consists predominantly of mud (see photographs, Figure 11).



Project Description

The following activities are proposed:

- **Maintenance Dredging.** Accumulated sediment will be removed from the marina basin by mechanical dredging. A long-reach (50') excavator based on uplands will remove sediment from the slips, to a distance of about 40' from the bulkhead. The excavator will then swing around and place the material directly into the disposal area (see next section for detailed description of disposal area). Sectional barges will be transported to the site by trucks and will be assembled on site. A crane will lift the two barges into the water. An excavator will be placed on the larger of the two barges, and will conduct mechanical dredging from the water. Excavated material will be placed directly onto the second, smaller barge. When full, the smaller barge will be pushed toward shore, and the excavator will unload the dredged material directly into dump trucks, which will transport the material directly into the on-site disposal area. The marina basin area to be dredged is 245'± x 115'± (28,175 sq. ft./0.65 acre), to a depth of -4' MLW; the access channel dredging area is 95'± x 50'± (4,750 sq. ft./0.11 acre±), to a depth of -6' MLW (to tie into existing MLW depth in the adjacent waterway, Lewes and Rehoboth Canal); see Figure 12. Total volume to be dredged is **3,500 c.y.**
- **Dredged Material Disposal.** Dredged material will be transported and deposited into a cleared upland area (also owned by the applicant), adjacent to/north of the marina basin, as described in the preceding section. See Figure 3 for location; Figure 5a for 2017 GoogleEarth aerial photograph; Figure 6 for site location on National Wetlands Inventory Map (site is mapped uplands); Figure 7 for site location on State of Delaware DNREC wetland map #036, 1988 photobase (site is mapped O, other, uplands or non-tidal wetlands less than 400 acres); and Figure 13 for photographs. The site is 295' long x 60-70' in width, and will accommodate up to 4,536 c.y. Site preparation will involve excavating a 2' deep cut, and using the excavated material to create a 3' high earthen berm around the site. See Figure 14 for plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).

Project Purpose

Purpose of proposed project is to restore navigable depths in the Bay Vista Marina slips, marina basin, and access channel to allow vessels ingress and egress at all stages of the tide.



MAINTENANCE DREDGING OR EXCAVATING

- If dredged material is to be placed in a disposal site, a separate map showing the location of the disposal site should be attached. This drawing must indicate the proposed retention levees, weirs, spillways, and/or devices for retaining the materials.
- Bottom samples to determine heavy metals or other toxic materials must be taken and analyzed if deemed necessary by the DNREC staff. The responsibility, as well as the expense incurred for obtaining and analyzing these samples, must be borne by the applicant.
- If maintenance dredging is to be done, evidence of previous dredging must be provided. Any previously issued permit with drawings which indicates the date the dredging occurred, the area involved and dredging depth constitutes acceptable proof.
Marina basin was excavated prior to 1968 (see Figure 5b).
- Please make sure answers to all of the questions in this appendix correspond to information on the application drawings.

1. How many cubic yards of material will be MAINTENANCE DREDGED or excavated channelward of the:

- a. Tidal waters: mean high water line? 3,500 cu. yds.
mean low water line? 3,500 cu. yds.
- b. Non-tidal waters: ordinary high water line? n/a cu. yds.

Does this account for the total volume of proposed dredging for the project? X Yes No

If there is new dredging associated with this project (dredging beyond previously authorized dimensions) please fill out appendix S for new dredging.

2. What will be the dimensions of the dredged or excavated area relative to mean low water (for tidal areas only) or ordinary water level (for non-tidal areas only)?

245' length -4' depth 115' base width 115' top width marina basin
95' " -6' " 50' " 50' " access channel

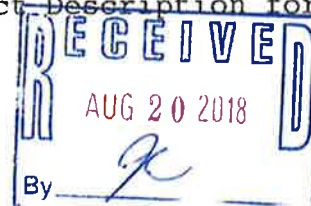
3. What are average existing depths in area of proposed dredging? 1-2' ± ft. (mlw/ohw)
Include a survey of proposed and existing depths on application drawings. (see Figures 9 and 10)

Dredging will tie into existing depths.

4. What is the proposed dredging depth in relation to surrounding bathymetry? 4'; 6' ft. (mlw/ohw)
Indicate both proposed depths and surrounding depths on attached drawings.

See Figures 9 and 10 for plan view and cross-sections showing existing and proposed depths.

5. By what method(s) (hydraulic, clamshell or other) will the dredging be done? If other, explain:
Mechanical (long-reach excavator); see Project Description for details.



6. What is proximity of the dredging project to the nearest creek bank or banks? 3' ft. (bulkhead)
 What are existing land uses along this bank(s)? 10'+ (marsh)
 Land use is parking area (uplands), and open space (marsh).

Describe the existing shoreline along this bank (vegetation, rip-rap, bulkhead, etc.).

Bulkheading (and some stone rip-rap) along marina basin banks; wetland vegetation along access channel (see aerial photograph, Figure 5a and ground-level photographs, Figure 8).

7. Describe characteristics of the material to be disposed including:
- Physical nature of material (i.e. sand, silt, clay, etc.). Give percentages of various fractions if available.
 Predominantly mud (see photograph, Figure 11).
 - Chemical composition of material - Many areas have sediments with high concentration of pollutants (chemicals, organics etc.) which may be re-suspended or reintroduced into the water. For heavily industrialized sites, a chemical analysis of this material should be provided (if applicable).
 Information not available.
 - What are the dewatering properties of material to be disposal of?
 Material anticipated to dewater within months of disposal.

8. How will the dredged or excavated material be transported to its disposal area?
 Directly from land-based long-reach excavator, and by trucks (see Project Description for details).

9. Land Disposal Areas. SEE ATTACHED SHEET

- Describe dimensions, characteristics and exact locations of the proposed dredged material disposal site (provide photographs, directions to, and complete plans of disposal site).
- Describe method of dredged material containment (embankment, behind bulkhead, etc.)
- What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater?
- Disposal site coordinates _____ latitude _____ longitude
- What methods will be used to ensure that spoil water does not adversely affect water quality both during construction and after completion of the project?
- Describe present land use of the disposal site.



9. Land Disposal Areas

- a. The proposed dredged material disposal site is a vacant, cleared upland area adjacent to/north of the dredging site, identified as Tax Map Parcel #3-34-19.16-25.02 (Sargio Corp., owner). See Figure 3 for location map; Figure 5a for GoogleEarth 2017 aerial photograph; Figure 6 for site location on National Wetlands Inventory Map (site is mapped uplands); Figure 7 for site location on State of Delaware DNREC wetland map #036, 1988 photobase (site is mapped O, other, uplands or non-tidal wetlands less than 400 acres); Figure 13 for ground-level photographs; and Figure 14 for plan view sketch with dimensions and description of proposed site preparation.
- b. Dredged material will be contained by earthen berms and silt fencing. Contractor will excavate to a depth of -2', and will use the material to build up an earthen berm +3' in height.
- c. The Bay Vista community is served by city water. There are no drinking water wells in the vicinity that would be affected by possible leachates/salt water.
- d. Latitude: 38.699° North (approximate center of disposal site)
Longitude: 75.0946° West (approximate center of disposal site)
- e. Contractor will place excavated material directly into disposal site, or into trucks for transport to minimize adverse effects on water quality. Earthen berm and silt fencing will contain excavated material after completion of dredging.
- f. Present use of disposal area is open space. A portion of the site was previously used for disposal of excavated material from a nearby community.



10. Water Disposal Areas/ Beneficial Use Projects Not applicable

Describe methods to be used for water disposal including volumes and site selection, and containment (if applicable). Include Fill or Wetland Appendix if applicable.

11. Describe the existing water characteristics at the site, including chemical analysis for water quality.

See attached sheet

12. Identify the dredging and disposal schedule to ensure that operations do not degrade water quality during times of anadromous fish migration.

Dredging/disposal will be conducted late fall/winter 2018/19.

13. Has an Erosion and Sediment Control Plan been approved by the designated plan approval agency for the project? An Erosion and Sediment Control Plan is required for any project disturbing more than 5,000 square feet of uplands. Final approved plans must be received by this office prior to permit issuance.

Yes No Not required E&S plan to be submitted to Sussex SCD.

Important time of year restriction information:

Please be advised that all dredging in the Inland Bays must be undertaken between September 1 and December 31 in order to protect summer and winter flounder and other aquatic species. Dredging in other Delaware waters may also be subject to certain time of year restrictions in order to protect fish and wildlife. Contact DNREC for more specific information regarding the restrictions that may apply within your project area.

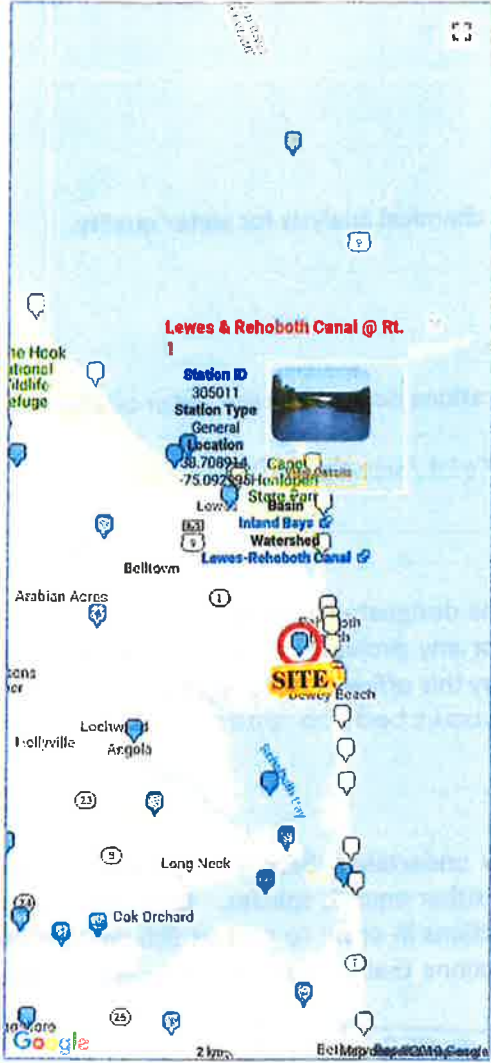


[Home](#) [About](#) [Contact](#)

Text Search

189 Items

Draw Watersheds Full State Zoom Search Data Bookmark Reset



Station Type
 27 Beach
 22 Boat Run
 140 General

Select a Basin
 30 Chesapeake Bay
 93 Delaware Bay and Estuary Basin
 44 Inland Bays
 22 Piedmont

Select a Watershed
 8 Appoquinimink River
 4 Army Creek
 1 Assawoman
 3 Blackbird Creek
 3 Brandywine Creek
 6 Broad Creek

Data Table 305011

Station Information

Station ID: 305011
Station Name: Lewes & Rehoboth Canal @ Rt. 1
Period of Record: Mar 09, 2000 - Aug 23, 2017
Basin: [Inland Bays](#)
Watershed: [Lewes-Rehoboth Canal](#)
[View Historical Station Data](#)
[Download Historical Station Data \(.csv\)](#)



[Zoom to this station](#)
[Highlight Location](#)

Latest Water Quality Samples

Parameter	Value	ResultType	Date
Water Temp	27.1 °C	Actual	Aug 22, 2017
pH	7.3	Actual	Aug 22, 2017
Salinity	24.18 ppt	Actual	Aug 22, 2017
Enterococcus	74.0 cfu/100 ml	Actual	Aug 22, 2017
Dissolved Oxygen	5.43 mg/l	Actual	Aug 22, 2017
Total Nitrogen	0.97 mg/l	Actual	Aug 22, 2017
Total Phosphorus	0.12 mg/l	Actual	Aug 22, 2017
Chlorophyll A	18.80 mg/l	Actual	Aug 22, 2017
Total Suspended Solids	35.1 mg/l	Actual	Aug 22, 2017

Beach Boat Run General



This site was developed by the Delaware Environmental Observing System and the Delaware Environmental Monitoring & Analysis Center in coordination with the DNREC Watershed Assessment Section. All data for this site were obtained from the National Water Quality Monitoring Council's National Water Quality Portal (www.waterqualitydata.us).



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel

AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE

Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018

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AUG 20 2018

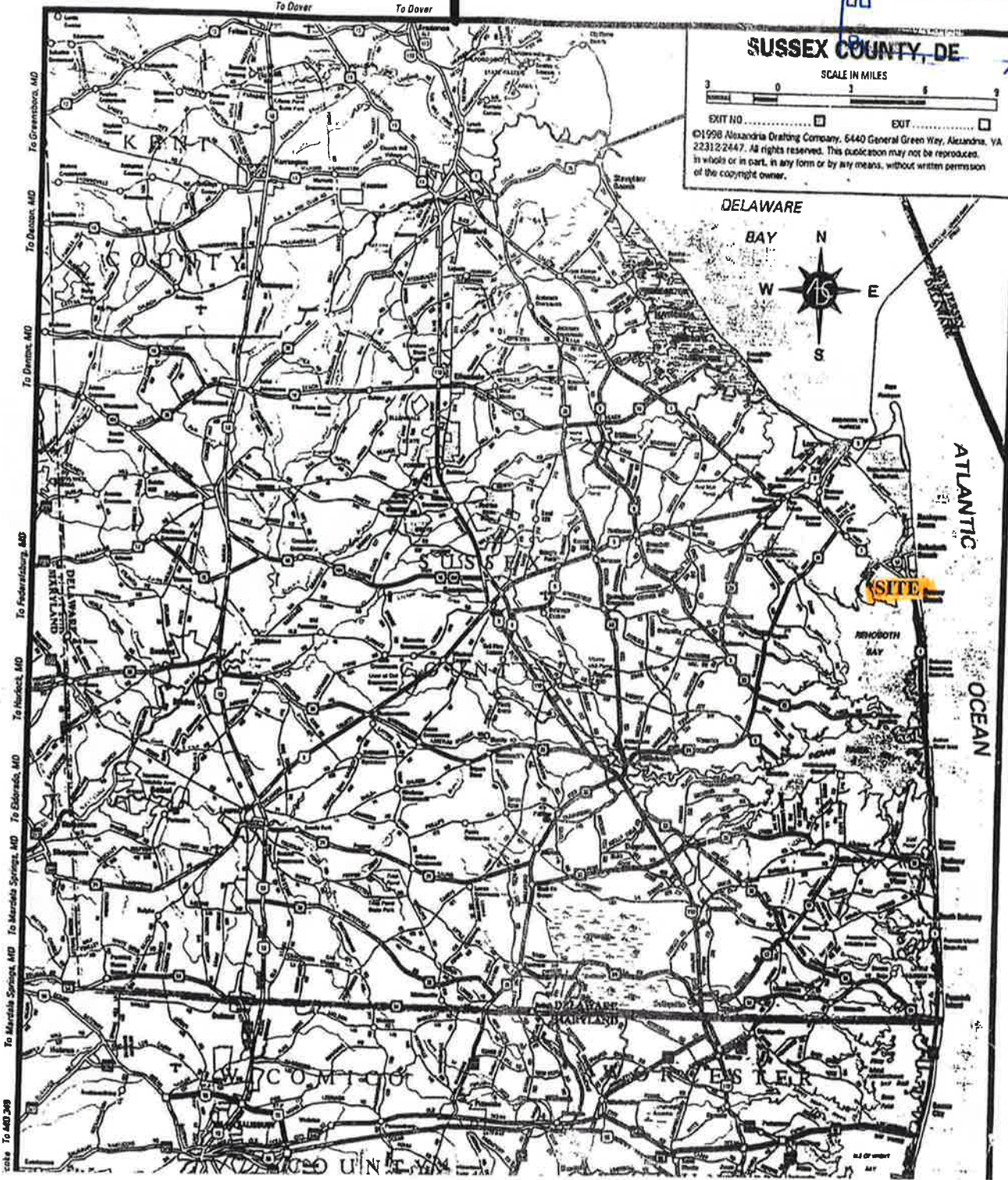
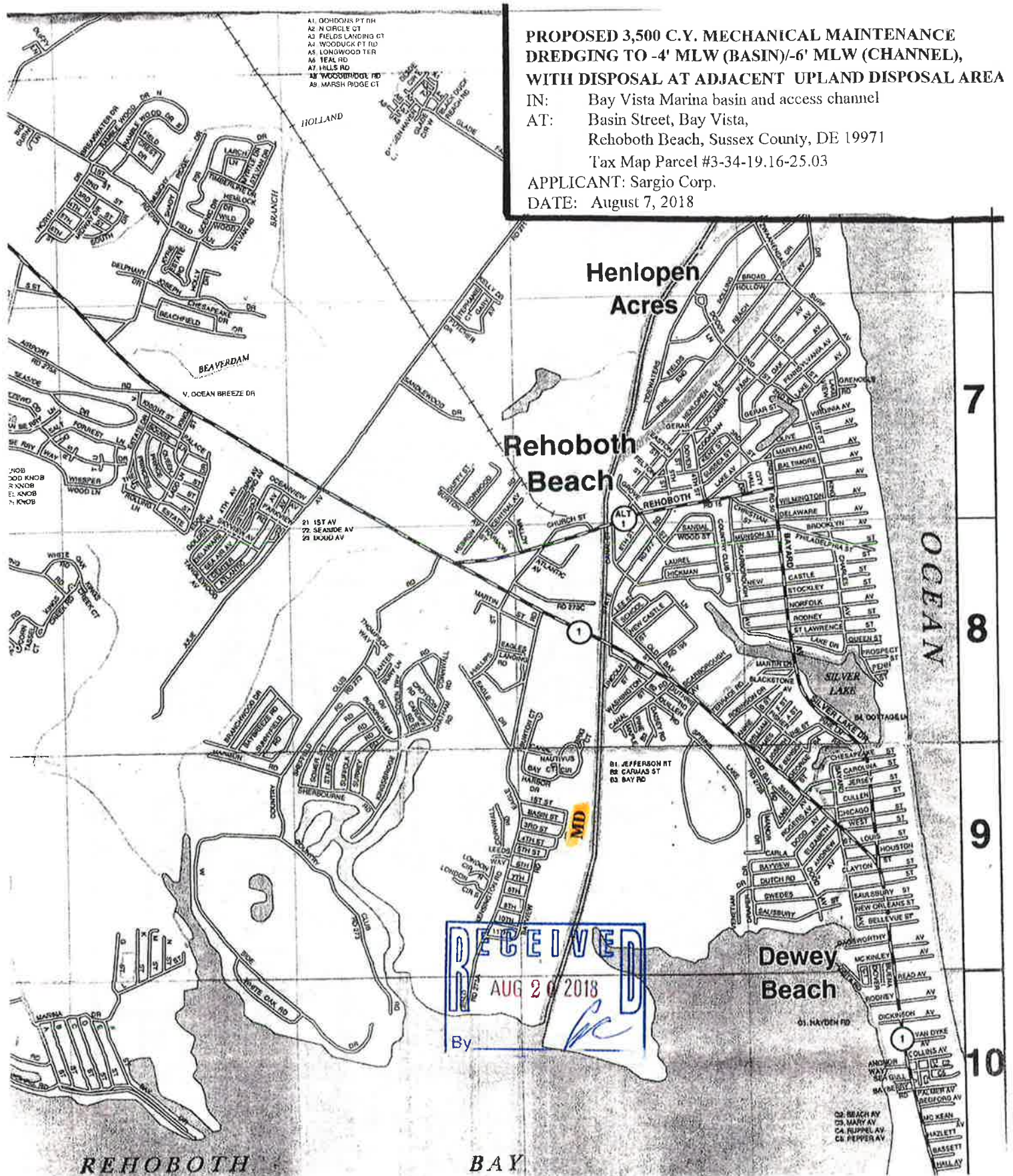


Figure 1. Map of Sussex County, Delaware showing project site, Bay Vista, Rehoboth Beach.



PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA

IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
 DATE: August 7, 2018

Figure 2. Map of Rehoboth Beach, Sussex County, Delaware showing maintenance dredging (MD) site, Bay Vista Marina. Directions to site (from Dover, DE): SR-1 southbound toward Rehoboth Beach; right onto Bay Vista Road; left onto Basin Road; marina is at end of road. Disposal site is cleared upland area adjacent to/north of basin. Also see Figure 3.

Sussex County Mapping

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA

IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
 DATE: August 7, 2018

Layer Visibility

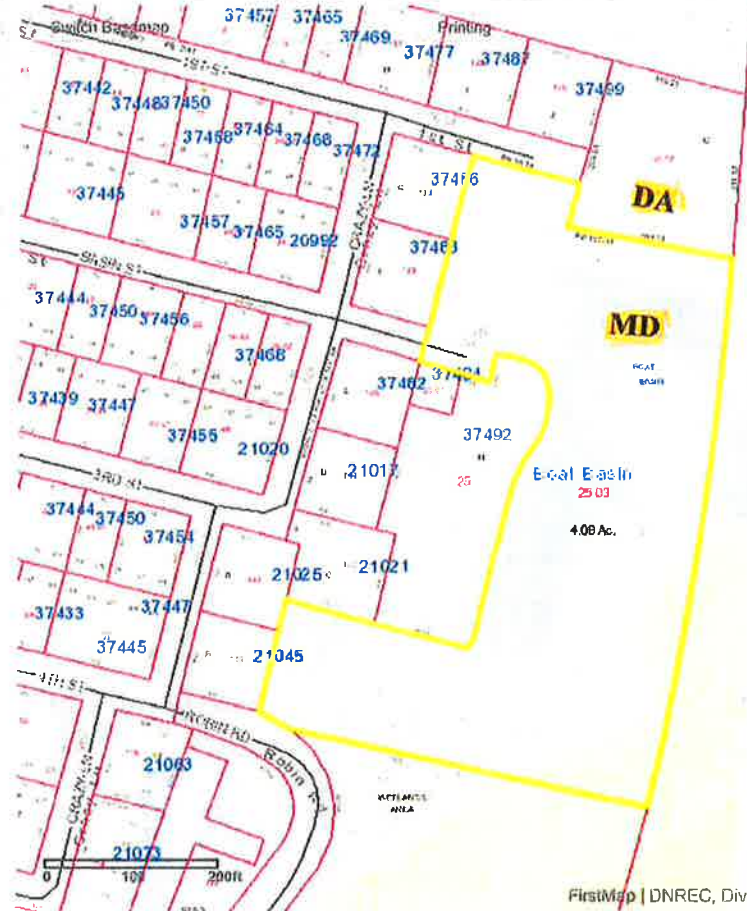
- Addresses/Parcels**
 - 911 Addresses Id?
 - Tax Parcels Id?
 - Parcel Labels
 - Annotation
- Zoning**
- County Districts**
- Schools/Libraries**
- Hydrology**
- Tax Index/Tax Ditch**
- Transportation**
- Statewide**

Search Par
 Tax ID

Selected Features: Tax Parcels (1)
 1) 334-19.16-25.03 Zoom

Book	D 2353 34
Owner Name	SARGIO, CORPORATION
Mailing Address	PO BOX 1066
City	NEWARK
State	DE
Description	BOAT BASIN
Description 2	BAY VISTA MARINA
Land Code	MA
School	6
BLDG Improvement	3600
LND Improvement	20400
PIN with Unit	334-19.16-25.03

Selected Features (1)



FirstMap | DNREC, Division of

Figure 3. Maintenance dredging (MD) site location, Bay Vista Marina basin, Tax Map Parcel #3-34-19.16-25.03 (Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware). Disposal area (DA) is Tax Map Parcel #3-34-19.16-25.02, adjacent to/north of basin. Applicant owns marina and disposal area.



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel

AT: Basin Street, Bay Vista,

Rehoboth Beach, Sussex County DE 19971

Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018

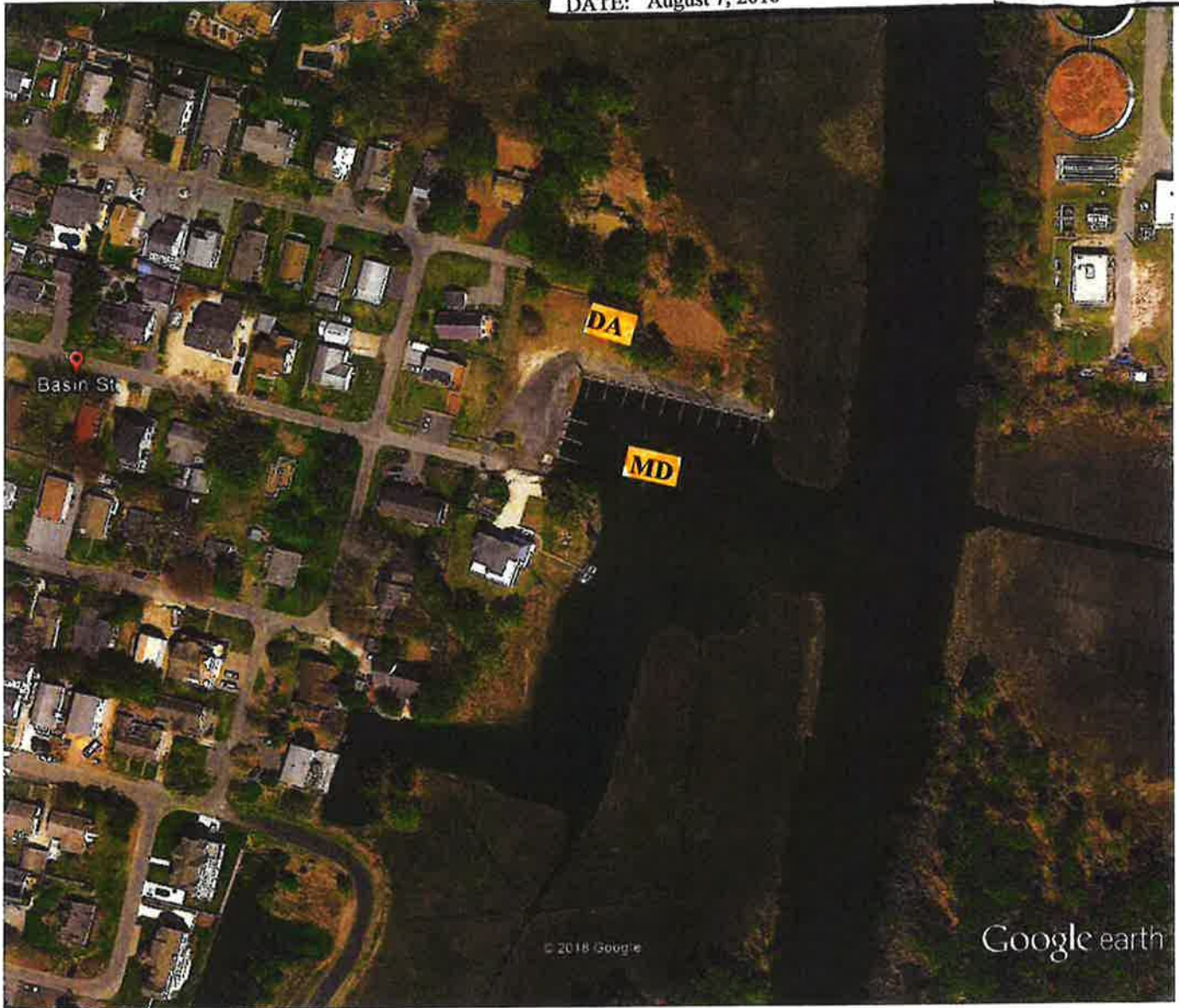


Figure 4. Site location on U.S.G.S. topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
DATE: August 7, 2018



Google Earth Pro

feet |—————| 600
meters |—————| 100



Figure 5a. GoogleEarth 2017 aerial photograph showing maintenance dredging (MD) site, Bay Vista Marina basin and entrance channel, adjacent to Lewes and Rehoboth Canal; and disposal area (DA), cleared uplands adjacent to/north of basin.

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PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03
APPLICANT: Sargio Corp.
DATE: August 7, 2018

ArcGIS - Delaware 1968 Orthophotography

ArcGIS ▾ Delaware 1968 Orthophotography

More

Details | Basemap |

Print | Measure | Find address or place

Contents

Delaware 1968 Orthophotography

Topographic



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Figure 5b. 1968 aerial photograph showing Bay Vista Marina basin and access channel.



PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN: Bay Vista Marina basin and access channel .
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sargio Corp.
 DATE: August 7, 2018

National Wetlands Inventory

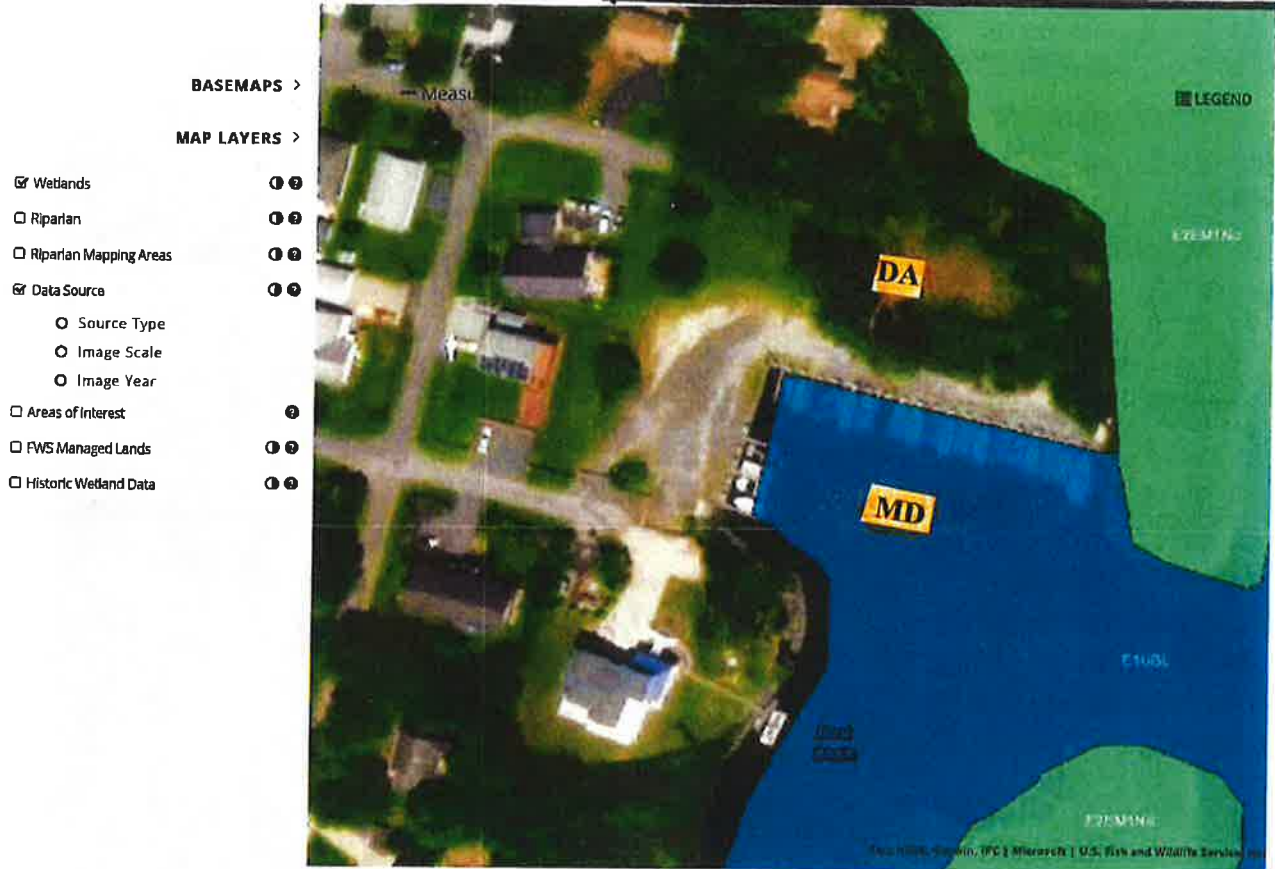


Figure 6. National Wetlands Inventory Map showing maintenance dredging (MD) site, Bay Vista Marina basin and access channel, adjacent to Lewes and Rehoboth Canal. Site is mapped E1UBL (estuarine subtidal, unconsolidated bottom, subtidal). Disposal area (DA) mapped uplands.

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 By *JC*

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018



Figure 7. State of Delaware DNREC wetland map #036 (1988 photobase) showing maintenance dredging (MD) site, Bay Vista Marina basin and access channel, adjacent to Lewes and Rehoboth Canal. Site is mapped W (water). Disposal area (DA) mapped O (other uplands or non-tidal wetlands less than 400 acres). Scale: 1" = 300'.



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03
APPLICANT: Sargio Corp.
DATE: August 7, 2018



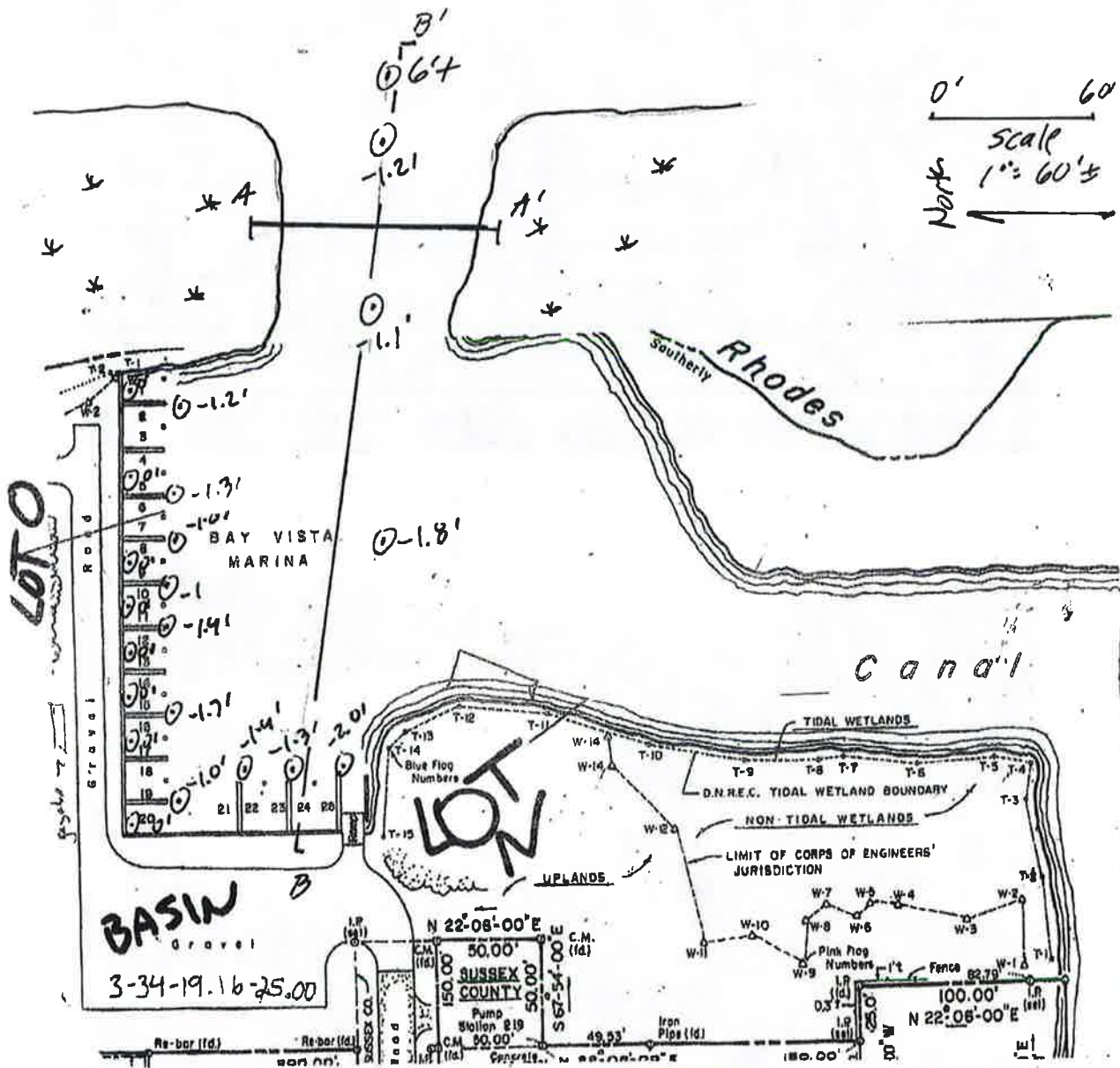
Figure 8. Photographs of maintenance dredging site, Bay Vista Marina basin (top) and access channel (bottom), adjacent to Lewes and Rehoboth Canal.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista,
 Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
 DATE: August 7, 2018

LEWES AND
 REHOBOTH CANAL Flood ← → EW



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 By [Signature]

Figure 9. Plan view sketch showing existing MLW depths, as measured on site by Evelyn Maurmeyer, CER, Inc., August 5, 2018.

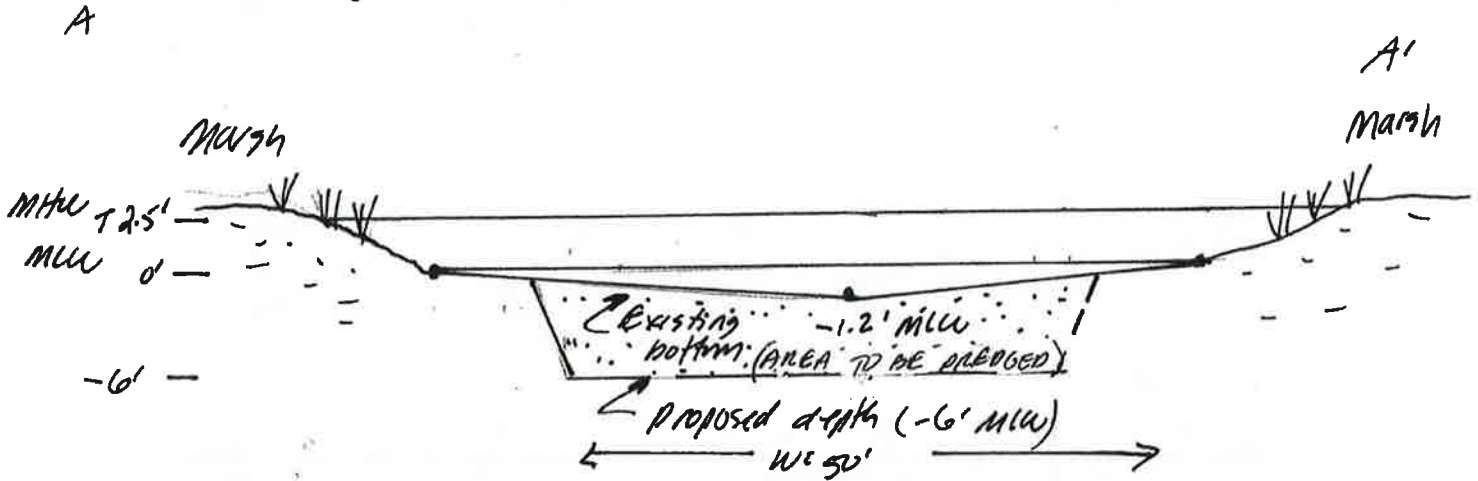
**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
DATE: August 7, 2018

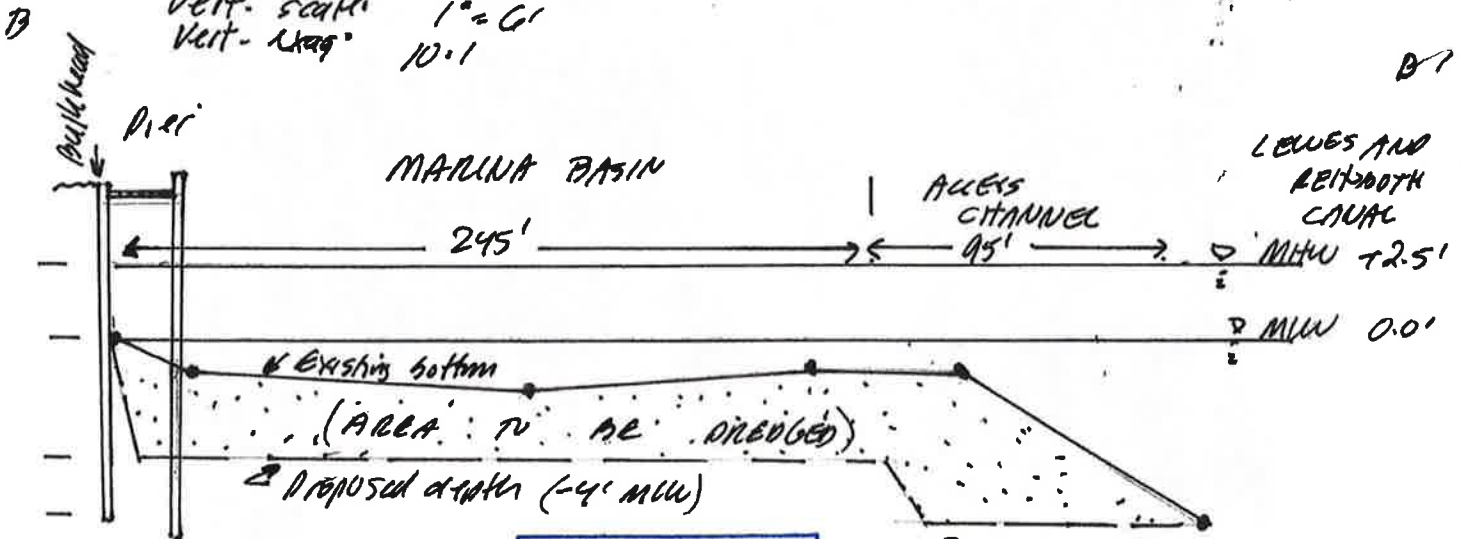
(1) CROSS-SECTION: ACCESS CHANNEL

Horiz. scale 1" = 20' ±
Vert. scale 1" = 10' ±
Vert. slope = 5:1



(2) CROSS-SECTION: MARINA BASIN

Horiz. scale 1" = 60' ±
Vert. scale 1" = 6'
Vert. slope = 10:1



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JK

Figure 10. Representative cross-section sketches showing existing and proposed depths.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel

AT: Basin Street, Bay Vista,

Rehoboth Beach, Sussex County, DE 19971

Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018



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Figure 11. Photographs of sediment core from Bay Vista Marina basin. Material consists predominantly of mud (silt + clay).

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
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IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
DATE: August 7, 2018

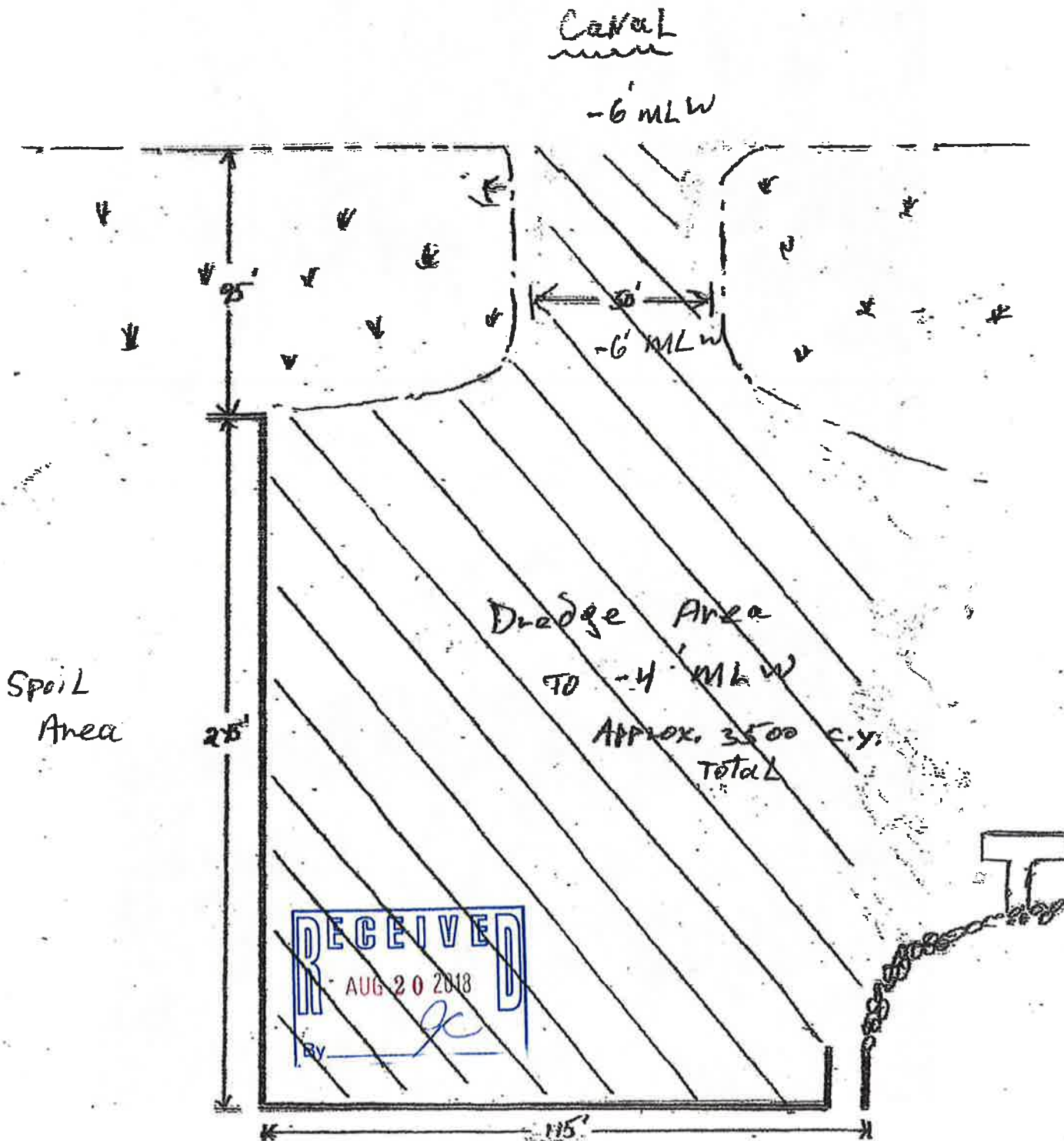


Figure 12. Plan view diagram (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor) showing dimensions and extent of area to be dredged (cross-hatched).

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
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IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rchoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03
APPLICANT: Sargio Corp.
DATE: August 7, 2018

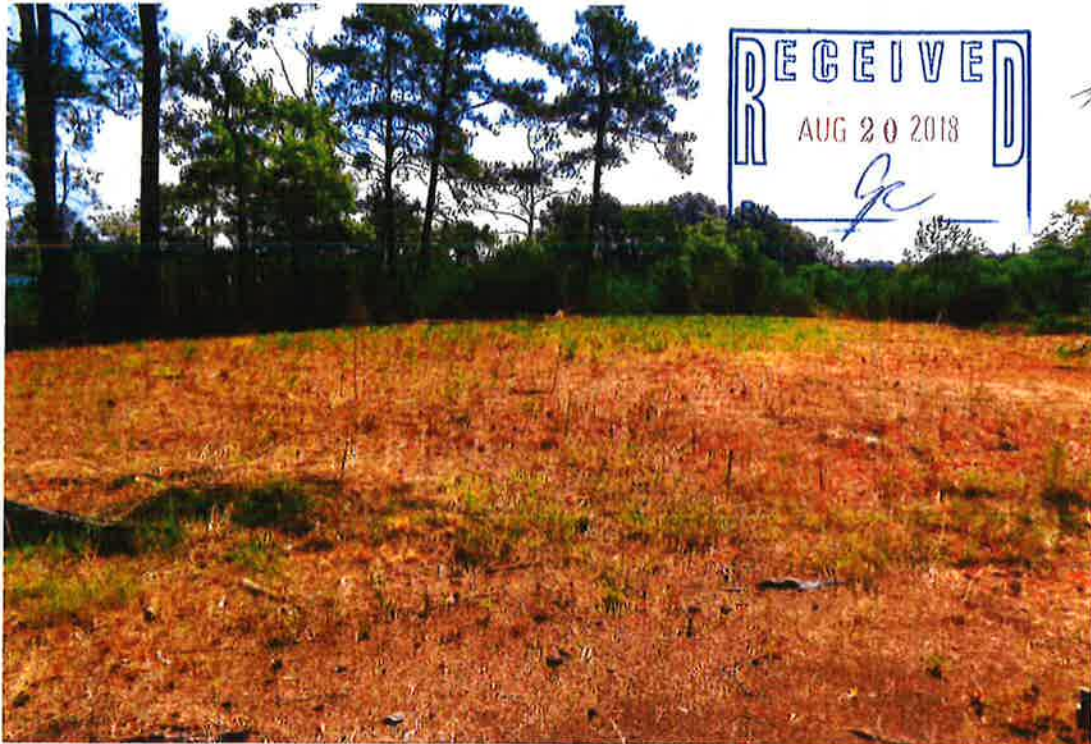


Figure 13. Photographs of disposal area, vacant upland area adjacent to marina basin.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
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IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
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Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
DATE: August 7, 2018

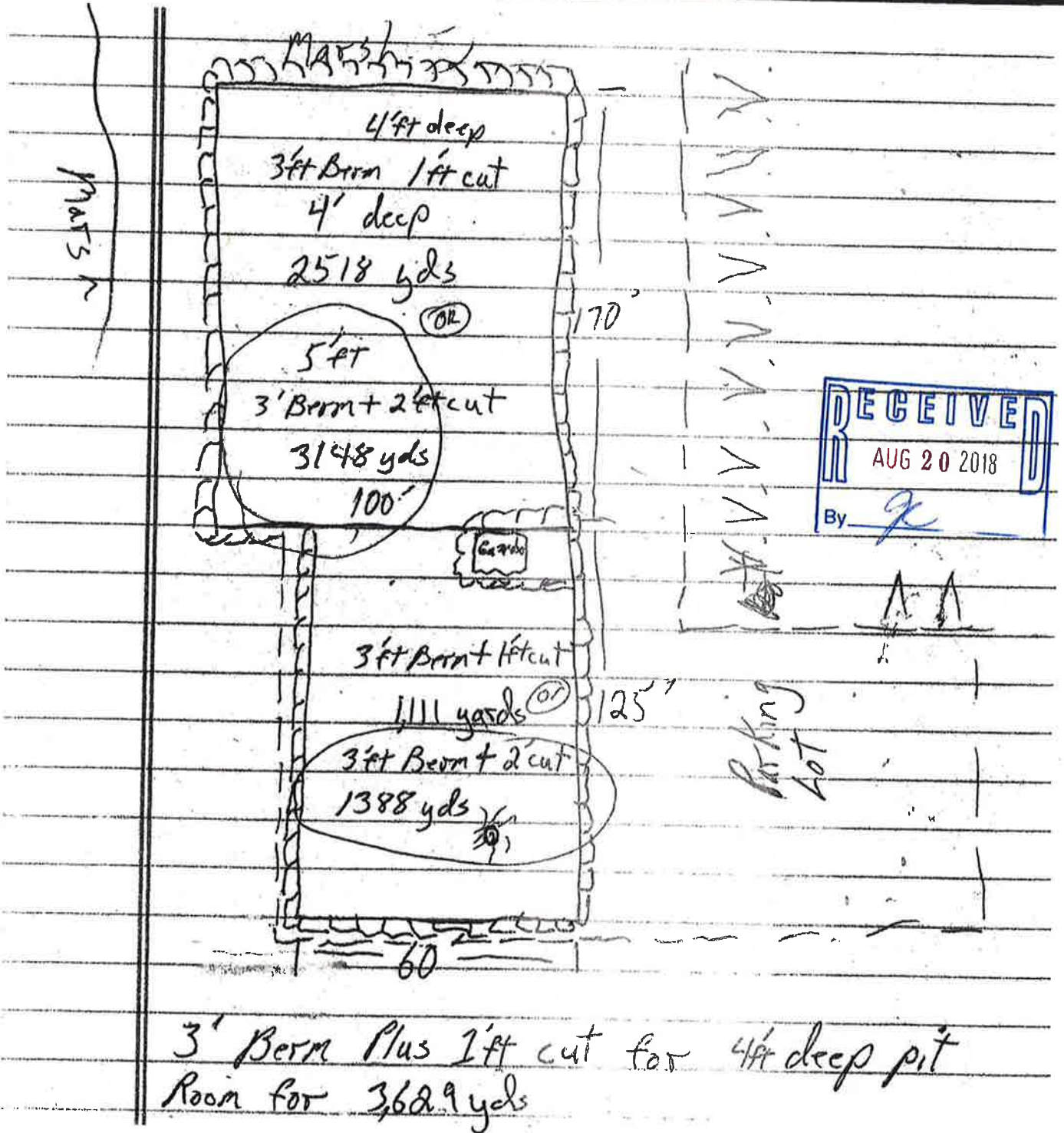


Figure 14. Plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).



-34 19.16 25.00

THIS DEED, MADE this 8 day of January, in the year of our Lord one thousand nine hundred and ninety-nine (1999),

BETWEEN: BAY VISTA INC., A DELAWARE CORPORATION, 902 Bay View Road, Rehoboth Beach, Delaware 19971, party of the first part,

-AND-

SARGIO CORP., a Delaware corporation, D-6 885 Marrows Road, P.O. Box 1066, Newark, Delaware, 19713, party of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of **ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)** Current Lawful Money of the United States of America and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors or assigns:

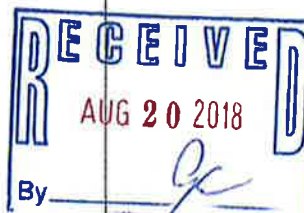
ALL that certain piece or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, being known and designated as "BAY VISTA MARINA AREA" as shown on a plot prepared by Coast Survey, Inc., Registered Surveyors, dated November 10, 1998, and being more particularly described as follows, to wit:

BEGINNING at an iron pipe located on the Southeasterly right of way line of Crazy Street, said pipe being located along the line of Lot H and being a corner for a Private Road; thence turning and running along the line of Lots H, I and J and running along said Private Road South 67 degrees 54 minutes 00 seconds East 235.00 feet to an iron pipe, said pipe being a corner for Lot J and said Private Road; thence turning and running along the line of Lot J, North 22 degrees 06 minutes 00 seconds East 118.13 feet to an iron pipe, said pipe being a corner for this land and Lot J and being located along the line of Bay Harbor Subdivision; thence turning and running along said Bay Harbor Subdivision, South 69 degrees 10 minutes 00 seconds East 155 feet +/- to an iron pipe, being a corner for this land; thence turning and running in a Southwesterly direction along the U.S. Government Canal Right of Way, running through the Lewes and Rehoboth Canal, a distance of 475 feet +/- to a point; thence turning and running in a southerly direction along Rhodes Creek 525 feet +/- to a point located along the line of the State of Delaware; thence turning North 67 degrees 54 minutes 00 seconds West 280 feet +/- to an iron pipe, said pipe being a corner for this land and Lot A; thence turning and running along the line of Lots A and B, North 22 degrees 06 minutes 00 seconds East 140.00 feet to an iron pipe, said pipe being located along the line of Lot B; thence turning and running along the line of Lot C, South 67 degrees 54 minutes 00 seconds East 100.00 feet to an iron pipe; thence turning and running along the line of Lot C, North 22 degrees 06 minutes 00 seconds East 100.00 feet to an iron pipe; thence turning North 67 degrees 54 minutes 00 seconds West 25.00 feet to an iron pipe, said pipe being located along the line of Lot C and being a corner for Lot D; thence turning and running along the line of Lots D and E, North 22 degrees 06 minutes 00 seconds

South 67 degrees 54 minutes 00 seconds East 100.00 feet to an iron pipe, said pipe being a corner for Lot F; thence turning and running along the line of Lots F and G, North 22 degrees 06 minutes 00 seconds East 200.00 feet to an iron pipe, said pipe being a corner for Lot G and being located along a Private Road; thence turning and running along said Private Road, North 67 degrees 54 minutes 00 seconds West 100.00 feet to an iron pipe, said pipe being a corner for Lot G and being located on the Southeasterly right of way line of Crazy Street; thence turning and running along Crazy Street, North 22 degrees 06 minutes 00 seconds East 40.00 feet to an iron pipe, said pipe being located along the line of Lot H, and being the point and place of beginning.

BEING a part of the same land conveyed Bay Vista, Inc. by a Deed of John H. Webb, dated January 8, 1953 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 415, page 396.

SUBJECT to and together with the ingress and egress to Lots H, I and J in the aforementioned private road.

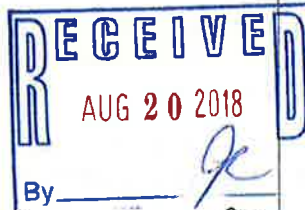


IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

BAY VISTA, INC.

By: Lucy S. Guenveur
President

Attest: Bonney T. Brotherton
Secretary



STATE OF DELAWARE :
 : ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 5th day of January A.D. 1999, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, LUCY S. GUENVEUR, President of BAY VISTA, INC., a corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and Deed, and the act and the Deed of the said corporation; that the signature of the President is in her own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

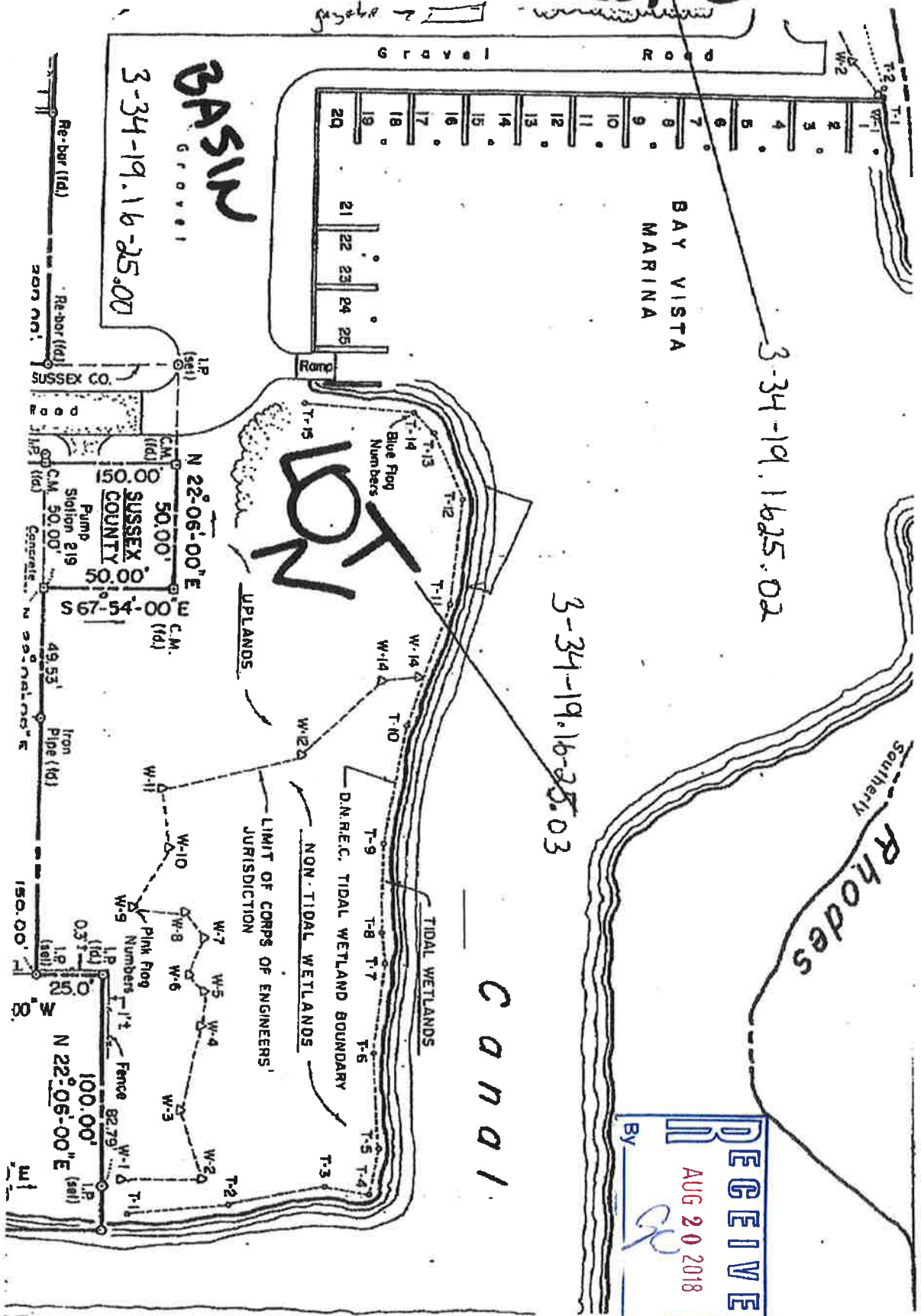
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Joan L. Tyndall
Notary Public

Joan L. Tyndall
Notary Public, Delaware
Comm. Exp 2/9/01

Print or Type Name _____
Commission Expires: _____

LOTO



3-34-19.1625.02

3-34-19.1625.03

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 By [Signature]

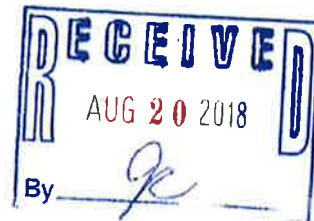


COASTAL & ESTUARINE RESEARCH, INC.
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

Amended Application
Exhibit: Z

August 7, 2018

Tyler Brown
Wetlands and Subaqueous Lands Section, DNREC
89 Kings Highway
Dover, DE 19901



Dear Tyler:

Enclosed are three copies of the DNREC Wetlands and Subaqueous Lands Section Basic Application Form and Appendix R (Maintenance Dredging), submitted on behalf of Sargio Corp. (c/o John Candeloro, applicant) to conduct 3,500 c.y. of mechanical maintenance dredging in the Bay Vista marina basin and access channel to depths of -4' MLW and -6' MLW, respectively, adjacent to the Lewes and Rehoboth Canal at Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-19.16-23.03). Dredging will be conducted by land-based and barge-mounted excavators. Dredged material (predominantly mud) will be placed in an on-site upland disposal area adjacent to/north of the marina basin (Tax Map Parcel #3-34-19.16-23.02), also owned by the applicant. Dredging and disposal will be conducted by Apple Marine Construction, Inc.

Also enclosed are two checks payable to the State of Delaware, one for \$300.00 for the dredging application fee, and one for \$85.00 for the Public Notice fee.

Please feel free to contact me if you have any questions, or require additional information to issue the permit.

Sincerely,

Evelyn M. Maurmeyer, Ph. D.

Enclosures

cc: John Candeloro, Sargio Corp. (applicant)
George Apple, Apple Marine Construction, Inc. (contractor)

Wetlands and Subaqueous Lands Section Basic Application Form

Section 1: Applicant Identification

1. Applicant's Name: Sargio Corp. Telephone #: (302) 545-4655
 Mailing Address: c/o John Candeloro Fax #: (302) 453-0446
PO Box 1066 E-mail: john@martahomes.com
Newark DE
2. Consultant's Name: Evelyn Maurmeyer Company Name: CER, Inc.
 Mailing Address: PO Box 674 Telephone #: (302) 645-9610
Lewes, DE 19958 Fax #: (302) 645-4332
 E-mail: maurmeye@udel.edu
3. Contractor's Name: George Apple Company Name: Apple Marine Construction
 Mailing Address: 11702 Bay Landing Dr. Telephone #: (410) 213-7097
Berlin MD 21811 Fax #: _____
 E-mail: georgerapple@comcast.net

Section 2: Project Description

4. Check those that apply:
 New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
Applicant proposes 3,500 c.y. mechanical maintenance dredging to a depths of -4' MLW (marina basin) and -6' MLW (access channel) in the Bay Vista marina basin, with disposal at adjacent uplands. See enclosed Project Description for details.
6. Check each Appendix that is enclosed with this application:

<input type="checkbox"/> A. Boat Docking Facilities	<input type="checkbox"/> G. Bulkheads	<input type="checkbox"/> N. Preliminary Marina Checklist
<input type="checkbox"/> B. Boat Ramps	<input type="checkbox"/> H. Fill	<input type="checkbox"/> O. Marinas
<input type="checkbox"/> C. Road Crossings	<input type="checkbox"/> I. Rip-Rap Sills and Revetments	<input type="checkbox"/> P. Stormwater Management
<input type="checkbox"/> D. Channel Modifications/Dams	<input type="checkbox"/> J. Vegetative Stabilization	<input checked="" type="checkbox"/> Q. Ponds and Impoundments
<input type="checkbox"/> E. Utility Crossings	<input type="checkbox"/> K. Jetties, Groins, Breakwaters	<input checked="" type="checkbox"/> R. Maintenance Dredging
<input type="checkbox"/> F. Intake or Outfall Structures	<input type="checkbox"/> M. Activities in State Wetlands	<input type="checkbox"/> S. New Dredging

Section 3: Project Location

7. Project Site Address: Bay Vista marina, Basin Street, Bay Vista County: N.C. Kent Sussex
Rehoboth Beach DE 19971 Site owner name (if different from applicant): same
 Address of site owner: "

8. Driving Directions: See Figures 1, 2, and 3 for maps and directions

(Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: #3-34-19.16-23.03 Subdivision Name: Bay Vista



WLS Use Only: Permit #: 36818

Type SP SL SU WE WQ LA SA MP WA

Corps Permit: SPGP 18 20 Nationwide Permit #: _____ Individual Permit #: _____

Received Date: 8/22/18 Project Scientist: _____

Fee Received? Yes No Amt: \$ 300.00 Receipt #: 677022

Public Notice #: _____ Public Notice Dates: ON _____ OFF _____

85th PN 677023

Wetlands and Subaqueous Lands Section Basic Application Form

Section 3: Project Location (Continued)

Bay Vista Marina,

10. Name of waterbody at Project Location: access chann waterbody is a tributary to: Lewes and Rehoboth Canal

11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water 245' ± (marina basin)

12. Is the project: On public subaqueous lands? On private subaqueous lands?*
 In State-regulated wetlands? In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:

Applicant owns marina basin

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: Agricultural Residential Commercial Industrial Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):
See attached sheet.

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

n/a

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

Applicant's contractor met on site with Tyler Brown and Zack Messick,

WSLS, DNREC.

A. Have you had a State Jurisdictional Determination performed on the property? Yes No

B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? Yes No

*If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands? Yes No

*If yes, provide the permit and/or lease number(s):

LA-0015/90; LA-033/02

*If no, were structures and/or fill in place prior to 1969? Yes No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

No Pending Issued Denied Date: submitted 8/7/18

Type of Permit: IP

Federal Permit or ID # not yet available



18. Have you applied for permits from other Sections within DNREC? No Pending Issued Denied Date: submitted 8/7/18 Permit or ID #: not yet available

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: DCMP Coastal Consistency Certification

Layer Visibility

Addresses/Parcels

911 Addresses Id?

Tax Parcels Id?

Parcel Labels

Annotation

Zoning

County Districts

Schools/Libraries

Hydrology

Tax Index/Tax Ditch

Transportation

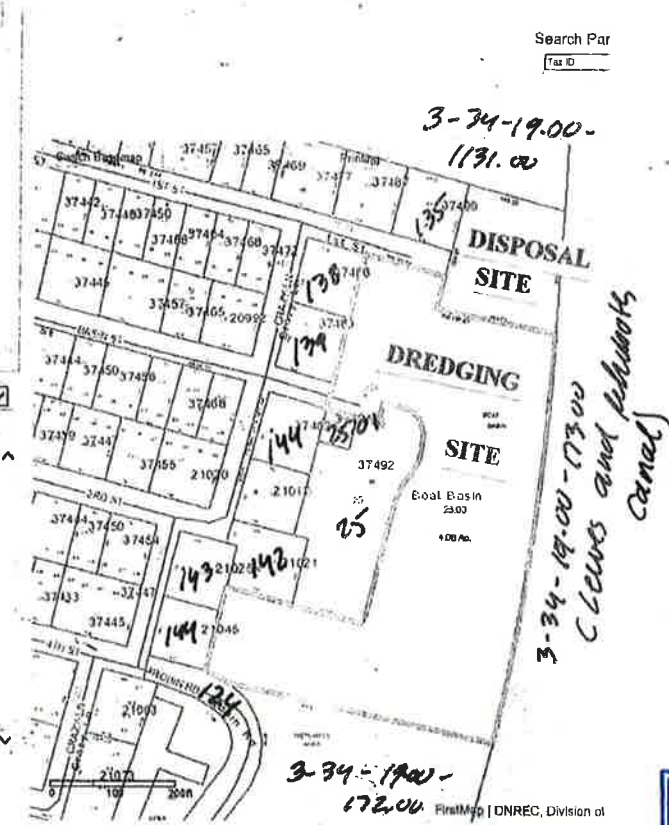
Statewide

Selected Features: Tax Parcels (1) Zoom

1) 334-19.16-23.03

Book	D 2353 34
Owner Name	SARGIO, CORPORATION
Mailing Address	PO BOX 1086
City	NEWARK
State	DE
Description	BOAT BASIN
Description 2	BAY VISTA MARINA
Land Code	MA
School	8
BLDG Improvement	3600
LND Improvement	20400
PIN with Unit	334-19.16-25.03

Selected Features (1)



14A. List the name and complete mailing address of the immediately adjoining property owners on all sides of the project.

Dredging Site: Bay Vista Marina basin, Tax Map Parcel #3-34-19.16-23.03
Disposal Area: Adjacent cleared upland area (Tax Map Parcel #3-34-19.16-23.02)

Public Hearing notes

Tax Map Parcel #	Name, address of owner
#3-34-19.00-1131.00	Susan Townley & Robert Wood, 37777 Bay Harbor Circle, Rehoboth Beach, DE 19971
#3-34-19.16-135.00	Henry & Phoebe Shaubach, 1004 Buck Road, Quarryville, PA 17566
#3-34-19.16-138.00	Janice Manley, 2606 Landon Dr., Wilmington, DE 19808
#3-34-19.16-139.00	Harvey & Darlene Janner, 202 Glennshane Pass, Bear, DE 19701
#3-34-19.16-140.00	Ashley & David Bickel, 37482 Basin Street, Rehoboth Beach, DE 19971
#3-34-19.16-25.01	Sussex County Pump Station #219, PO Box 589, Georgetown, DE 19947
#3-34-19.16-25.00	Candeloro Properties, LLC, 885 Marrows Road, Newark, DE 19713
#3-34-19.16-142.00	James & Bianca Hilt, 4 Hillspring Rd., Chadds Ford PA 19317
#3-34-19.16-143.00	Glenn Brown, Trustee, 71 McBry Dr., Dover, DE 19901,
#3-34-19.16-144.00	Glenn & Charity Vernon, 21045 Crazy Lane, Rehoboth Beach, DE 19971
#3-34-19.16-124.00	(Robin Road), Ronald T. Moore, 20408 Silver Lake Drive, Rehoboth Beach, DE 19971
#3-34-19.00-172.00	State of Delaware, Div. of Parks and Recreation, 89 Kings Highway, Dover, DE 19901
#3-34-19.00-173.00	Lewes and Rehoboth Canal, United States Govt., PO Box 2000, Georgetown, DE 19947

Section 5: Signature Page

19. Agent Authorization:

If you elect to complete this agent authorization section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf.

I wish to authorize an agent as indicated below.

I, John M. Candeloro, hereby designate and authorize Evelyn Maurmeyer
 Name of Applicant Sargio Corp. Name of Agent

to act on my behalf in the processing of this application and to furnish any information that is requested by the Department.

Authorized Agent's Name: Evelyn Maurmeyer
 Mailing Address: C.E.R., Inc. Telephone #: (302) 645-9610
P.O. Box 674 Fax #: (302) 645-4332
Lewes, DE 19958 E-mail: maurmeye@udel.edu

20. Agent Signature

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge, I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

[Signature]
 Agent's Signature

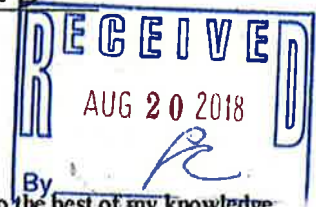
8/7/18
 Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Sargio Corp. John M. Candeloro
 Applicant's Signature
John M. Candeloro
 Print Name

7-1-18
 Date



22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans is true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Apple Marine Construction Inc.
 Contractor Name
George Apple, Pres.

7-1-18
 Date



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

August, 2018

**PROJECT DESCRIPTION:
MECHANICAL MAINTENANCE DREDGING,
BAY VISTA MARINA AND ACCESS CHANNEL
REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE**

Applicant

Sargio Corp.
John M. Candeloro
PO Box 1066
Newark, DE
(302) 545-4655 (cell)
johnm@marthahomes.com

Contractor

Apple Marine Construction, Inc.
George Apple
11702 Bay Landing Drive
Berlin, MD 21811
(401) 213-7097; (443) 944-5199
Georgerapple1@comcast.net

Project Location

The dredging site is the Bay Vista Marina basin and access channel, located on Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware. See Figures 1 and 2 for location maps and directions to the site. The site is identified as Tax Map Parcel #3-34-19.16-23.03, Sargio Corp., owner (see Figure 3). The site is depicted on the U.S.G.S topographic map, Rehoboth Beach, Delaware quadrangle (Figure 4), and is an artificially-excavated basin adjacent to the Lewes and Rehoboth Canal. The marina provides slips for approximately 25 vessels; a boat launch ramp is also present. See Figure 5a for GoogleEarth 2017 aerial photograph. The artificially-excavated basin was present in 1968 (see Figure 5b for 1968 aerial photograph). The dredging site is depicted on the National Wetlands Inventory Map (Figure 6), and is mapped E1UBL (estuarine subtidal, unconsolidated bottom, subtidal). The dredging site is depicted on State of Delaware DNREC wetland map #036, 1988 photobase (Figure 7), and is mapped W (water). See Figure 8 for photographs of marina and access channel.

Existing Conditions

Existing MLW depths range from 0' to -1.7' in the slips; typically -1.8' in the center of the basin; and -1.1' to 1.2' in the access channel. See Figure 9 for plan view sketch showing existing MLW depths (as measured on site by Evelyn Maurmeyer, CER, Inc., August 5, 2018). These depths are too shallow for boaters to leave or enter their slips at lower stages of tide (boats rest on the substrate); boaters have to time their egress and ingress to coincide with high tide, resulting in limited boating opportunities. Water depth drops of to -6' MLW and greater in the Lewes and Rehoboth Canal. See Figure 10 for representative cross-section sketches showing existing and proposed depths. Bottom material consists predominantly of mud (see photographs, Figure 11).



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Project Description

The following activities are proposed:

- **Maintenance Dredging.** Accumulated sediment will be removed from the marina basin by mechanical dredging. A long-reach (50') excavator based on uplands will remove sediment from the slips, to a distance of about 40' from the bulkhead. The excavator will then swing around and place the material directly into the disposal area (see next section for detailed description of disposal area). Sectional barges will be transported to the site by trucks and will be assembled on site. A crane will lift the two barges into the water. An excavator will be placed on the larger of the two barges, and will conduct mechanical dredging from the water. Excavated material will be placed directly onto the second, smaller barge. When full, the smaller barge will be pushed toward shore, and the excavator will unload the dredged material directly into dump trucks, which will transport the material directly into the on-site disposal area. The marina basin area to be dredged is 245'± x 115'± (28,175 sq. ft./0.65 acre), to a depth of -4' MLW; the access channel dredging area is 95'± x 50'± (4,750 sq. ft./0.11 acre±), to a depth of -6' MLW (to tie into existing MLW depth in the adjacent waterway, Lewes and Rehoboth Canal); see Figure 12. Total volume to be dredged is 3,500 c.y.
- **Dredged Material Disposal.** Dredged material will be transported and deposited into a cleared upland area (also owned by the applicant), adjacent to/north of the marina basin, as described in the preceding section. See Figure 3 for location; Figure 5a for 2017 GoogleEarth aerial photograph; Figure 6 for site location on National Wetlands Inventory Map (site is mapped uplands); Figure 7 for site location on State of Delaware DNREC wetland map #036, 1988 photobase (site is mapped O, other, uplands or non-tidal wetlands less than 400 acres); and Figure 13 for photographs. The site is approximately 140' x 135' at its widest, and is 14,853 sq. ft. (0.35 acre) in size, and will accommodate up to 3,500 c.y. Site preparation will involve excavating a 2' to 3' deep cut, and using the excavated material to create a 3' to 4' high earthen berm around the site. See Figure 14 for plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).

Project Purpose

Purpose of proposed project is to restore navigable depths in the Bay Vista Marina slips, marina basin, and access channel to allow vessels ingress and egress at all stages of the tide.

MAINTENANCE DREDGING OR EXCAVATING

- If dredged material is to be placed in a disposal site, a separate map showing the location of the disposal site should be attached. This drawing must indicate the proposed retention levees, weirs, spillways, and/or devices for retaining the materials.
- Bottom samples to determine heavy metals or other toxic materials must be taken and analyzed if deemed necessary by the DNREC staff. The responsibility, as well as the expense incurred for obtaining and analyzing these samples, must be borne by the applicant.
- If maintenance dredging is to be done, evidence of previous dredging must be provided. Any previously issued permit with drawings which indicates the date the dredging occurred, the area involved and dredging depth constitutes acceptable proof.
Marina basin was excavated prior to 1968 (see Figure 5b).
- Please make sure answers to all of the questions in this appendix correspond to information on the application drawings.

1. How many cubic yards of material will be MAINTENANCE DREDGED or excavated channelward of the:

- a. Tidal waters: mean high water line? 3,500 cu. yds.
mean low water line? 3,500 cu. yds.
- b. Non-tidal waters: ordinary high water line? n/a cu. yds.

Does this account for the total volume of proposed dredging for the project? Yes No

If there is new dredging associated with this project (dredging beyond previously authorized dimensions) please fill out appendix S for new dredging.

2. What will be the dimensions of the dredged or excavated area relative to mean low water (for tidal areas only) or ordinary water level (for non-tidal areas only)?

<u>245'</u> length	<u>-4'</u> depth	<u>115'</u> base width	<u>115'</u> top width	marina basin
<u>95'</u> "	<u>-6'</u> "	<u>50'</u> "	<u>50'</u> "	access channel

3. What are average existing depths in area of proposed dredging? 1-2' ± ft. (mlw/ohw)
Include a survey of proposed and existing depths on application drawings. (see Figures 9 and 10)
Dredging will tie into existing depths.

4. What is the proposed dredging depth in relation to surrounding bathymetry? 4'; 6' ft.(mlw/ohw)
Indicate both proposed depths and surrounding depths on attached drawings.
See Figures 9 and 10 for plan view and cross-sections showing existing and proposed depths.

5. By what method(s) (hydraulic, clamshell or other) will the dredging be done? If other, explain:
Mechanical (long-reach excavator); see Project Description for details.



6. What is proximity of the dredging project to the nearest creek bank or banks? 3' ft. (bulkhead)
 What are existing land uses along this bank(s)? 10'+ (marsh)
 Land use is parking area (uplands), and open space (marsh).

Describe the existing shoreline along this bank (vegetation, rip-rap, bulkhead, etc.).

Bulkheading (and some stone rip-rap) along marina basin banks; wetland vegetation along access channel (see aerial photograph, Figure 5a and ground-level photographs, Figure 8).

7. Describe characteristics of the material to be disposed including:
- Physical nature of material (i.e. sand, silt, clay, etc.). Give percentages of various fractions if available.
 Predominantly mud (see photograph, Figure 11).
 - Chemical composition of material - Many areas have sediments with high concentration of pollutants (chemicals, organics etc.) which may be re-suspended or reintroduced into the water. For heavily industrialized sites, a chemical analysis of this material should be provided (if applicable).
 Information not available.
 - What are the dewatering properties of material to be disposal of?
 Material anticipated to dewater within months of disposal.

8. How will the dredged or excavated material be transported to its disposal area?
 Directly from land-based long-reach excavator, and by trucks (see Project Description for details).

9. Land Disposal Areas. SEE ATTACHED SHEET

- Describe dimensions, characteristics and exact locations of the proposed dredged material disposal site (provide photographs, directions to, and complete plans of disposal site).
- Describe method of dredged material containment (embankment, behind bulkhead, etc.)
- What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater?
- Disposal site coordinates _____ latitude _____ longitude
- What methods will be used to ensure that spoil water does not adversely affect water quality both during construction and after completion of the project?
- Describe present land use of the disposal site.



9. Land Disposal Areas

- a. The proposed dredged material disposal site is a vacant, cleared upland area adjacent to/north of the dredging site, identified as Tax Map Parcel #3-34-19.16-25.02 (Sargio Corp., owner). See Figure 3 for location map; Figure 5a for GoogleEarth 2017 aerial photograph; Figure 6 for site location on National Wetlands Inventory Map (site is mapped uplands); Figure 7 for site location on State of Delaware DNREC wetland map #036, 1988 photobase (site is mapped O, other, uplands or non-tidal wetlands less than 400 acres); Figure 13 for ground-level photographs; and Figure 14 for plan view sketch with dimensions and description of proposed site preparation.
- b. Dredged material will be contained by earthen berms and silt fencing. Contractor will excavate to a depth of -2' to -3', and will use the material to build up an earthen berm +3' to +4' in height.
- c. The Bay Vista community is served by city water. There are no drinking water wells in the vicinity that would be affected by possible leachates/salt water.
- d. Latitude: 38.699° North (approximate center of disposal site)
Longitude: 75.0946° West (approximate center of disposal site)
- e. Contractor will place excavated material directly into disposal site, or into trucks for transport to minimize adverse effects on water quality. Earthen berm and silt fencing will contain excavated material after completion of dredging.
- f. Present use of disposal area is open space. A portion of the site was previously used for disposal of excavated material from a nearby community.

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10. Water Disposal Areas/ Beneficial Use Projects Not applicable

Describe methods to be used for water disposal including volumes and site selection, and containment (if applicable). Include Fill or Wetland Appendix If applicable.

11. Describe the existing water characteristics at the site, including chemical analysis for water quality.

See attached sheet

12. Identify the dredging and disposal schedule to ensure that operations do not degrade water quality during times of anadromous fish migration.

Dredging/disposal will be conducted late fall/winter 2018/19.

13. Has an Erosion and Sediment Control Plan been approved by the designated plan approval agency for the project? An Erosion and Sediment Control Plan is required for any project disturbing more than 5,000 square feet of uplands. Final approved plans must be received by this office prior to permit issuance.

Yes No Not required E&S plan to be submitted to Sussex SCD.

Important time of year restriction information:

Please be advised that all dredging in the Inland Bays must be undertaken between September 1 and December 31 in order to protect summer and winter flounder and other aquatic species. Dredging in other Delaware waters may also be subject to certain time of year restrictions in order to protect fish and wildlife. Contact DNREC for more specific information regarding the restrictions that may apply within your project area.

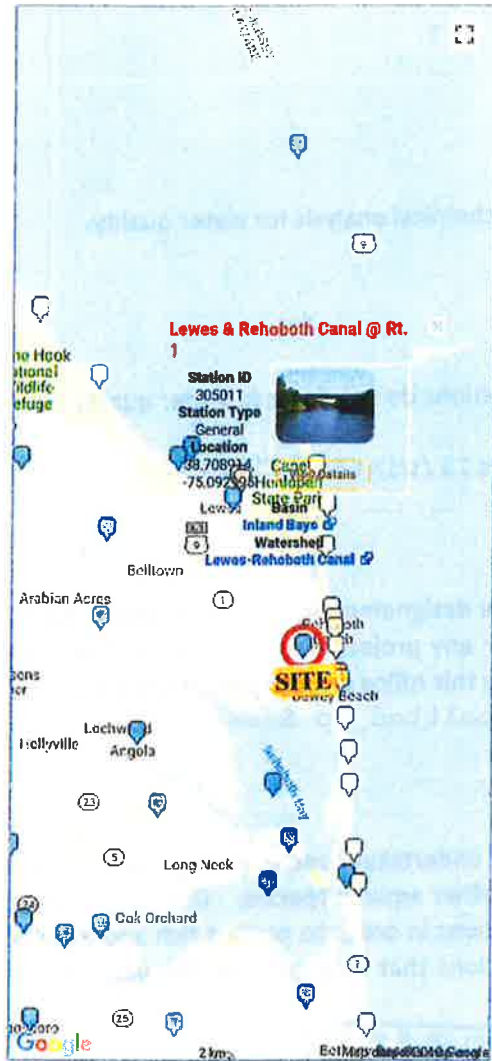


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189 Items

Draw Watersheds Full State Zoom Search Data Bookmark Reset



Station Type
 27 Beach
 22 Boat Run
 140 General

Select a Basin
 30 Chesapeake Bay
 93 Delaware Bay and Estuary Basin
 44 Inland Bays
 22 Piedmont

Select a Watershed
 8 Appoquinimink River
 4 Army Creek
 1 Assawoman
 3 Blackbird Creek
 3 Brandywine Creek
 6 Broad Creek

Data Table 305011

Station Information

Station ID: 305011
Station Name: Lewes & Rehoboth Canal @ Rt. 1
Period of Record: Mar 09, 2000 - Aug 23, 2017
Basin: [Inland Bays](#)
Watershed: [Lewes-Rehoboth Canal](#)
[View Historical Station Data](#)
[Download Historical Station Data \(.csv\)](#)



[Zoom to this station](#)
[Highlight Location](#)

Latest Water Quality Samples

Parameter	Value	ResultType	Date
Water Temp	27.1 °C	Actual	Aug 22, 2017
pH	7.3	Actual	Aug 22, 2017
Salinity	24.18 ppt	Actual	Aug 22, 2017
Enterococcus	74.0 cfu/100 ml	Actual	Aug 22, 2017
Dissolved Oxygen	5.43 mg/l	Actual	Aug 22, 2017
Total Nitrogen	0.97 mg/l	Actual	Aug 22, 2017
Total Phosphorus	0.12 mg/l	Actual	Aug 22, 2017
Chlorophyll A	18.80 mg/l	Actual	Aug 22, 2017
Total Suspended Solids	35.1 mg/l	Actual	Aug 22, 2017

Beach Boat Run General



This site was developed by the Delaware Environmental Observing System and the Delaware Environmental Monitoring & Analysis Center in coordination with the DNREC Watershed Assessment Section. All data for this site were obtained from the National Water Quality Monitoring Council's National Water Quality Portal (www.waterqualitydata.us).



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel

AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE

Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018

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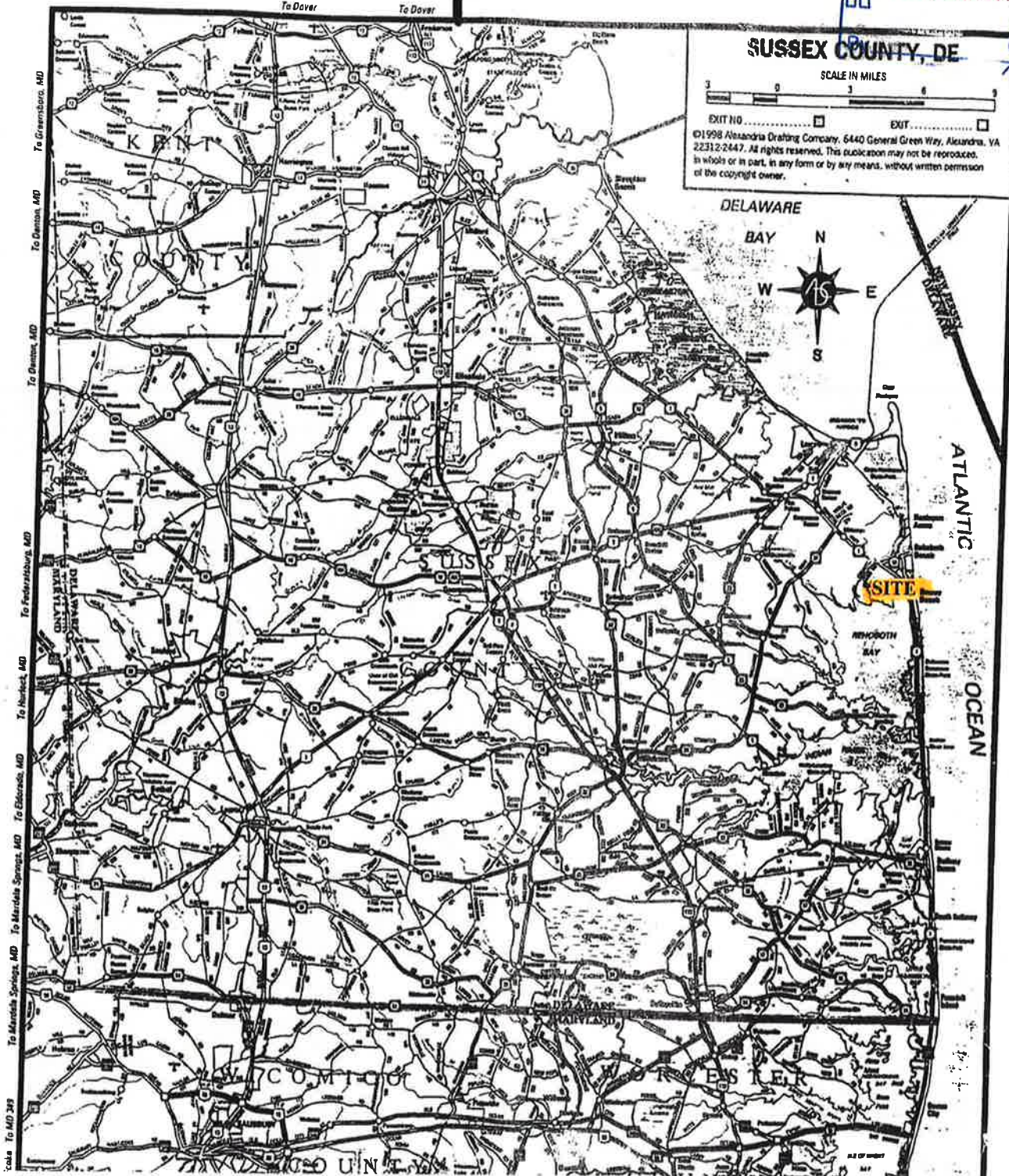


Figure 1. Map of Sussex County, Delaware showing project site, Bay Vista, Rehoboth Beach.

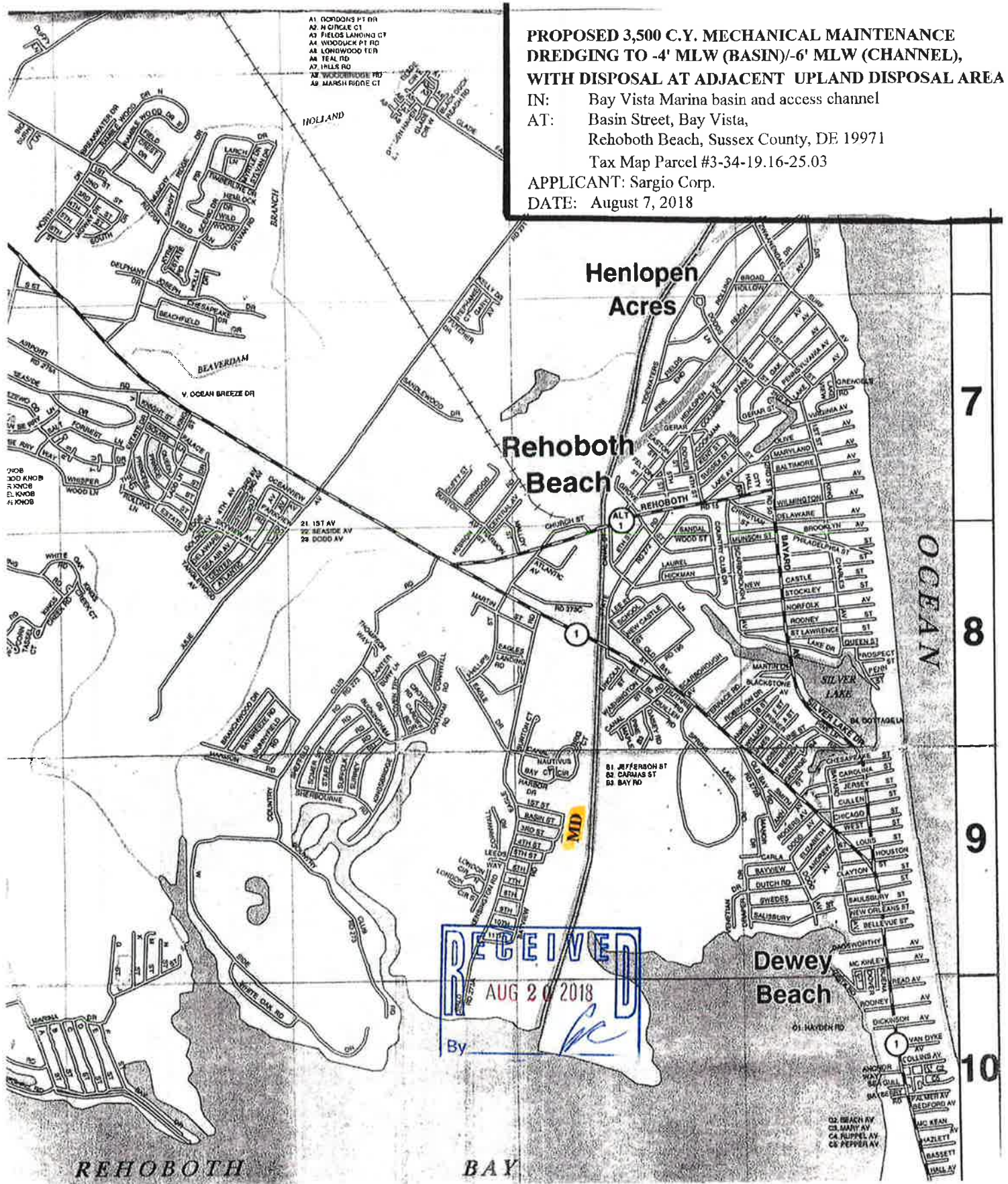


Figure 2. Map of Rehoboth Beach, Sussex County, Delaware showing maintenance dredging (MD) site, Bay Vista Marina. Directions to site (from Dover, DE): SR-1 southbound toward Rehoboth Beach; right onto Bay Vista Road; left onto Basin Road; marina is at end of road. Disposal site is cleared upland area adjacent to/north of basin. Also see Figure 3.

Sussex County Mapping

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sargio Corp.
 DATE: August 7, 2018

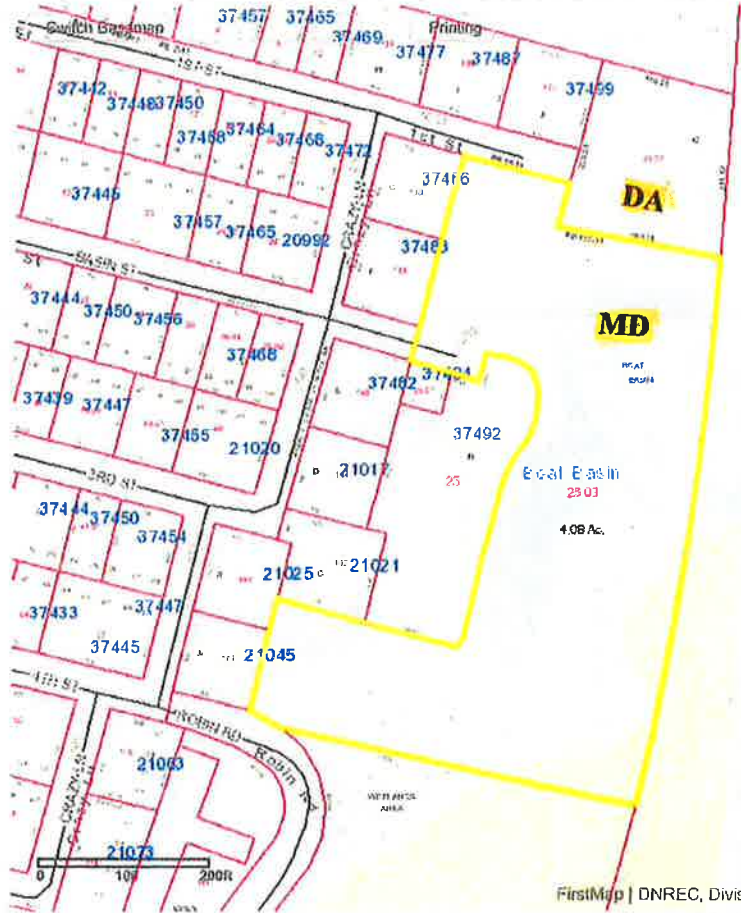
Layer Visibility

- Addresses/Parcels
 - 911 Addresses Id?
 - Tax Parcels Id?
 - Parcel Labels
 - Annotation
- Zoning
- County Districts
- Schools/Libraries
- Hydrology
- Tax Index/Tax Ditch
- Transportation
- Statewide

Selected Features: **Tax Parcels (1)**

Book	D 2353 34
Owner Name	SARGIO, CORPORATION
Mailing Address	PO BOX 1066
City	NEWARK
State	DE
Description	BOAT BASIN
Description 2	BAY VISTA MARINA
Land Code	MA
School	6
BLDG Improvement	3600
LND Improvement	20400
PIN with Unit	334-19.16-25.03

Selected Features (1)



Search Par
Tax ID

Figure 3. Maintenance dredging (MD) site location, Bay Vista Marina basin, Tax Map Parcel #3-34-19.16-25.03 (Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware). Disposal area (DA) is Tax Map Parcel #3-34-19.16-25.02, adjacent to/north of basin. Applicant owns marina and disposal area.



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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Rehoboth Beach, Sussex County DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018



Figure 4. Site location on U.S.G.S. topographic map, Rehoboth Beach, Delaware quadrangle. Site is adjacent to Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

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Google Earth Pro

feet 600
meters 100



Figure 5a. GoogleEarth 2017 aerial photograph showing maintenance dredging (MD) site, Bay Vista Marina basin and entrance channel, adjacent to Lewes and Rehoboth Canal; and disposal area (DA), cleared uplands adjacent to/north of basin.



ArcGIS - Delaware 1968 Orthophotography

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
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ArcGIS ▾ Delaware 1968 Orthophotography

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Figure 5b. 1968 aerial photograph showing Bay Vista Marina basin and access channel.

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National Wetlands Inventory

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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 Rehoboth Beach, Sussex Countv. DE 19971
 Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
 DATE: August 7, 2018

- BASEMAPS >
- MAP LAYERS >
- Wetlands 1 2
 - Riparian 1 2
 - Riparian Mapping Areas 1 2
 - Data Source 1 2
 - Source Type
 - Image Scale
 - Image Year
 - Areas of Interest 2
 - FWS Managed Lands 1 2
 - Historic Wetland Data 1 2



Figure 6. National Wetlands Inventory Map showing maintenance dredging (MD) site, Bay Vista Marina basin and access channel, adjacent to Lewes and Rehoboth Canal. Site is mapped E1UBL (estuarine subtidal, unconsolidated bottom, subtidal). Disposal area (DA) mapped uplands.



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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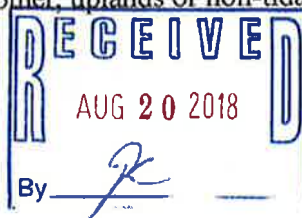
IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018



Figure 7. State of Delaware DNREC wetland map #036 (1988 photobase) showing maintenance dredging (MD) site, Bay Vista Marina basin and access channel, adjacent to Lewes and Rehoboth Canal. Site is mapped W (water). Disposal area (DA) mapped O (other, uplands or non-tidal wetlands less than 400 acres). Scale: 1" = 300'.



**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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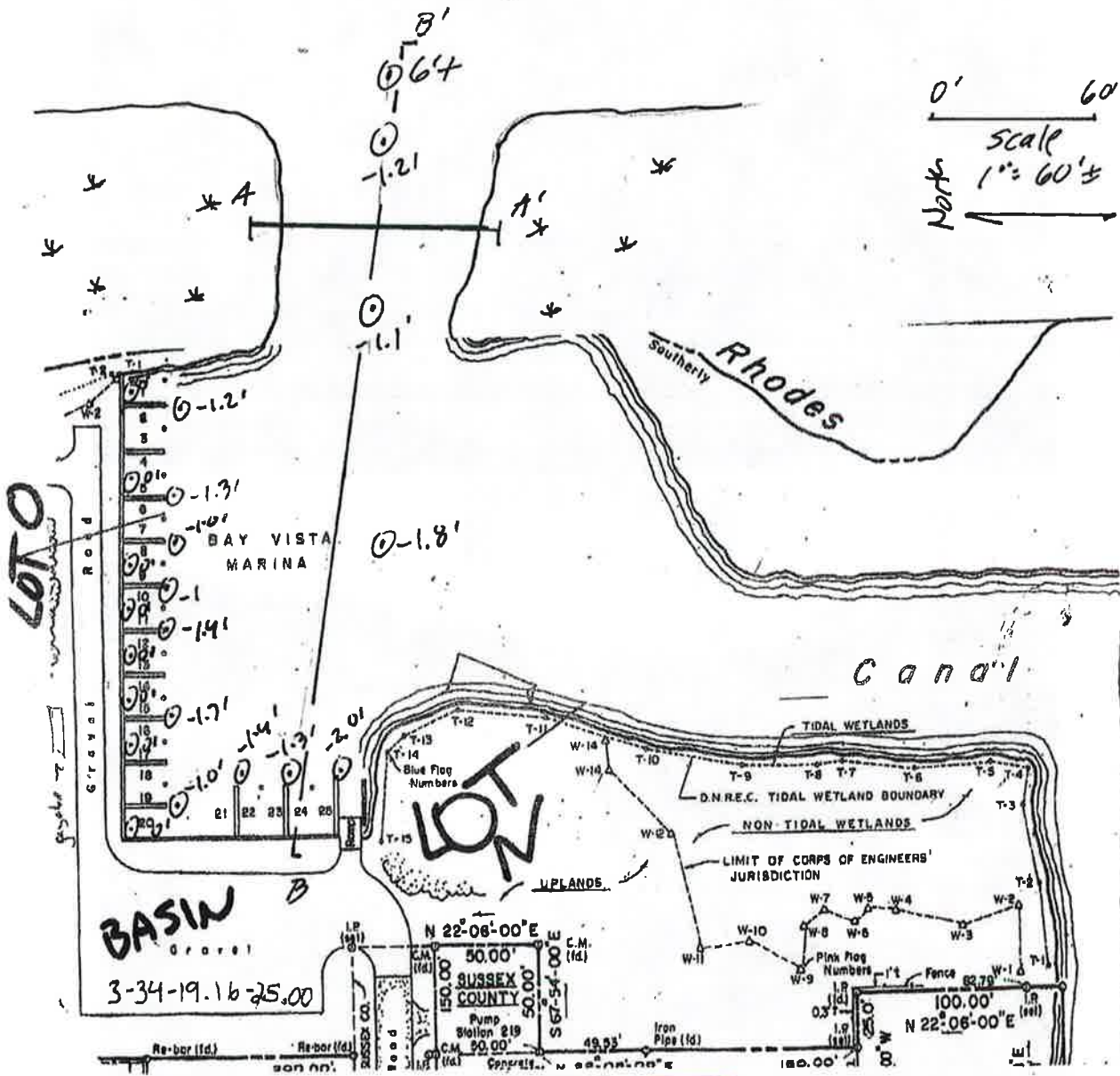
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Figure 8. Photographs of maintenance dredging site, Bay Vista Marina basin (top) and access channel (bottom), adjacent to Lewes and Rehoboth Canal.

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN: Bay Vista Marina basin and access channel
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 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sargio Corp.
 DATE: August 7, 2018

LEWES AND REHOBOTH CANAL flood ← → EMB



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Figure 9. Plan view sketch showing existing MLW depths, as measured on site by Evelyn Maurmeyer, CER, Inc., August 5, 2018.

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA

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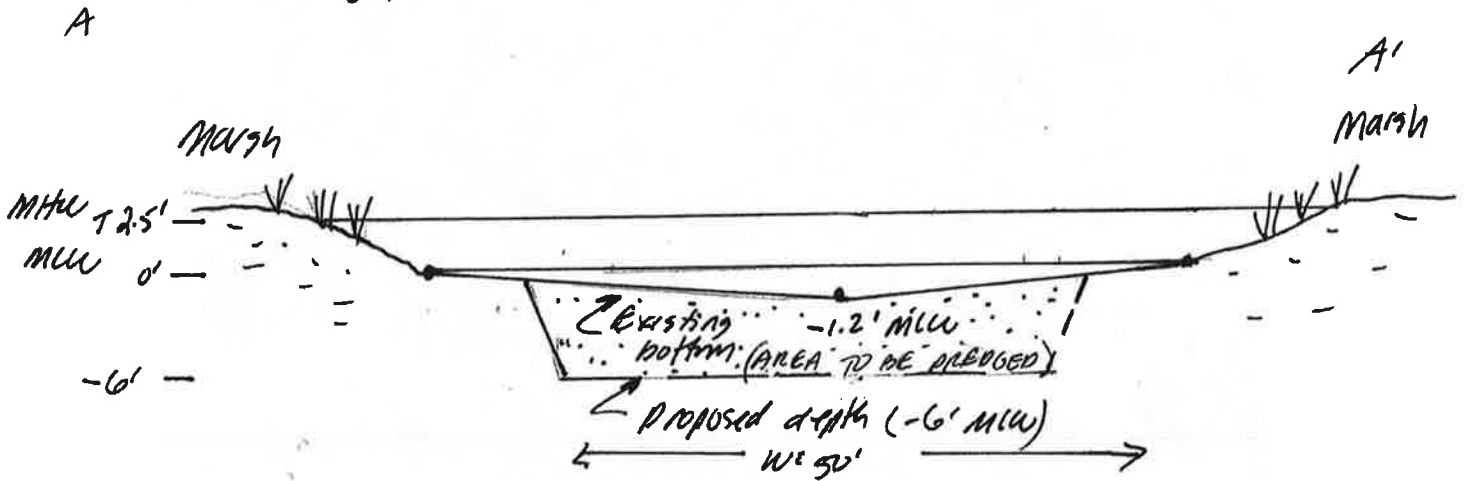
DATE: August 7, 2018

(1) CROSS-SECTION: ACCESS CHANNEL

Horiz. scale: 1" = 20' ±

Vert. scale: 1" = 10' ±

Vert. slope = 5:1

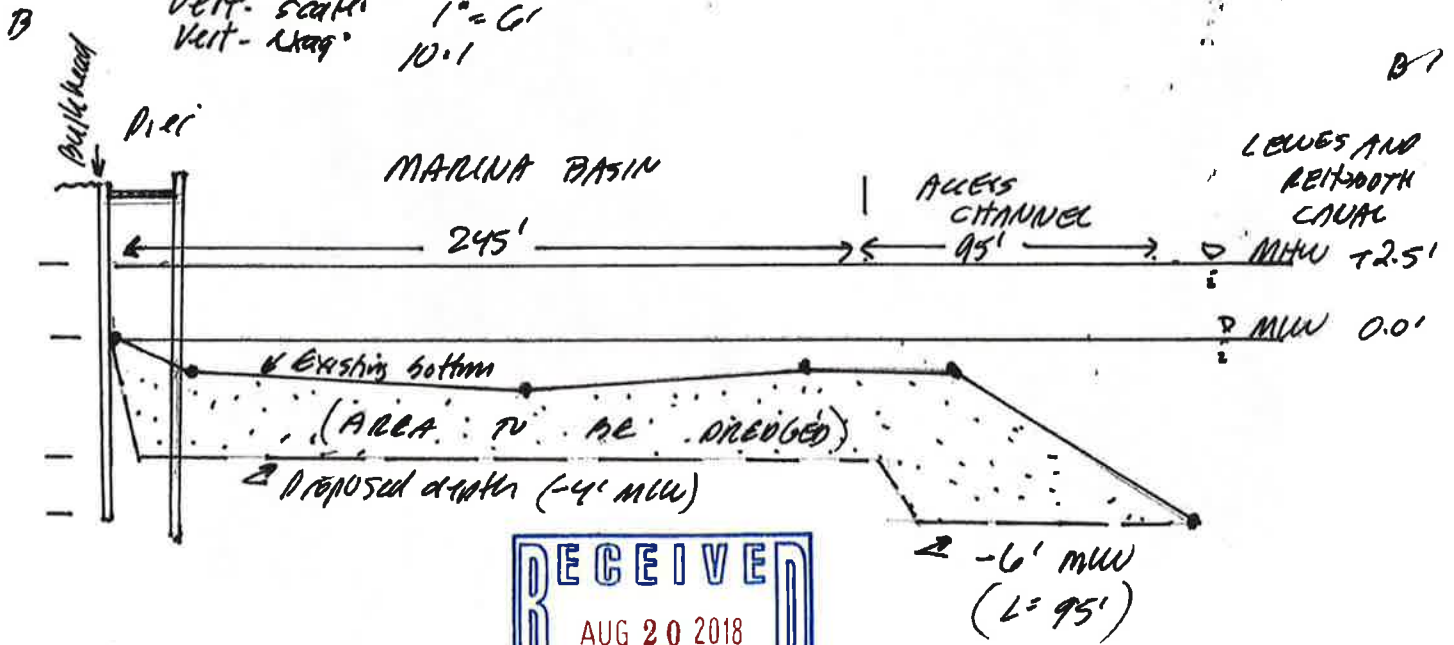


(2) CROSS-SECTION: MARINA BASIN

Horiz. scale: 1" = 60' ±

Vert. scale: 1" = 6' ±

Vert. slope = 10:1



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Figure 10. Representative cross-section sketches showing existing and proposed depths.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.

DATE: August 7, 2018



Figure 11. Photographs of sediment core from Bay Vista Marina basin. Material consists predominantly of mud (silt + clay).

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Canal

-6' MLW

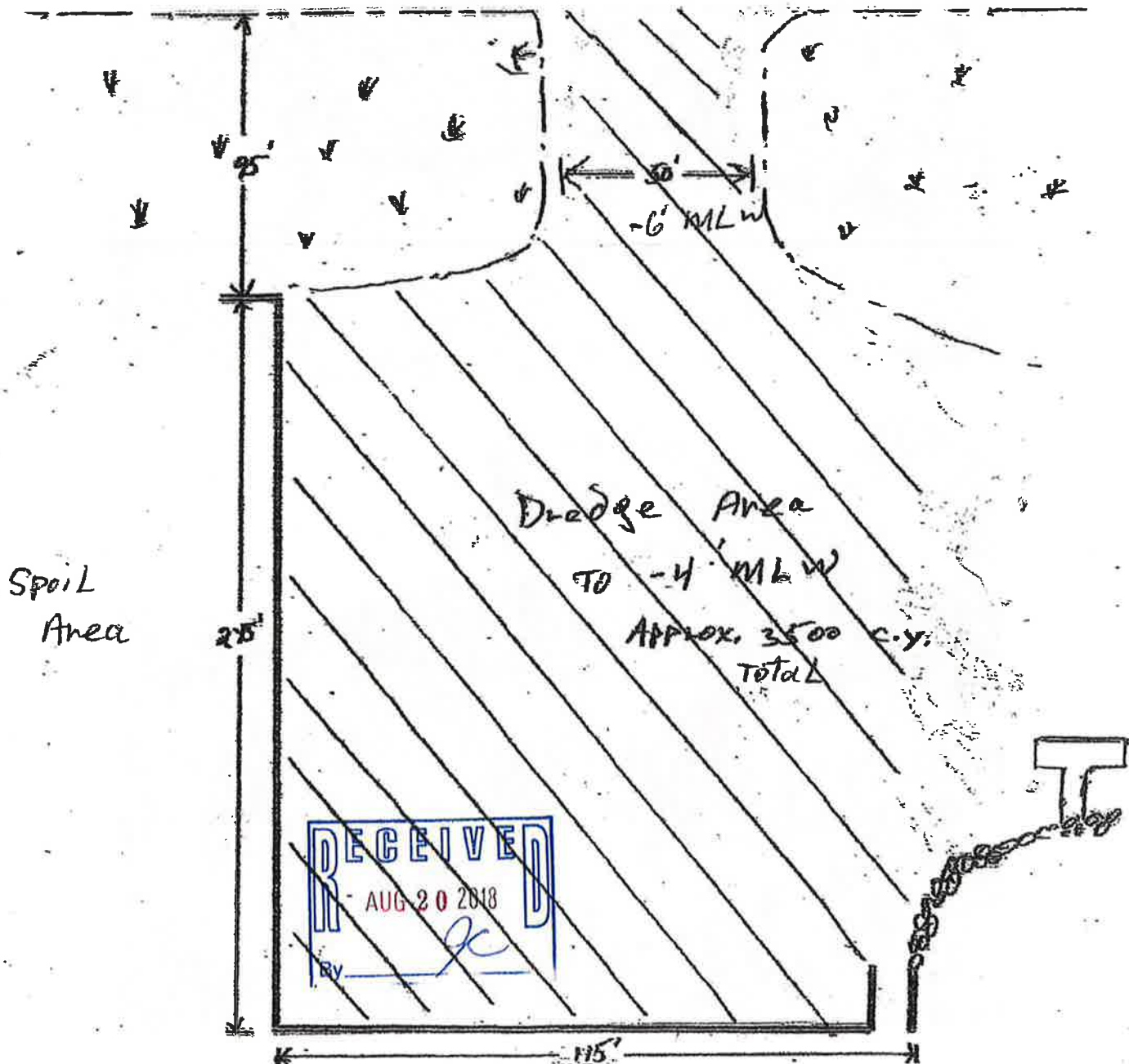


Figure 12. Plan view diagram (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor) showing dimensions and extent of area to be dredged (cross-hatched).

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
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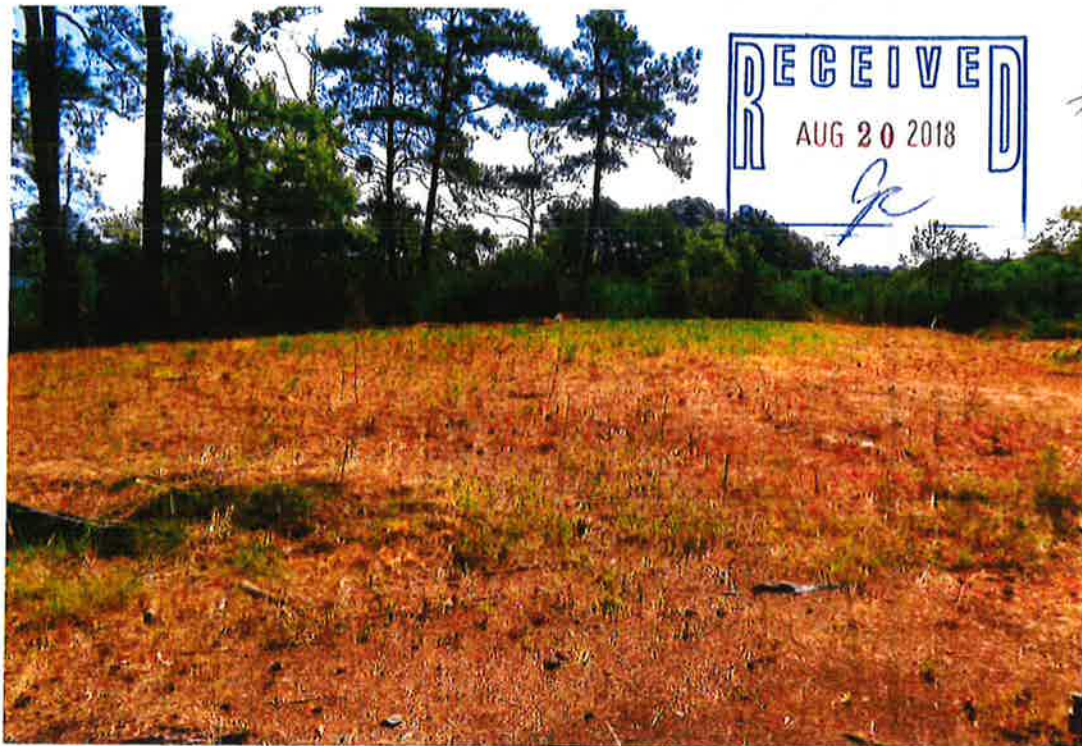
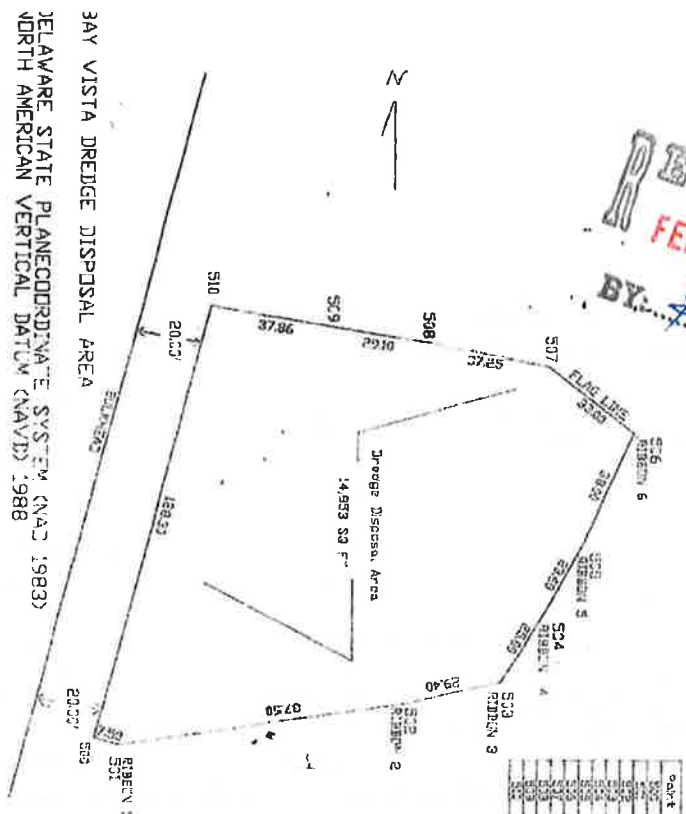


Figure 13. Photographs of disposal area, vacant upland area adjacent to marina basin.

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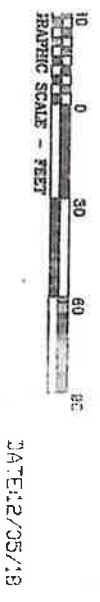


POINT	Longitude	Easting
S01	748551.185	748551.185
S02	748551.185	748551.185
S03	748551.185	748551.185
S04	748551.185	748551.185
S05	748551.185	748551.185
S06	748551.185	748551.185
S07	748551.185	748551.185
S08	748551.185	748551.185
S09	748551.185	748551.185
S10	748551.185	748551.185

Notes:

- a vegetation berm will be installed around perimeter of proposed disposal area, with a 5' ft fence around the berm and inside.
- a stability curtain will be installed at the riverine entrance.
- after dredging is completed the disposal area will be stabilized by leveling and riprap soils placed on top and seeded.

REYNOLDS SURVEYS, INC.
 1418 Siding Rd.
 P.O. Box 200
 1418 Siding Rd.
 Green Bay, WI
 54903-1188
 TEL: (920) 439-1188



BAY VISTA DREDGE DISPOSAL AREA
 DELAWARE STATE PLANE COORDINATE SYSTEM (NAD 1983)
 NORTH AMERICAN VERTICAL DATUM (NAVD) 1988

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO 4' MLW (BASIN)/6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sergio Corp.

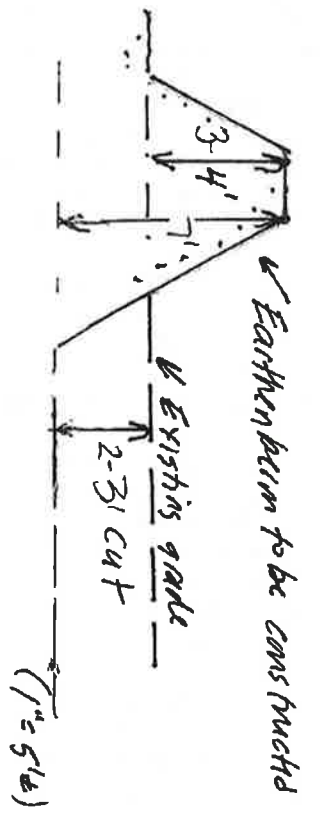
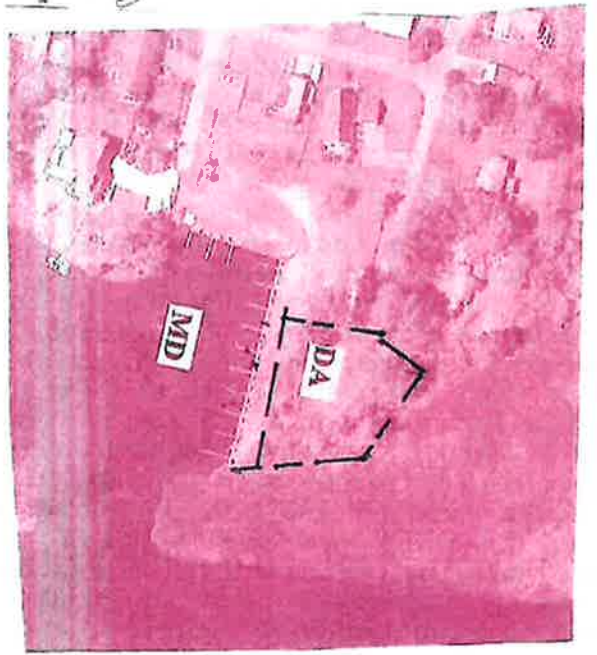
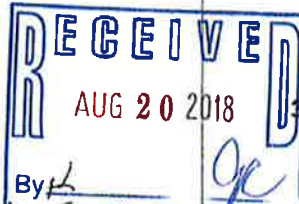


Figure 14. Plan view (survey) and cross-section of proposed disposal site.



THIS DEED, MADE this 8 day of January, in the year of our Lord one thousand nine hundred and ninety-nine (1999),

BETWEEN: BAY VISTA INC., A DELAWARE CORPORATION, 902 Bay View Road, Rehoboth Beach, Delaware 19971, party of the first part,

-AND-

SARGIO CORP., a Delaware corporation, D-6 885 Marrows Road, P.O. Box 1066, Newark, Delaware, 19713, party of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of **ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)** Current Lawful Money of the United States of America and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors or assigns:

ALL that certain piece or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, being known and designated as "BAY VISTA MARINA AREA" as shown on a plot prepared by Coast Survey, Inc., Registered Surveyors, dated November 10, 1998, and being more particularly described as follows, to wit:

BEGINNING at an iron pipe located on the Southeasterly right of way line of Crazy Street, said pipe being located along the line of Lot H and being a corner for a Private Road; thence turning and running along the line of Lots H, I and J and running along said Private Road South 67 degrees 54 minutes 00 seconds East 235.00 feet to an iron pipe, said pipe being a corner for Lot J and said Private Road; thence turning and running along the line of Lot J, North 22 degrees 06 minutes 00 seconds East 118.13 feet to an iron pipe, said pipe being a corner for this land and Lot J and being located along the line of Bay Harbor Subdivision; thence turning and running along said Bay Harbor Subdivision, South 69 degrees 10 minutes 00 seconds East 155 feet +/- to an iron pipe, being a corner for this land; thence turning and running in a Southwesterly direction along the U.S. Government Canal Right of Way, running through the Lewes and Rehoboth Canal, a distance of 475 feet +/- to a point; thence turning and running in a southerly direction along Rhodes Creek 525 feet +/- to a point located along the line of the State of Delaware; thence turning North 67 degrees 54 minutes 00 seconds West 280 feet +/- to an iron pipe, said pipe being a corner for this land and Lot A; thence turning and running along the line of Lots A and B, North 22 degrees 06 minutes 00 seconds East 140.00 feet to an iron pipe, said pipe being located along the line of Lot B; thence turning and running along the line of Lot C, South 67 degrees 54 minutes 00 seconds East 100.00 feet to an iron pipe; thence turning and running along the line of Lot C, North 22 degrees 06 minutes 00 seconds East 100.00 feet to an iron pipe; thence turning North 67 degrees 54 minutes 00 seconds West 25.00 feet to an iron pipe, said pipe being located along the line of Lot C and being a corner for Lot D; thence turning and running along the line of Lots D and E, North 22 degrees 06 minutes 00 seconds

South 67 degrees 54 minutes 00 seconds East 100.00 feet to an iron pipe, said pipe being a corner for Lot F; thence turning and running along the line of Lots F and G, North 22 degrees 06 minutes 00 seconds East 200.00 feet to an iron pipe, said pipe being a corner for Lot G and being located along a Private Road; thence turning and running along said Private Road, North 67 degrees 54 minutes 00 seconds West 100.00 feet to an iron pipe, said pipe being a corner for Lot G and being located on the Southeasterly right of way line of Crazy Street; thence turning and running along Crazy Street, North 22 degrees 06 minutes 00 seconds East 40.00 feet to an iron pipe, said pipe being located along the line of Lot H, and being the point and place of beginning.

BEING a part of the same land conveyed Bay Vista, Inc. by a Deed of John H. Webb, dated January 8, 1953 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 415, page 396.

SUBJECT to and together with the ingress and egress to Lots H, I and J in the aforementioned private road.



IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

BAY VISTA, INC.

By: Lucy S. Guenveur
President

Attest: Bonney T. Baatholm
Secretary



STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 5th day of January A.D. 1999, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, LUCY S. GUENVEUR, President of BAY VISTA, INC., a corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and Deed, and the act and the Deed of the said corporation; that the signature of the President is in her own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

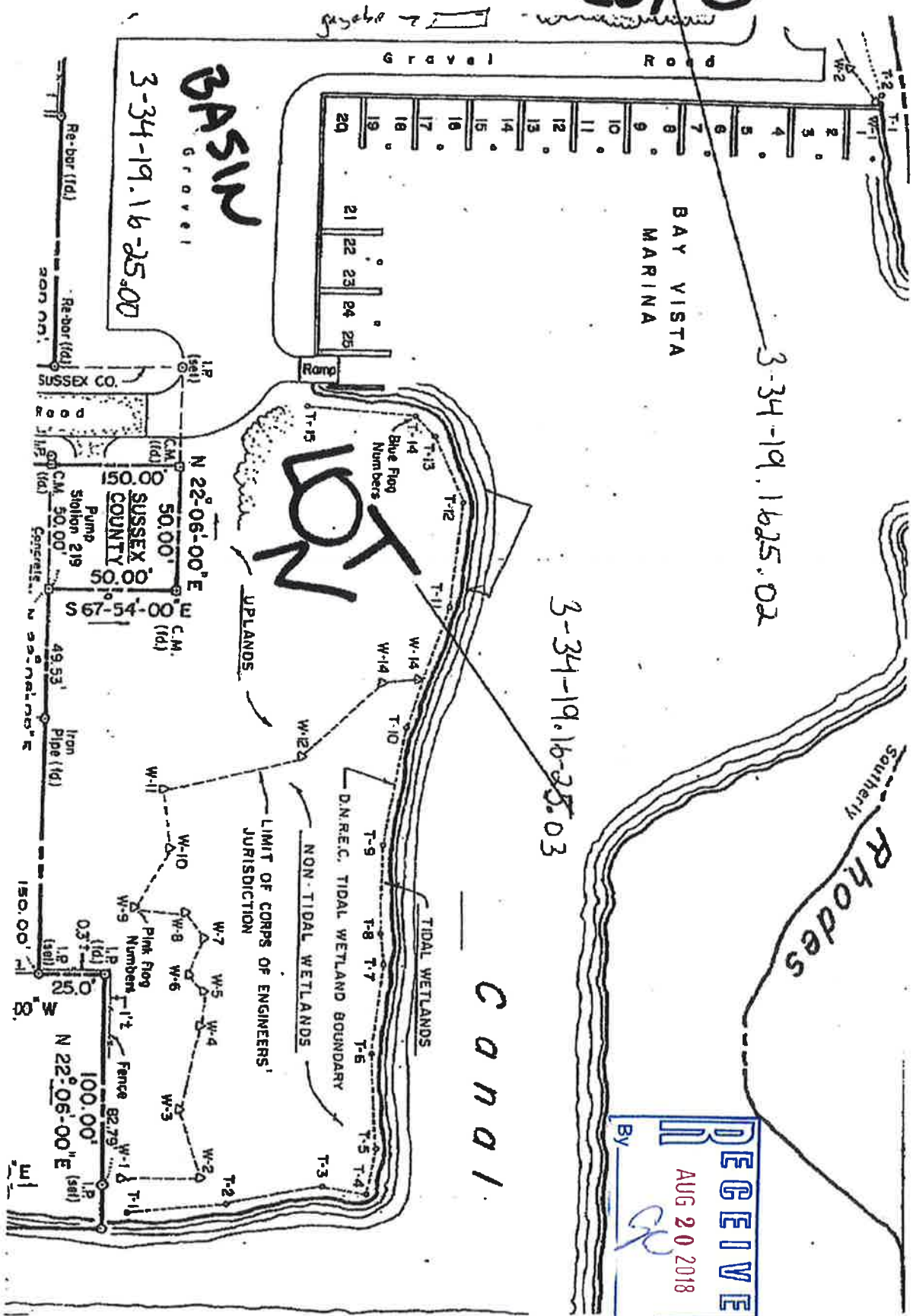
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Joan L. Tyndall
Notary Public

Joan L. Tyndall
Notary Public, Delaware

Print or Type Name _____
Comm. Exp 2/9/01
Commission Expires: _____

LOTO



BASIN
Gravel
3-34-19.16-25.00

BAY VISTA
MARINA

LOTO

CANAL

Rhodes

3-34-19.1625.02

3-34-19.16-25.03

RECEIVED
 AUG 20 2018
 BY [Signature]



Public Notice for Original Application Exhibit: 3

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: SD DIV WATER RESOURCES
Address: 97 COMMERCE WAY
DOVER DE 19904
USA

Ad No.: 0003160821
Pymt Method Invoice
Net Amt: \$438.36

Run Times: 1
Run Dates: 09/19/18

No. of Affidavits: 1

Text of Ad:



Subaqueous Lands Lease Supplemental

The Retreat at Love Creek Homeowners Association, Inc-To install a 4 by 5 foot long kayak launch connecting to an existing 8 by 20 foot long community structure in Love Creek at the terminus of Cardiff Circle, The Retreat at Love Creek, Lewes, Sussex County, DE

Subaqueous Lands Permit Application

Robert M. Reed-To remove an existing dock and to install a 3 by 15 foot long gangway connecting to a 4 by 4 foot long floating pier and a 6 by 30 foot long floating dock in the Lewes and Rehoboth Canal at 57 Tidewaters Road, Henlopen Acres, Sussex County, DE

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DNREC, Division of Parks and Recreation-To install a 5 by 565 foot long wetland walkway and a 5 by 20 foot long portion of an observation platform in State-regulated wetlands in order to create a formal loop to link the Seahawk Trail at Holts Landing State Park west of Holts Landing Road, Dagsboro, Sussex County, DE

Subaqueous Lands Permit and Water Quality Application

Sargio Corporation-To mechanically maintenance dredge 3,500 cubic yards of material to a depth of -4 feet below MLW in the marina basin and to a depth of -6 feet below MLW in the access channel and to dispose of the dredged material at an adjacent upland lot within the community at Bay Vista Marina located at the terminus of Basin Street in Rehoboth Beach, Sussex County, DE

Oceanport Industries LLC-To maintenance dredge to a depth of 32 feet below mean low water, removing up to 25,000 cubic yards of sediment in the Delaware River, located at 6200 Philadelphia Pike, Claymont, New Castle County, Delaware, and to dispose of the sediment at Weeks Marine, White's Basin disposal facility in Logan Township, Gloucester County, NJ

State-regulated Wetlands Map Change

H. Drexel and Beverly Harrington-To request a change of State wetlands map DNR-87 to reclassify approximately 14,342 ft² of State-Regulated Wetlands delineated as Marsh (M) to reflect the current conditions of uplands (O, Other) and to reclassify approximately 1,606 ft² of delineated uplands (O, Other) to reflect the current conditions of Marsh (M) located adjacent to Riverside Park Marina at 909 Pilottown Road, Lewes, Sussex County, DE

These Documents/Applications above are available for review by contacting:

3600 Highway 66, Neptune, NJ 07753

Gayle Calder
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901
(302) 739-9943 FAX (302) 739-6304

If you have any comments, please return this memo to this office by October 9, 2018.

A public hearing on the above applications will NOT be held unless the Secretary of DNREC determines that a public hearing is in the public interest or if a written meritorious objection to the application is received within 20 days from this notice. A public hearing request shall be deemed meritorious if it exhibits familiarity with the application and provides a reasoned statement of the action's probable impact.
9/19-NJ



The News Journal
Media Group

A GANNETT COMPANY

Street Address:
950 West Basin Road
New Castle, DE 19720

(302) 324-2500
(800) 235-9100

Mailing Address:
P.O. Box 15505
Wilmington, DE 19850

Legal Desk:
(302) 324-2676
Legal Fax:
302 324-2249

SD DIV WATER RESOURCES
97 COMMERCE WAY

DOVER, DE 19904

DE,

AFFIDAVIT OF PUBLICATION

State of Delaware
New Castle County

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

09/19/18 A.D 2018


Sworn and subscribed before me, this 19 day of
September, 2018

Ad Number: 0003160821

Legal notification printed at larger size for affidavit.





Subaqueous Lands Lease Supplemental

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Wetlands and Subaqueous Lands Section
69 Kings Highway
Dover, DE 19901
(302) 739-9943 FAX (302) 739-6304

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Proof

Client	DNREC WATER RESOURCES	Phone	(302) 739-4691
Address	DNREC FINANCIAL SERVICES 97 COMMERCE WAY DOVER, DE 19904	EMail	gayle.calder@state.de.us
		Fax	

AD #	287861	Requested By	DNREC WATER RESOURCES
Account#	119141	PO #	Retreat Love Crk
Class	5500	Created By	JLEVY
Start Date	09/19/18	Creation Date	09/14/2018
End Date	09/19/18	Dimensions	3 X 8.278
Run Dates	2	Price	\$161.67
Pubs	Delaware State News, Newszap		
Order #	287861		

Sales Rep	Janet Levy	Phone	(302) 741-8273
		EMail	jlevy@newszap.com
		Fax	(302) 741-8215



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89 Kings Highway
Dover, DE 19901

(302) 739-9943 FAX (302) 739-6304

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287861 DSN 9/19/2018



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Wetlands and Subaqueous Lands Section

89 Kings Highway
Dover, DE 19901

(302) 739-9943 FAX (302) 739-6304
If you have any comments, please return this

memo to this office by October 9, 2018.

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287861 DSN 9/19/2018

INDEPENDENT NEWSMEDIA INC. USA

110 Galaxy Drive • Dover, DE • 19901 • 1-800-282-8586

State of Delaware:

County of Kent:

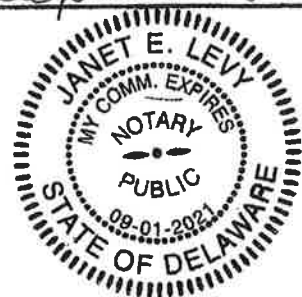
Before me, a Notary Public, for the County and State aforesaid. Darel LaPrade, known to me to be such, who being sworn according to law deposed and says that he is the publisher of the **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of September 19, 2018.

Darel LaPrade

Publisher
Delaware State News

Sworn to and subscribed before me this 19th

Day of September A.D. 2018



Janet Levy
Notary Public

12
SEP 18 2018

MEMORANDUM

PROJECT NOTICE NO.20
DATE: September 19, 2018

TO:

SECRETARY - DNREC
DIRECTOR - Division of Energy and Climate
ADMINISTRATOR - Coastal Programs
DIRECTOR - Division of Air Quality
DIRECTOR - Division of Waste Management
DIRECTOR - Division of Parks & Recreation
DIRECTOR - Division of Fish & Wildlife
MANAGERS - Fisheries, Mosquito Control, Wildlife
DIRECTOR - Division of Watershed Stewardship
DIRECTOR - Division of Water
MANAGER - Groundwater Discharges Section
MANAGER - Surfacewater Discharges

Correspondance from
public for application
notice
Exhibit: 4

GEORGETOWN OFFICE - Division of Water
CHIEF - Public Affairs, DNREC
CHIEF - Planning
DELAWARE GEOLOGICAL SURVEY
NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL
COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE
ENVIRONMENTAL PROTECTION AGENCY
U. S. FISH & WILDLIFE SERVICE
U. S. ARMY CORPS OF ENGINEERS
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
ADJACENT PROPERTY OWNER
WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS
PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 19, 2018. If you have any comments, please return this memo to this office by October 9, 2018.

SARGIO CORP

PROJECT NOTICE NO. 20

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control -
Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: SARGIO CORP. SUBAQUEOUS LAND PERMIT

Signed: [Signature]

Date Notice Received: 9/17/18

Div./Address: 37452 Basin Street

No comments: APPROVE

Phone: 302 545 4555

My comments are as follows LOOKING FORWARD TO A DEEPER, DREGGED MARINA AND THE ABILITY TO ACCESS THE CANAL AT MID TIDE. I GIVE FULL SUPPORT TO THIS PERMIT

OCT 1 - 2018

[Signature]

George

MEMORANDUM

PROJECT NOTICE NO.20
DATE: September 19, 2018

TO:

- SECRETARY - DNREC
- DIRECTOR - Division of Energy and Climate
- ADMINISTRATOR - Coastal Programs
- DIRECTOR - Division of Air Quality
- DIRECTOR - Division of Waste Management
- DIRECTOR - Division of Parks & Recreation
- DIRECTOR - Division of Fish & Wildlife
- MANAGERS - Fisheries, Mosquito Control, Wildlife
- DIRECTOR - Division of Watershed Stewardship
- DIRECTOR - Division of Water
- MANAGER - Groundwater Discharges Section
- MANAGER - Surfacewater Discharges

- GEORGETOWN OFFICE - Division of Water
- CHIEF - Public Affairs, DNREC
- CHIEF - Planning
- DELAWARE GEOLOGICAL SURVEY
- NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES
- DEPARTMENT OF HEALTH AND SOCIAL SERVICES
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- U. S. FISH & WILDLIFE SERVICE
- U. S. ARMY CORPS OF ENGINEERS
- NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
- ADJACENT PROPERTY OWNER
- WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

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SARGIO CORP

PROJECT NOTICE NO. 20

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control - Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: SARGIO CORP.
 Signed: Harvey K. James + Mrs. Darlene James
 Date Notice Received: _____
 Div./Address: _____

OCT 1 - 2018

No comments: _____
 Phone: 302-690-5300

My comments are as follows

See Pictures Enclosed:

Sept 8th 2018

To whom it may concern; Day Vista Marina at
Terminus of Basin St. RoboBath Beach. Sussex County, De.
Rescue cannot Accure yhrs During Low Tide, Had this
happens During Low Tide

Thanks!

H. J. J. and J.

9/27/18



OCT 1 - 2018

gr

Sept 8th 2018



OCT 1 - 2018
de

MEMORANDUM

PROJECT NOTICE NO.20
DATE: September 19, 2018

TO:

SECRETARY - DNREC
DIRECTOR - Division of Energy and Climate
ADMINISTRATOR - Coastal Programs
DIRECTOR - Division of Air Quality
DIRECTOR - Division of Waste Management
DIRECTOR - Division of Parks & Recreation
DIRECTOR - Division of Fish & Wildlife
MANAGERS - Fisheries, Mosquito Control, Wildlife
DIRECTOR - Division of Watershed Stewardship
DIRECTOR - Division of Water
MANAGER - Groundwater Discharges Section
MANAGER - Surfacewater Discharges

GEORGETOWN OFFICE - Division of Water
CHIEF - Public Affairs, DNREC
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DELAWARE GEOLOGICAL SURVEY
NEW CASTLE, SUSSEX & KENT COUNTY PLANNING OFFICES
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL
COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE
ENVIRONMENTAL PROTECTION AGENCY
U. S. FISH & WILDLIFE SERVICE
U. S. ARMY CORPS OF ENGINEERS
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
ADJACENT PROPERTY OWNER
WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS
PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 19, 2018. If you have any comments, please return this memo to this office by October 9, 2018.

SARGIO CORP

PROJECT NOTICE NO. 20

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control –
Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: Project NO 20
Signed: Henry Shambra
Date Notice Received: 9/20/2018
Div./Address: 37499 First Street Rehoboth Beach, DE. 19971
No comments: See enclosed Comments
Phone: 717 468 8924
My comments are as follows

See enclosed Comments

28 September 2018

Department of Natural Resources &
Environmental Control - Wetlands &
Subaqueous Lands Sections

89 Kings Highway
Dover, Delaware 19901

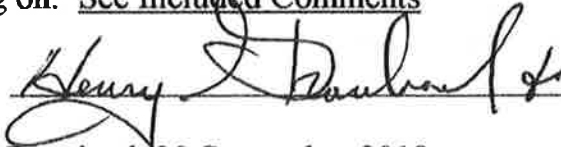
Henry & Phoebe M. Shaubach
1004 Buck Road
Quarryville, PA. 17566

Sargio Corp.

Commenting on Project Notice NO. 20

Commenting on: See Included Comments

Signed:

A handwritten signature in black ink, appearing to read "Henry & Phoebe M. Shaubach", is written over a horizontal line.

Date Notice Received: 20 September 2018

Div. / Address: 1004 Buck Road,
Quarryville, PA. 17566

No Comments: See Included Comments.

Phone: (717) 468 8924
(717) 284 4944

My Comments are as follows:

The following information and comments are in relation to our property located at 37499 First Street, Rehoboth Beach, Delaware 19971.

The Subdivision is Bay Vista Lot. J, Section AA. The Zoning is (MR) Medium Residential.

The improvements (House) were constructed in early 1980 time frame.

See Attachments (A.)

On 20 September 2018 we received A notification regarding the (Project Notice NO. 20) with a one (1) paragraph description of planned mechanical maintenance dredging of the Bay Vista Marina at the terminus of Basin Street. This notification is to be posted in 2 (Two) newspapers in Delaware.

The letter requested comment on the proposed dredging with very little information regarding the methods or placement of the 3500 cubic yards of material to be dredged from the marina.

We proceeded to seek information from DNREC, Army Core of Engineers, and the Sussex County Conservation District. We found these agencies to be very helpful, however, there was a lack of specific information readily available to help us to better understand the impact this project will have on our property.

We were able to receive a hand drawn sketch with proposed method and size of the upland spoil placement. See Attachment (B).

The dimensional area and method of the dredged spoils as related to existing property lines on this sketch appear to have A significant environmental impact on the adjacent properties including my property.

At this point in time it's unknown to me whether there are engineered site plans, Erosion & Sedimentation, Sediment & Storm Water remediation plans, as well as, planned testing for water or soil contaminants and necessary steps to protect the environment and adjacent properties specific to this project.

I offer some history in amplifying my concerns for the proposed placement of the dredged spoils as follows.

Our concern of possible contamination of the ground water and the soil because we have an existing well, as well as, the impact on the overall ecosystem of the surrounding area.

During the last several years there have been adjacent property changes that have impacted our property directly.

The photographs included show an increase in water runoff, ponding, and contamination of the affected area, also the plant life is no longer sustained which further impacts the area.

See Attachments ("C" Thru "F")

Attachment "C"

C1 - Area before any topographical changes.

C2 – Same Area Near Flagpole.

C3 – Same Area Looking toward Gazebo.

C4 – Same Area Looking Across First Street.

C5 & C6 – Same Area Winter Season.

C7 – Same Area.

C8 – Start of Changes, Fence Removal and Stone Area Being Installed.

Attachments Continued.

C9 – Photographs Showing the Existing Area in A Broader Context.

The extent of impervious surface of First Street. Basin Street and Crazy Lane are not included in the exhibit, however, these two streets encompass the proposed work area. The initial installation of A stone clean out entrance for machinery to haul fill and raise the elevation of the existing plot of ground. Four years later this stone entrance remains in place with no apparent activity on this property. The fencing has been reinstalled in its original position.

C10, C11, & C12 – Show the extent of disturbance to the existing soil and topographical change which has impacted the water ponding and runoff on my property. This activity was presented to the Sussex County Conservation District in early 2014. The stone clean out area remains in place.

D1 – This photograph shows the impact from the changes as described in exhibits C1 thru C12 on adjacent property. We recognize this is from a heavy rainfall event and a lesser rain event lessens the impact occurring on my property.

D2 – This photograph shows the same area from a North Easter storm with high water and heavy rain before changes occurred as previously documented.

E1 thru E8 - Photographs are some of the wildlife that frequent our yard regularly. The Federal Endangered Species Act provides for the designation and protection of invertebrates, wildlife, fish, and plant that are in danger of becoming extinct and conserves the ecosystems on which such species depend. The U.S. Fish and Wildlife Service and National Marine Fisheries Service have jurisdiction under this act and should be contacted.

E6 – Exception:

This is not A bear! “Bupper” is our Golden Retriever”.

F1 & F2 – Coastal Storms have been a constant threat to those of us that enjoy being around the water and living near it.

The included photographs show the flooding affects on our property as well as, adjacent property. How do we determine what the affects will be when alterations to plots of land occur without proper planning and the proper regulations are not followed or enforced?

We all appear to suffer the consequences if best practices are not included in our planning of this type project.

Closing Comments:

We at one time utilized the marina facilities for our pleasure and we are aware of the shallow conditions that have existed for the past 25 years, if not longer.

We as an adjacent property owner are not against the dredging of the Boat Basin or the entrance to the boat basin. However we are very concerned about the proposed project and it's affect on our property as well as others.

Our experience and observations with the marina owner has not been positive. The included details and photographs (Attachments C10 Thru C12) demonstrate that He is willing to do what benefits Him without regard or affect it may have on adjacent property owners.

The hand sketch provided showing the area of disposal for the dredged material is lacking detail and does not provide enough information to support an objective appraisal on its merit.

The dimensions on the sketch indicate there may be discrepancies with regard to the boundaries of the disposal area and existing property lines. With the lack of details such as engineered drawings, topographical plan & profile maps, Erosion & Sedimentation, and Sedimentation & Storm Water run off plans following Delaware State regulations, it becomes difficult to make an assessment of the impact as it intersects my property from water run off, ponding, contaminates and soil erosion.

With the compounded affect from the proposed project and the current high rate of rain fall events storm water run off becomes a high priority.

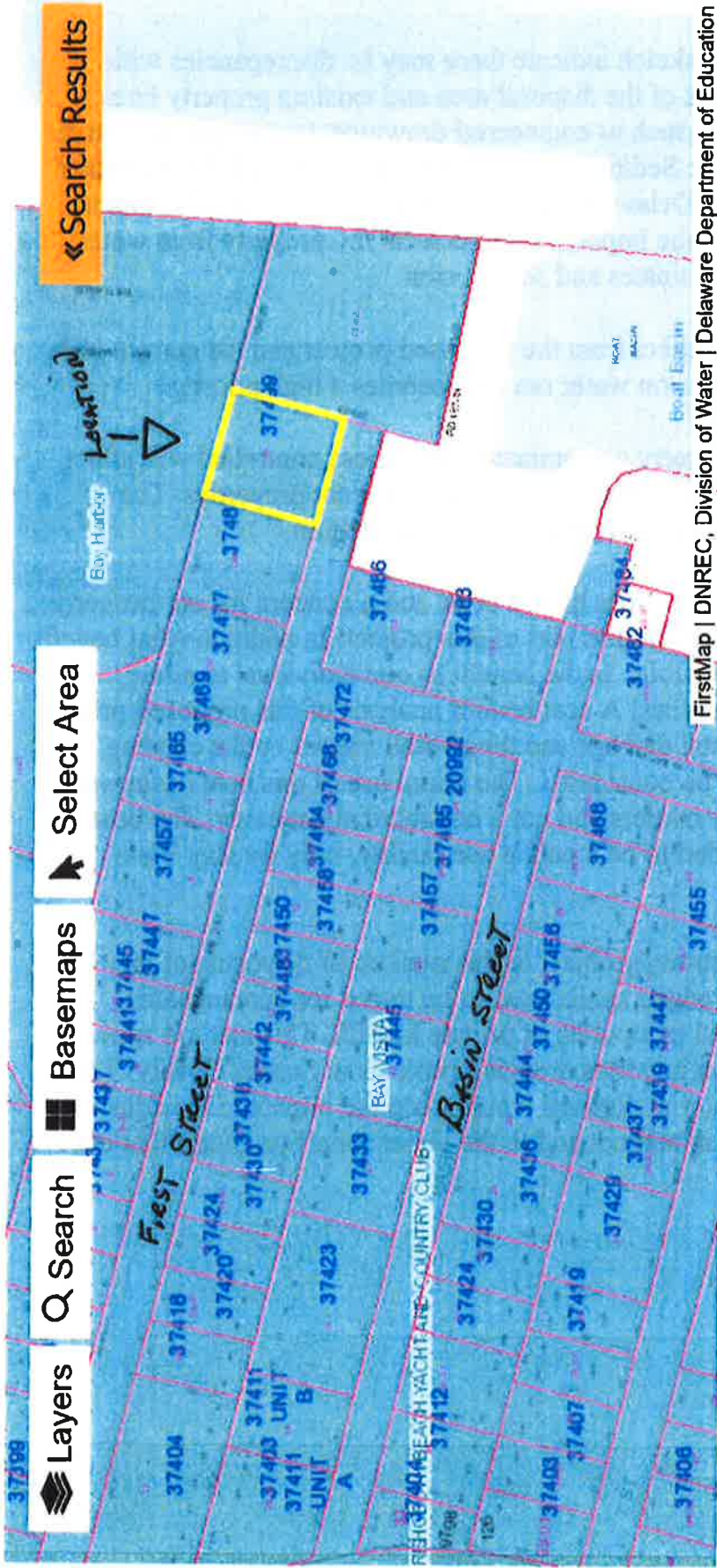
This water run off will carry contaminates and unless controlled will affect water quality on my property as well as other adjacent properties. The existing ground water is also in danger of contamination.

The Environmental impact does have a price and a concern for our property value must also be considered as part of this project. In addition what benefit can be realized for the public. Is the benefit to one individual to allow increased boat dockage fees! A cost benefit analysis of this proposed project versus the environmental damage and the overall impact on the existing property owners must be considered. The initial use of this boat basin was for Bay Vista Property owners and not a commercial endeavor. The boat basin was never intended to be a public use facility, only for Bay Vista property owners.

With this in mind we strongly object to this method of disposing of the dredged spoils. The dredged spoils need to be tested for contaminates, dewatered and removed to a public or private landfill. This method appears to have been utilized on previous dredging projects in Sussex County. This method of dredged material disposal would keep the impact to the adjacent properties to a minimum and not add to the water runoff problems that exist at the present time.

SUSSEX COUNTY

Print Help



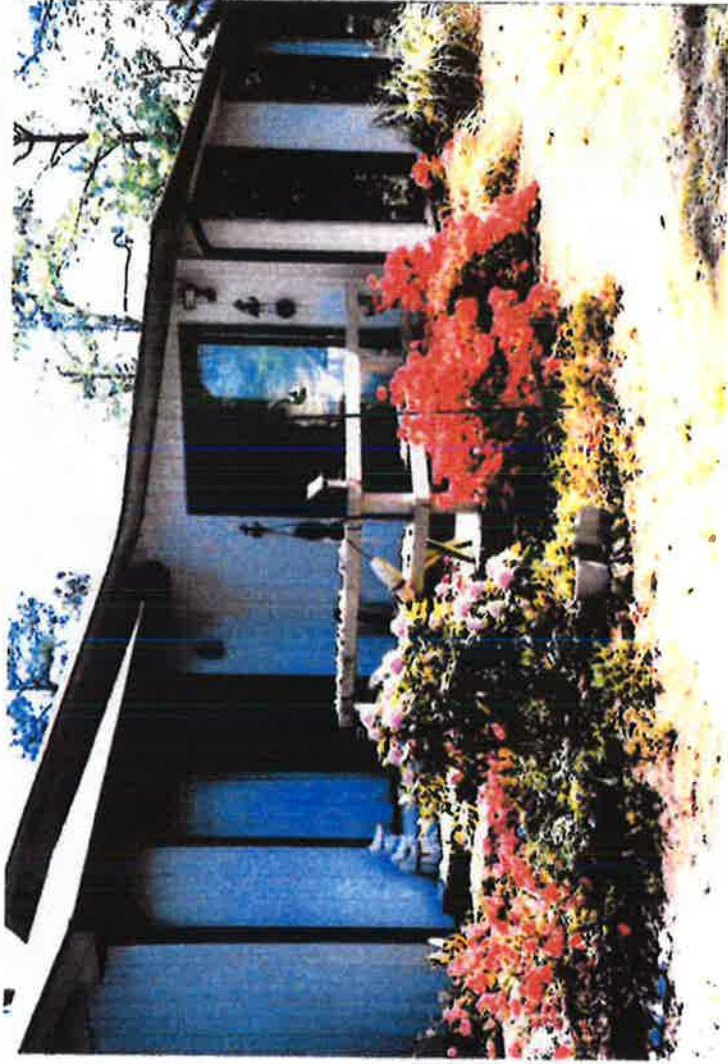
FirstMap | DNREC, Division of Water | Delaware Department of Education |

Attachment "A"





Attachment "A"



ATTACHMENT "A"

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
 DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
 WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**
 IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista,
 Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sargio Corp.
 DATE: August 7, 2018

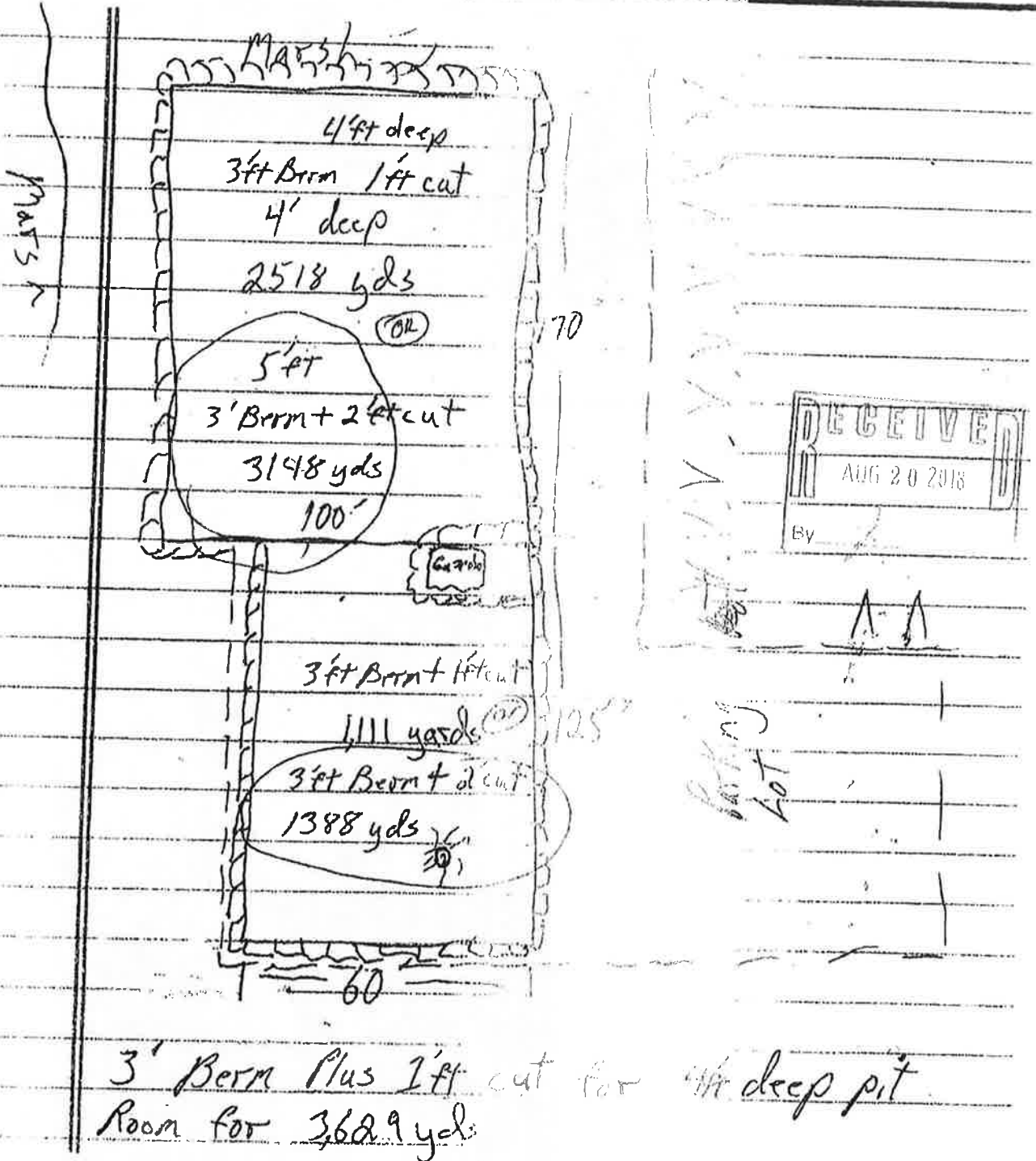


Figure 14. Plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).

Attachment "B"



(c1)

View from front yard looking toward marina



(c2)

View of front corner of our yard looking into part of lot beside us.



C3

Left front area of our front
Yard Looking toward picnic area
& marina



C4

Front yard area looking
over 1st Street toward Marina

)-



(C5)

Two Views of house and front yard
after light snow



(C6)



(C7)

Our front yard looking over 1st street to marina area



(C8)

Left side tree line of our property
- Right side is 1st street



C9

Journal Change 2014-15



C10

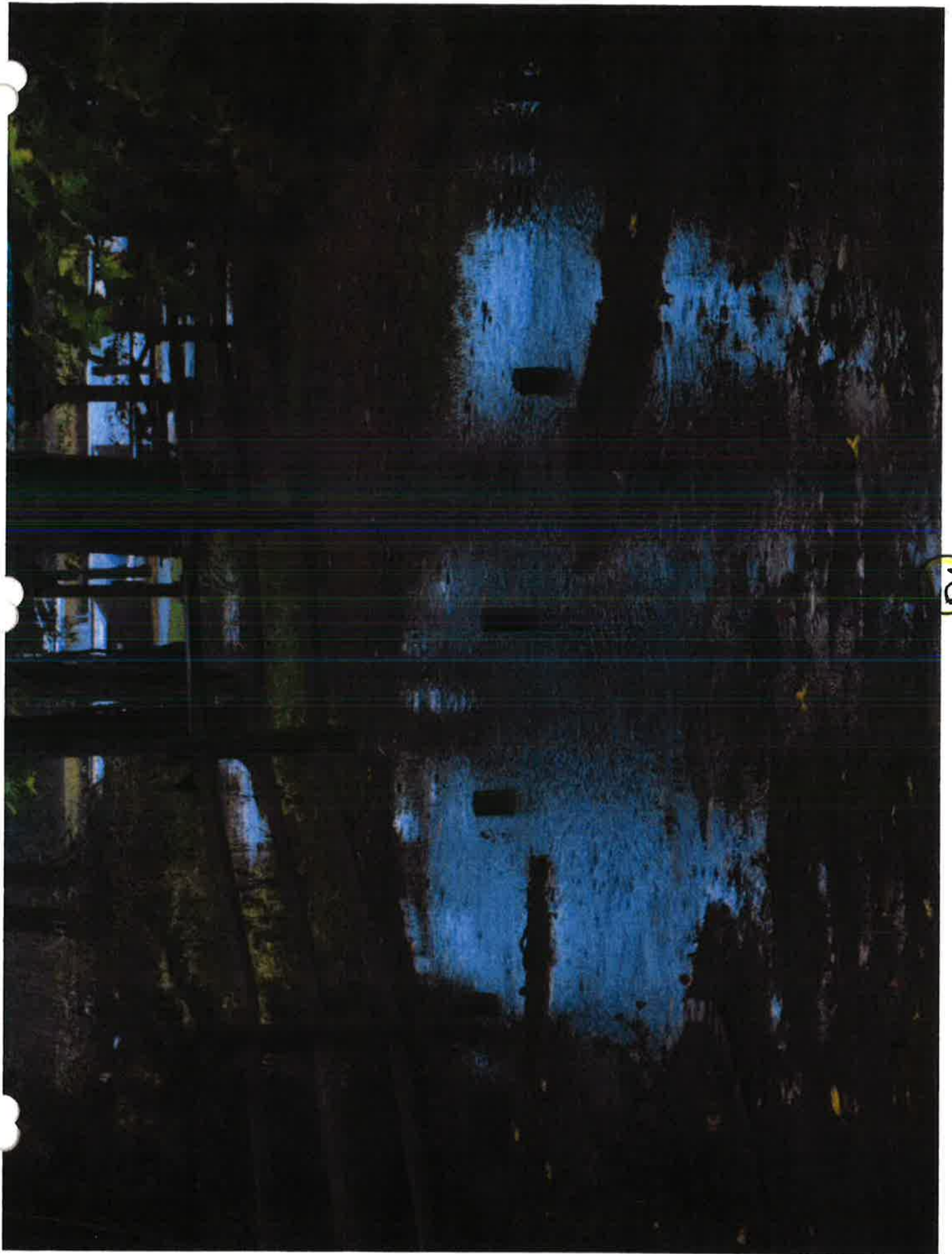




(C11)



(C12)



(D)



Large puddle in front yard
after heavy Rain. Looking
toward Maria area

BAY
Vista
D2



Large puddle - front yard
looking toward picnic area
and marina - BAY Vista



E1

Bog turtle - canal side of house



E2

Small Bog turtle - canal side of house

4



E3

Deer in front yard - looking toward Marina - Before any changes to adjacent Lot.



E4

White Squirrel on tree - front yard at our home - Bay Vista - before any changes to adjacent lot.



(E5)

Front Left Side of our yard - end of 1st street
can be seen between trees. White
Squirrel at foot of tree.



(E6)

View from back side yard to the front
yard. White areas are sand. To the left
of tree line is adjacent lot.



E7

Bog turtle laying her eggs in our front yard - when she was finished she left to the left toward marsh area



E8

looking from our left front yard to picnic area. other side of fence is beyond the end of 1st Street.

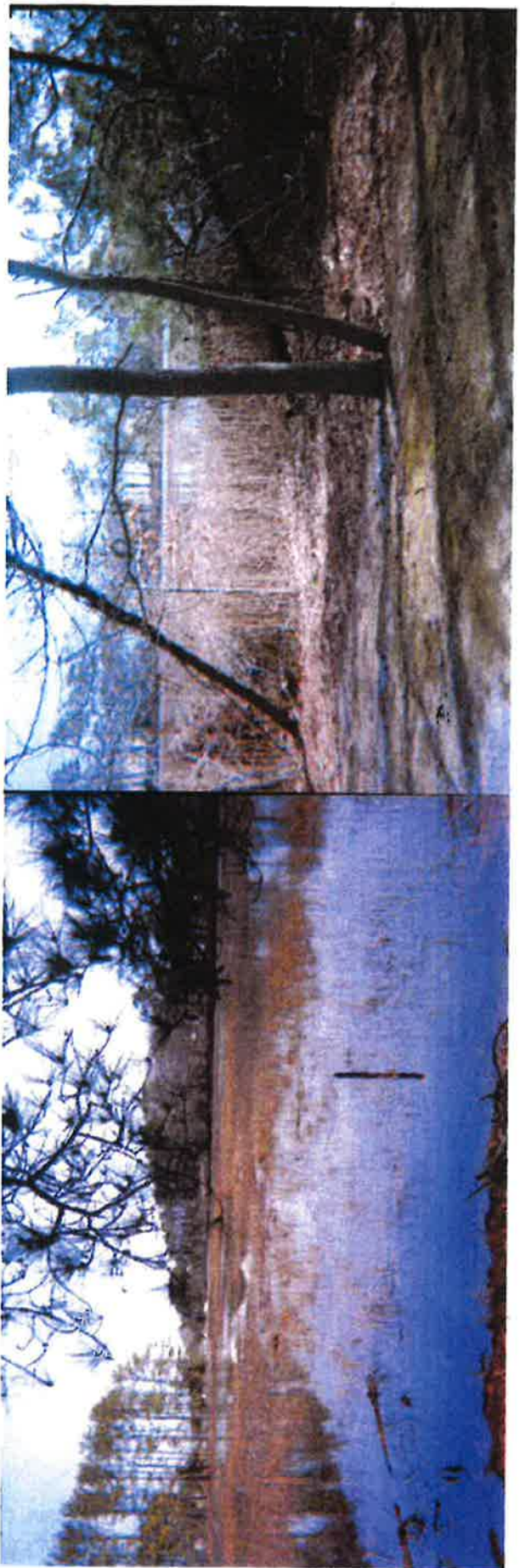


View of marina looking toward canal.

(F1)



View of picnic area and Marina. After storm-heavy Rain + high tide



F-2

SEP 18 2018

MEMORANDUM

PROJECT NOTICE NO.20
DATE: September 19, 2018

TO:

SECRETARY - DNREC
 DIRECTOR - Division of Energy and Climate
 ADMINISTRATOR - Coastal Programs
 DIRECTOR - Division of Air Quality
 DIRECTOR - Division of Waste Management
 DIRECTOR - Division of Parks & Recreation
 DIRECTOR - Division of Fish & Wildlife
 MANAGERS - Fisheries, Mosquito Control, Wildlife
 DIRECTOR - Division of Watershed Stewardship
 DIRECTOR - Division of Water
 MANAGER - Groundwater Discharges Section
 MANAGER - Surfacewater Discharges

GEORGETOWN OFFICE - Division of Water
 CHIEF - Public Affairs, DNREC
 CHIEF - Planning
 DELAWARE GEOLOGICAL SURVEY
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 DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 GOVERNOR'S COUNCIL ON ENVIRONMENTAL CONTROL
 COUNCIL ON HISTORICAL & CULTURAL AFFAIRS, ARCHAEOLOGICAL OFFICE
 ENVIRONMENTAL PROTECTION AGENCY
 U. S. FISH & WILDLIFE SERVICE
 U. S. ARMY CORPS OF ENGINEERS
 NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
 ADJACENT PROPERTY OWNER
 WETLANDS MAILING LIST

FROM: WETLANDS AND SUBAQUEOUS LANDS SECTION - Telephone (302) 739-9943

SUBJECT: PENDING APPLICATIONS FOR SUBAQUEOUS AND/OR WETLANDS PROJECTS

Attached is a copy of a notice which appears in the News Journal and The Delaware State News on Wednesday September 19, 2018. If you have any comments, please return this memo to this office by October 9, 2018.

SARGIO CORP

PROJECT NOTICE NO. 20

RETURN THIS PORTION TO: Department of Natural Resources & Environmental Control – Wetlands & Subaqueous Lands Section, 89 Kings Highway, Dover, DE 19901

Commenting on: SARGIO CORP. SUBAQUEOUS LAND PERMIT

Signed: [Signature]

Date Notice Received: 9/17/18

Div./Address: 37492 Basin Street

No comments: APPROVE

Phone: 302 545 4655

My comments are as follows LOOKING FORWARD TO A DEEPER, DREDGED MARINA AND THE ABILITY TO ACCESS THE CANAL AT MID TIDE. I GIVE FULL SUPPORT TO THIS PERMIT

OCT 1 - 2018

[Signature]



Public Notice for
Public Hearing
Exhibit: S

**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: SD DIV WATER RESOURCES
Address: 97 COMMERCE WAY
DOVER DE 19904
USA

Ad No.: 0003396973
Pymt Method Invoice
Net Amt: \$382.16

Run Times: 1

No. of Affidavits: 1

Run Dates: 02/20/19

Text of Ad:



LEGAL NOTICE

**DNREC- Division of Water, Wetlands and Subaqueous
Lands Section
Public Hearing**

Sargio Corporation-The Department of Natural Resources and Environmental Control, Division of Water, Wetlands and Subaqueous Lands Section will conduct a public hearing on Sargio Corporation's application to dredge material from Bay Vista Marina located at the end of Basin Street in Rehoboth Beach, Sussex County, and to dispose of the material on an adjacent upland parcel.

Sargio Corporation proposes to mechanically maintenance dredge 3,500 cubic yards of material to a depth of 4 feet below mean low water in the marina basin and to a depth of 6 feet below mean low water in the access channel. The total area of the marina basin to be dredged is 0.65 acres and the total area of the access channel is 0.11 acres.

The disposal area is directly adjacent to the marina to the north and is also owned by Sargio Corporation. The area is 0.34 acres in size and will be prepared by excavating a 2-3 foot deep cut and using the excavated material to create a 4 foot high earthen berm around the site. Silt fencing will also be placed around the bermed area. Following placement of the dredge spoil in the disposal site, the material will be allowed to dewater and will then be stabilized by leveling, capping with upland soil on top, and seeded.

The public notice of the Department's receipt of the application was published in The News Journal and the Delaware News on September 19, 2018. The Department received a public hearing request on October 3, 2018.

Pursuant to the requirements of the Subaqueous Lands Act (7 Del C., Chapter 72) and "The Regulations Governing the Use of Subaqueous Lands", the Department of Natural Resources and Environmental Control will conduct a public hearing on March 14, 2019 at 6 pm at the DNREC Lewes Field Office, located at 901 Pilottown Rd., Lewes, DE 19958. The purpose of the hearing is to provide the public an opportunity to comment on the aforementioned permit application, and will include a presentation from DNREC staff.

Persons wishing to comment on the applications and draft permit may do so either orally or in written form at the public hearing on March 14, 2019. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via either email to Bethany.Fiske@delaware.gov or via USPS to the following address:

Bethany Fiske, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, Delaware 19901

The application is available for inspection at <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/permits/> or copies may be obtained by contacting:

Gayle Calder
Division of Water
89 Kings Highway
Dover, Delaware 19901
02/20-NJ



The News Journal
Media Group

A GANNETT COMPANY

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950 West Basin Road
New Castle, DE 19720

(302) 324-2500
(800) 235-9100

Mailing Address:
P.O. Box 15505
Wilmington, DE 19850

Legal Desk:
(302) 324-2676
Legal Fax:
302 324-2249

SD DIV WATER RESOURCES
97 COMMERCE WAY

DOVER, DE 19904

DE,

AFFIDAVIT OF PUBLICATION

State of Delaware
New Castle County

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

02/20/19 A.D 2019

Morris

Kimana
Sworn and subscribed before me, this 20 day of
February, 2019

Ad Number: 0003396973

Legal notification printed at larger size for affidavit.





LEGAL NOTICE

DNREC- Division of Water, Wetlands and Subaqueous
Lands Section
Public Hearing

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Gayle Calder
Division of Water
89 Kings Highway
Dover, Delaware 19901
02/20-NJ

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877.223.1503

Proof

Client	DNREC WATER RESOURCES	Phone	(302) 739-4691
Address	DNREC FINANCIAL SERVICES 97 COMMERCE WAY DOVER, DE 19904	E-Mail	gayle.calder@state.de.us
		Fax	
AD #	317358	Requested By	DNREC WATER RESOURCES
Account#	119141		
Class	5500	PO #	Sargio Corp
Start Date	02/20/19	Created By	JLEVY
End Date	02/20/19	Creation Date	02/13/2019
Run Dates	2	Dimensions	4 X 6.444
Pubs	Delaware State News, Newszap	Price	\$164.84
Order #	317358		
Sales Rep	Janet Levy	Phone	(302) 741-8273
		E-Mail	jlevy@newszap.com
		Fax	(302) 741-8215



LEGAL NOTICE

DNREC- Division of Water, Wetlands and Subaqueous Lands Section Public Hearing

Sargio Corporation-The Department of Natural Resources and Environmental Control, Division of Water, Wetlands and Subaqueous Lands Section will conduct a public hearing on Sargio Corporation's application to dredge material from Bay Vista Marina located at the end of Basin Street in Rehoboth Beach, Sussex County, and to dispose of the material on an adjacent upland parcel.

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Gayle Calder
Division of Water
89 Kings Highway
Dover, Delaware 19901
317358 DSN 2/20/2019



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Gayle Calder
Division of Water
89 Kings Highway
Dover, Delaware 19901
317358 DSN 2/20/2019

INDEPENDENT

110 Galaxy Drive • D

State of Delaware:

County of Kent:

Before me, a Notary Public, for the C
to me to be such, who being sworn
the publisher of the Delaware Stat
County of Kent, and State of Delawa
attached, as published in the Delaw

February 20, 2019

Janet LaPrade

Publisher
Delaware State News

Sworn to and subscribed before me this

20th

Day of

February

A.D. 2019



Janet E Levy
Notary Public

Geatz, George W. (DNREC)

~~Public Notice for~~
Correspondance from
public for hearing
Exhibit: 6

From: Calder, Gayle H. (DNREC)
Sent: Tuesday, March 12, 2019 12:23 PM
To: Esposito, Katie (DNREC); Geatz, George W. (DNREC); Jones, Messick, Zachary M (DNREC); Molina, Julie (DNREC)
Cc: Brown, Tyler (DNREC); Smailer, Steven M. (DNREC)
Subject: FW: PN#5

Expires: Friday, May 31, 2019 12:00 AM

Switch-MessageId: 2b8177e8c26749f79e81334b05a6e152

RECEIVED
MAR 12 2019
BY: *[Signature]*

From: Stetzar, Samantha (DNREC) <Samantha.Stetzar@delaware.gov>
Sent: Tuesday, March 12, 2019 12:13 PM
To: Calder, Gayle H. (DNREC) <Gayle.Calder@delaware.gov>
Subject: PN#5

LEGAL NOTICE

DNREC- Division of Water, Wetlands and Subaqueous Lands Section
Public Hearing

Sargio Corporation-The Department of Natural Resources and Environmental Control, Division of Water, Wetlands and Subaqueous Lands Section will conduct a public hearing on Sargio Corporation’s application to dredge material from Bay Vista Marina located at the end of Basin Street in Rehoboth Beach, Sussex County, and to dispose of the material on an adjacent upland parcel.

Sargio Corporation proposes to mechanically maintenance dredge 3,500 cubic yards of material to a depth of 4 feet below mean low water in the marina basin and to a depth of 6 feet below mean low water in the access channel. The total area of the marina basin to be dredged is 0.65 acres and the total area of the access channel is 0.11 acres.

The disposal area is directly adjacent to the marina to the north and is also owned by Sargio Corporation. The area is 0.34 acres in size and will be prepared by excavating a 2-3 foot deep cut and using the excavated material to create a 4 foot high earthen berm around the site. Silt fencing will also be placed around the bermed area. Following placement of the dredge spoil in the disposal site, the material will be allowed to dewater and will then be stabilized by leveling, capping with upland soil on top, and seeded.

The public notice of the Department’s receipt of the application was published in The News Journal and the Delaware News on September 19, 2018. The Department received a public hearing request on October 3, 2018. Pursuant to the requirements of the Subaqueous Lands Act (7 Del C., Chapter 72) and “The Regulations Governing the Use of Subaqueous Lands”, the Department of Natural Resources and Environmental Control will conduct a public hearing on March 14, 2019 at 6 pm at the DNREC Lewes Field Office, located at 901 Pilottown Rd., Lewes, DE 19958. The purpose of the hearing is to provide the public an opportunity to comment on the aforementioned permit application, and will include a presentation from DNREC staff.

“Given the close proximity of the project area to the Rehoboth Bay, and its importance to the larval ingress of summer flounder, we recommend that no dredging occur from March 1st – September 30th. This TOYR would

reduce the potential impact of dredging activities, within the canal or near the entrance of the marina to the canal, on young of the year and juvenile summer flounder.”

If you have any questions or need more information, please let me know.

Many Thanks,
Samantha Stetzar

RECEIVED
MAR 12 2019
BY: *JS*

HARVEY Lee JANVIER JR.

+
DARLENE A JANVIER

37483 BASIN ST.
Bay Vista, Rehoboth Beach
Delaware, 19971
302-6905300

RECEIVED
MAR 08 2019

BY: *[Signature]*

TO: Bethany Fiske, OFFICE OF THE Secretary
Department of Natural Resources + Environmental
Control, 89 Kings Highway Dover, De. 19901

WE ARE IN FAVOR OF THE
Dredging, AS IT IS A WATER SAFETY
CONCERN, MARINA AT LOW TIDE IS NOT
ACCESSIBLE TO EMERGENCY RESPONSE
VEHICLES.

THANK YOU
MR. HARVEY Lee JANVIER
Mr. Harvey Lee Janvier

Mrs. Darlene Janvier
Mrs Darlene Janvier

RECEIVED
MAR 08 2019

BY: *JH*



RECEIVED
MAR 08 2019

BY: *[Signature]*



From: Curtis Leciejewski <ddscjl@aol.com>
Sent: Monday, March 4, 2019 11:55 AM
To: Fiske, Bethany (DNREC) <Bethany.Fiske@delaware.gov>
Subject: Bay Vista Dredging



Dear Bethany,

My name is Dr Curtis Leciejewski and I live in Bay Vista at 21073 Crazy Lane – Rehoboth Beach DE 19971, which is at the end of 5th street back in Bay Vista on the water. There are 2 things that I wanted to make a comment on.

One is that I am in full support of dredging in this area to allow for better boating access. Also, in this proposal would there be dredging going on in the canal that is directly behind my house? This area is in major need of dredging also.

Another point I wanted to bring up was – directly behind my house on Robin Lane there is a little outlet of land with many trees that are dead and some dying due to severe erosion that has gone on over the last 5-7 years. Many of these trees are ready to fall over into the waterway behind my house. There are a couple that already have been toppled. I contacted the state a few years back but never got anywhere with regards to having anything done. The erosion has substantially increased in that time as well. How do I go about having the state look into this as I think this is state land.

I appreciate your help in this matter.

Sincerely,

Curtis J Leciejewski DDS
21073 Crazy Lane
Rehoboth Beach DE 19971

My cell number is 302-228-1400 – please call me anytime for any other information you may need.

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

March 13, 2019

**Via: Email to Bethany.Fiske@delaware.gov
and U.S. Mail, First Class and Certified**

No. 7016 2140 0000 9657 8057

Office of the Secretary
Department of Natural Resources and Environmental Control (DNREC)
Hearing Officer: Bethany Fiske
89 Kings Highway
Dover, Delaware 19901

**RE: Bay Vista Marina Dredging Project; Public Hearing: March 14, 2019;
Permit # 368/18**

Dear Ms. Fiske:

This firm represents Henry and Pheobe Shaubach (the "Shaubachs"). I write to express my client's sincere and vehement opposition to Sargio Corporation's ("Sargio") application filed August 20, 2018 and amended February 15, 2019 (collectively the "Application") with the Department of Natural Resources and Environmental Control ("DNREC"). Sargio seeks approval to dredge the Bay Vista Marina and dump the spoils on Sargio property directly adjacent to the Shaubachs' home, located at 37499 1st Street, Rehoboth Beach, Delaware. This letter outlines the legal and practical deficiencies contained within Sargio's Application and asks that it be denied.

The Property

The Shaubachs' home lies on a picturesque parcel of land, just feet from the Lewes-Rehoboth Canal, with the property's back yard and one of its side yards adjacent to scenic marshland. Sargio seeks to dump 3,500 cubic yards of material dredged from the bottom of Bay Vista Marina onto Sussex County Tax Parcel #334-19.16-23.02. The Shaubachs' home is directly adjacent (SCTP # 334-19.16-135) to, and mere feet away from, the proposed dumping site. To be exact, the Shaubachs' home is less than 100 feet from the dumpsite.¹

¹ Exhibit "A" depicts the Shaubach's home in relation to the proposed dumping site with a Google Earth measurement from the dumpsite to the home.

The Material

Notably, and of great concern to the Shaubachs, the Application indicates the chemical composition of the dredged material has not been tested whatsoever. It appears at this point that the public record is devoid of any actual chemical testing related to the material to be dredged.² The Application states that 3,500 cubic yards of material will be deposited on the proposed dumpsite. Roughly speaking, 3500 cubic yards equates to 12 million pounds of material. It is candidly shocking to the Shaubachs that, contrary to the regulations applicable to DNREC for dredging permits, Sargio has not been required to provide the public notice as to what chemical contaminants exist in the spoils, especially when such material is to be dumped mere feet from the Shaubachs' home and water source.

Contamination zones are located very close to the dredging area.

The Lewes-Rehoboth canal is historically a location where heavy industrial use has occurred. The Rehoboth Beach Waste Water Treatment Plant is located less than five hundred feet, essentially across the canal, from the dredging area. Further, a four acre Brownfield, the Oyster House Village Site, is located less than half a mile from the dredging area.³ Additionally, the Lewes Boat Yard Brownfield Site is located just six miles from the dredging area.⁴ Finally, the heavy boat traffic in the canal leads to the presumption that the dredged material will contain marine-related toxins that must be properly identified and removed prior to disposal of possibly contaminated material only feet from the Shaubachs' property and the well on the Shaubach's property which supplies potable water to their residence.

Sargio Ignored the Application's Required Chemical Testing of the Dredged Material.

Appendix R, page 1, of the Application, states "Bottom samples to determine heavy metals or other toxic materials must be taken and analyzed if deemed necessary by the DNREC staff."

² Chemical testing may have been conducted, however, a review of the analysis by Seewald Laboratories, Inc., which does not exist anywhere in the public record, appears to prove the Shaubach's point. The testing shows heavy metals including Barium, Chromium, Lead, Selenium and Mercury are present in the spoils in amounts all significantly above the reporting limits. The public record must be supplemented to establish what these levels mean in terms of adverse health impacts to the public. In addition, the lack of the public record regarding any testing also leaves DNREC with no basis to conclude that adequate testing of the entire dredging area was conducted. Finally, the testing methodology is incomplete as it indicates a "grab" sample was collected but does not appear to provide enough information to demonstrate the sampling methodology and plan to ensure that the quality of sludge tested is representative of the sludge proposed for removal.

³ Exhibit "B" Certified Brownfield Sites in Delaware dated February 7, 2019.

⁴ *Id.*

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Page 2 goes on under section 7 b., “Chemical composition of material – Many areas have sediments with high concentration of pollutants (chemicals, organics, etc.) which may be re-suspended or reintroduced into the water. For heavily industrialized sites, a chemical analysis of this material should be provided (if applicable).” DNREC regulations governing Surface Water Quality actual include “dredged spoils” within the definition of the term “Pollutant.”⁵ Sargio unsatisfactorily answers the aforementioned question, “Information not available.” Sargio provides no basis to conclude that the information is not available, and perhaps should have answered that the requisite testing was ignored, or just not provided to DNREC to supplement the public record. The dredging area is immediately adjacent to a wastewater treatment facility, mere feet from one Brownfield, with another site miles away yet Sargio has failed to comply with basic Application instructions to provide chemical testing information to DNREC. As DNREC is aware, the Lewes-Rehoboth Canal along which the Bay Vista Marina is located is a tidal body. It is impossible to believe that the location of a wastewater treatment facility and Brownfield site within close proximity has not resulted in contamination of the bottom of the marina. The failure to perform any meaningful testing and supply such to the public record, when 12 million pounds of material is to be dumped feet from the Shaubachs’ property, should provide DNREC an adequate basis to deny the Application.

Shaubachs’ Water Quality

The potential danger related to the dumping of dredged material just feet away from the Shaubachs’ property is compounded by the fact that the Shaubachs’ potable water is supplied from a well, not from public water as claimed by Sargio in the Application.⁶ To be clear, the Shaubachs’ home is not served by public water, they have a well. Page 2, section 9 (c.) of the Appendix R asks, “What type of leachates will be produced by the spoil material and what is planned for the protection of groundwater?” Continuing with Sargio’s disregard of the possible contaminants contained within the dredged material, Sargio completely fails to describe what type of leachates may be within the spoil, and mistakenly avers that all of Bay Vista, including the Shaubachs’ property, is served by city water. In conclusion, Sargio asks DNREC to approve the dumping of 12 million pounds of material required by the Application to be chemically tested mere feet away from the Shaubachs’ potable water supply. Sargio asks DNREC’s approval to do so without any public record identifying the potential contaminants contained within the material or an examination of possible negative health affects to the surrounding community.

⁵ See 7 Del. Admin. § 7401 – 2.0.

⁶ See the Application Appendix R “Land Disposal Areas” 9c.

The Regulations

In addition to the myriad of problems mentioned above, and perhaps most importantly to DNREC's decision, the Application does not comply with DNREC regulations applicable to dredging permits. Certain DNREC Administrative Regulations under Title 7 including: Section 7500 Wetlands and Subaqueous Lands, Section 7501 the Marina Regulations, Section 7504 Regulations Governing the Use of Subaqueous Lands, and possibly Section 1301 Regulations Governing Hazardous Materials Section 1301, apply to Sargio's dredging activities.⁷ Further, dredging operations must comply Surface Water Quality Standards under 7 Del. Admin. § 7401.⁸

Marina Regulations (7 Del. Admin. § 7501)

7 Del. Admin. § 7501 - 11.4.2.1 requires that “[d]redging [] should avoid sensitive areas such as wetlands, shellfish resources, and SAV.”⁹ Nothing contained within the Application identifies whether Sargio considered or proposes to implement measures to avoid areas sensitive to aquatic life. In fact, Page 3 of Appendix R, indicates that its dredging and disposal schedule will be conducted in late fall/winter 2018/2019. However, given the Application's Public Hearing is scheduled for March 14, 2019, it is possible the dredging activities will occur in the spring, a time of year the same Appendix identifies as potentially important for aquatic life. Nothing in the Application establishes that short and long-term impacts on SAV and other aquatic life has been avoided and that any impacts have been minimized.¹⁰

Under 7 Del. Admin. § 7501 - 11.4.2.3, “[d]redging activities shall not be approved until the applicant can demonstrate that both initial and future maintenance dredging demands can be accommodated by the proposed disposal plan. Future maintenance dredging shall be estimated using a project life not less than 30 years unless the applicant can provide good reasons why the project life will be less than 30 years.” Again, the Application has no information whatsoever regarding future maintenance dredging demands and whether the current disposal plan can accommodate future disposal needs. Per the Application, the proposed disposal site is limited to

⁷ 7 Del. Admin. § 7501 - 11.4.2 “Dredging and Dredged Material Disposal. Dredging and dredged material disposal activities shall be in accordance with 7504 Regulations Governing the Use of Subaqueous Lands, as authorized by 7 Del.C., Ch. 72, and the following. Dredged material disposal activities may also be regulated, depending upon the nature of the spoil material, by 1301 Delaware Regulations Governing Solid Waste or 1302 Delaware Regulations Governing Hazardous Waste.”

⁸ 7 Del. Admin. § 7501 - 11.4.2.1 “Delaware Surface Water Quality Standards (Regulation 7401) must not be violated because of dredging operations.” 7 Del. Admin. § 7501 - 11.4.6.2 “Marina construction, maintenance, *dredged material disposal*, or operation shall not be allowed to contaminate a public water supply as defined by 7401 Delaware Surface Water Quality Standards, whether existing or reserved for future use.” (emphasis added).

⁹ 7 Del. Admin. § 7501 - 11.3.6. SAV means “Submerged Aquatic Vegetation. SAV is protected because it provides shelter and a source of food to small aquatic organisms, and because of its ability to filter and remove suspended solids and disperse wave energy.”

¹⁰ 7 Del. Admin. § 7501 - 11.3.6.1.

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“(35) acre in size, and will accommodate up to 3,500 c.y.” The Application is devoid of any mention of what will happen to future disposal of dredged materials.

Regulations Governing the Use of Subaqueous Lands (7 Del. Admin. § 7504).

Under 7 Del. Admin. § 7504 - 4.11.2, “[t]he Department shall consider the following additional factors in reviewing a dredging, filling, excavating, or extracting application:” including “Any environmental impacts at and surrounding the dredging site(s).” As stated *supra*, the potential environmental impacts on the Shabauchs’ water quality have not been considered, if not completely ignored. Sargio failed to test the dredging spoils, while at the same time presented false information to DNREC regarding the water source for the Schuabachs’ property. “All dredging is to be conducted in a manner consistent with sound conservation and water pollution control practices.”¹¹ Sargio has failed to recognize that dumping untested spoils on land immediately adjacent to the Shaubachs’ water supply does not comport with dredging “conducted in a manner consistent with sound [] water pollution control practices.”¹² DNREC must, at a minimum, require Sargio to make a public record regarding the chemical composition of the spoils.

Regulations Governing Hazardous Materials (7 Del. Admin. § 1301)

“Dredged material disposal activities may also be regulated, depending upon the nature of the spoil material, by 1301 Delaware Regulations Governing Solid Waste or 1302 Delaware Regulations Governing Hazardous Waste.”¹³ 7 Del. C. § 6302 (8) and (12) defines hazardous waste and solid waste:

(8) "Hazardous wastes" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical or chemical characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of . . .

(12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities . . .

¹¹ 7 Del. Admin. § 7501 - 4.11.3.1.

¹² *Id.*

¹³ 7 Del. Admin. § 7501 - 11.4.2.

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As discussed above, Sargio seeks approval to dispose 12 million pounds of material, defined as a “Pollutant” in DNREC regulations, on land feet from the Shaubach’s property and drinking supply, without any public record regarding whether the dredged spoils are hazardous or not. The Application fails to identify the precautionary measures Sargio is obligated to abide by DNREC regulations if the dredged material is in fact hazardous to human health. Without further inquiry into the chemical makeup of the spoils, DNREC should not be satisfied that Sargio has complied with the Regulations designed to protect the community from hazardous waste disposal.¹⁴

Storm Water Management

A final concern of the Schaubachs is the unknown drainage consequences of dumping 12 million pounds of material down-elevation from the Schaubachs’ home. As DNREC is well aware, drainage in Sussex County, especially in the coastal regions, is a significant problem. As is the case in many communities near the Rehoboth Bay, at this particular site higher elevations exist to the west, with storm water flowing down-hill toward the Bay. This means that storm water flows down 1st street through the Schaubachs property over the proposed disposal site, and into the marsh. Therefore, disposal of the dredged spoils will act as a 12 million pound backstop immediately adjacent to the Schaubachs’ home, blocking storm water and creating a ponding effect on the Schaubach’s land. “Delaware law recognizes that ‘[a]n upper landowner unquestionably has the right to drain water by means of its natural flow toward downstream properties.’”¹⁵ The Sussex Conservation Application submitted by Sargio fails to identify the potential storm water drainage impact on the Schaubach’s property or a plan to maintain storm swales or other remedial measures to stop drainage damage in the future. At a minimum, Sargio should be required to analyze and propose a mitigation plan for any potential storm water impacts occurring as a result their proposed dredging.

Conclusion

While the approach proposed by this Application may be economically expedient for Sargio, DNREC is charged with determining at what cost this expedience comes to the environment and to neighboring properties—such as the Schaubach’s property.

There are numerous reasons, both substantive and legal, as to why DNREC should deny the Application. Sargio’s failure to evaluate the chemical composition of the spoils, the likely impact on the Schaubachs’ drinking water and the lack of a plan for drainage problems arising

¹⁴ It is recognized that under 7 Del. Admin § 1302 § 261 dredged material is not a hazardous waste if said materials are subject to the requirements of a permit issued by the Army Corps of Engineers, however, the Application indicates that a Federal Permit from the Corps is pending but is currently available. The Corps’ application was applied for in August of 2018 but inexplicably Sargio has not identified whether the permit was granted or not.

¹⁵ *Robinson v. Oakwood Village, LLC et al.*, C.A. No. 10154-VCG (Del. Chan. Apr. 28, 2017) (citing *Quereguan v. New Castle Cty.*, 2010 WL 4241583, at *5 (Del. Ch. Oct. 22, 2010)).

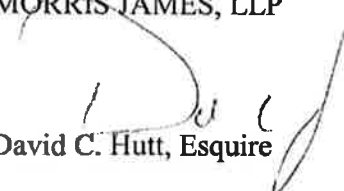
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from the disposal, should alone be enough to deny the Application. However, if DNREC is inclined to grant the Application on its merits, the failure of the Application to comply with DNREC's own Regulations warrants a challenge of any Application approval as being contradictory to an orderly and logical deductive process.

Thank you for your attention and consideration of this matter.

Very Truly Yours,

MORRIS JAMES, LLP


David C. Hutt, Esquire

Enclosure

EXHIBIT “A”



Measure distance ✕
Click on the map to add a point
Total distance: 98.01 ft (29.87 m)

EXHIBIT “B”

Certified Brownfield Sites in Delaware

February 7, 2019

	DE-#	Site Name	Address	Certification Date	Acreage
1	DE-1252	Cannery Village	703 Chestnut Street, Milton	5.7.02	35.00+/-
2	DE-1206	920 French St.,	920 French St., Wilmington	9.11.02	1.70+/-
3	DE-1169 (BPA) DE-1203 (VCP)	Hessler Property	401 Garasches Lane, Wilmington	9.17.02	8.75+/-
4	DE-1087	Deemer Steel	9th & Washington Sts., New Castle	9.17.02	6.74+/-
5	DE-1237	Riverfront Office Building	101 Avenue of the Arts, Wilmington	9.17.02	1.97+/-
6	DE-0197	Harper Thiel	3201 Miller Rd., Wilmington	9.17.02	2.48+/-
7	DE-1147	Peninsula Park	Lots 1, 2, 3, Industrial Street, Wilmington	11.19.02	12.00+/-
8	DE-0163	Del Chapel Place	1 Scholar Dr. (Formerly 70 S. Chapel St., Newark)	11.19.02	21.00+/-
9	DE-0084	Dureco	New Castle	12.12.02	98.00+/-
10	DE-1277	Former BABS Real Estate Property	Marsh Lane. Wilmington	01.09.03	5.0+/-
11	DE-1057	Penn-Del	S. Walnut St., Wilmington	02.10.05	5.0+/-
12	DE 1167	Lewes Boat Yard	Front Street & Lewes-Rehoboth Canal, Lewes	04.15.03	1.27+/-
13	DE-1068	DE Compressed Steel	503 S. Market St., Wilmington	04.15.03	2.4+/-
14	DE-0199	NVF-Newark	Margaret & Race Sts., Newark	05.21.03	10.20+/-
15	DE-1198	Wilmington Rolling Mills	11 th and Church Streets, Wilmington	08.25.03	3.10+/-
16	DE-1291	320 "A" Street	320 A Street, Wilmington	08.25.03	5.30+/-
17	DE-1294	Peninsula Ventures	7 th and Industrial Streets, Wilmington	10.27.03	16.70+/-
18	DE-1206	900 French Street	900 French Street, Wilmington	09.23.03	0.90+/-
19	DE-1171 (BPA)	Capitol Scrap	West Street, Dover	09.23.03	1.50+/-
20	DE-1181	Cobra Machine	2 James Ct., Wilmington	02.04.04	1.70+/-
21	DE-1224	Christina Landing Townhomes	200-207 A Street, Wilmington	02.05.04	2.0+/-
22	DE-1228	Christina Landing Tower 1	200-207 A Street, Wilmington	02.05.04	2.0+/-
23	DE-1247	Christina Landing Tower 2	200-207 A Street, Wilmington	02.05.04	3.97+/-
24	DE-0066	ACE/Eastern Disposal	Dover	04.16.04	26.3+/-
25	DE-1310	Basher Lane	Basher Lane, Hockessin	02.17.04	11.8+/-

26	DE-1281	Petrillo Prop.	758 Grantham Ln, New Castle	04.13.04	30.0+/-
27	DE-1309	Riverfront Headquarters/AAA	Justison and West Sts., Wilm	04.13.04	2.43+/-
28	DE-1322	Ion Power	0 Governor Lea Road, Bear	05.04.04	18.5+/-
29	DE-1324	Riverwalk at Deemers Beach	Route 9, New Castle	08.24.04	60.75+/-
30	DE-1328	Marina Overlook	500 Industrial Park, Wilmington (7 th St. Penin.)	08.24.04	13.24+/-
31	DE-1293	Christina Marina	1126 E 7 th St., Wilmington	09.22.04	8.3+/-
32	DE-1332	Madison Garden	710 W 3 rd St., Wilmington	02.10.05	0.76+/-
33	DE-1347	Speakman Townhomes	301 E. 30 th St., Wilmington	02.10.05	6.2+/-
34	DE-1300	Russell-Stanley	1207 E. 12 th Street, Wilmington	02.10.05	15.0+/-
35	DE-1342	Sussex Materials	Wintjen Road, Milford	02.10.05	17.1+/-
36	DE-1345	Former New Arc Welding	0-40 Commerce St., Wilmington	02.10.05	29.0+/-
37	DE-0270	Budd Metal	1000 S. Heald St., Wilmington	05.04.05	11.74+/-
38	DE-1110	Dover Ice House	645 W North St., Dover	07.29.05	2.59+/-
39	DE-0324	Wiley Cork	1400 N Church, 904-906 E 16 th Sts., Wilmington	07.29.05	3.79+/-
40	DE-1359	DelSteel	8 Eastlawn Ave., Wilmington	07.29.05	1.6+/-
41	DE-0325	Burns & McBride	101. S. Market St., Wilmington	08.26.05	1.5+/-
42	DE-1360	Former Timmons Marina	Dagsboro, DE	08.19.05	51.9+/-
43	DE-1248	5 th & Tatnall	415-127 Tatnall St., Wilmington	11.14.05	0.11+/-
44	DE-1369	Naga Foods	1331 N. Heald St., Wilmington	11.18.05	0.5+/-
45	DE-1372	Habitat for Humanity of New Castle County Property	1330 Thatcher Street, Wilmington, DE 1303 N. Heald Street, Wilmington, DE	12.15.05	0.76+/-
46	DE-1374	NVF Wilmington Property	700 Maryland Avenue, Wilmington, DE	1.26.06	2.01+/-
47	DE-1357	Lexington Avenue Property	513 Lexington Avenue, Smyrna, DE	2.10.06	2.4+/-
48	DE-1427	Chem-Solv Property	5301-03 North DuPont Highway, Cheswold, Delaware	3.23.06	2.4+/-
49	DE-1329	707 S. Market Street	707 S. Market Street, Wilmington	3.24.06	2.4+/-
50	DE-1382	38 Vandever Avenue	38 Vandever Avenue, Wilmington, Delaware 19801	3.24.06	0.38+/-
51	DE-1377	Justison Landing Project	300, 350 & 400 S. Madison Streets Wilmington, Delaware 19810; amended to include a portion of 221 S. Madison and the "triangle."	4.6.06 6.8.06	11.0+/-

52	DE-1384	Up the Creek Restaurant	1195 E. Seventh Street, Wilmington, Delaware 19801	4.13.06	4.52+/-
53	DE 1389	Schwartz Property	201-211 South Market Street Wilmington, Delaware 19801	6.13.06	0.62+/-
54	DE-1385 DE-0131 & DE-1331	Christina Crescent Property	100 Justison Street 101 South West Street, Wilmington, Delaware, 19801	6.13.06	5.9+/-
55	DE-0327	Bell Funeral Home Property	1908,1914,1920, 2002 and 2004 N. Market Street, Wilmington Delaware 19801	6.20.06	1.7+/-
56	DE-1393	Intersection of Rt. 13 and Rt.154	North DuPont Highway, Rose Bowl Road (Rt. 154) and Rt. 13 Dover, Delaware 19901	6.23.06	1.3+/-
57	DE-1376	Delaware Humane Association Property	701 A Street, Wilmington, Delaware 19801	6.23.06	6.05+/-
58	DE-0328	12 th and Brandywine Streets Garden Project Property	12 th and Brandywine Streets, Wilmington, Delaware 19801	6.26.06	0.33+/-
59	DE-1394	0 Miller Road Property	0 Miller Road, New Castle, Delaware 19720	8.02.06	2.3+/-
60	DE-1392	Railroad Crossing Project Property	5 th and Duncan Streets, Wilmington, Delaware 19801	8.02.06	3.0+/-
61	DE-1396	New Castle Avenue and B Street Lots Project Property	New Castle Avenue and B Street Wilmington, Delaware 19801	8.07.06	0.34+/-
62	DE-1395	Pavilion Project	501 N. DuPont Street Wilmington, Delaware 19805	8.15.06	0.71+/-
63	DE-1397	1101 East 8 th Street Property	1101 East 8 th Street, Wilmington Delaware 19801	8.18.06	1.2+/-
64	DE-1367	Newark Housing Authority Cleveland Heights Development	McKee Lane & Terrace Drive Newark, Delaware 19711	9.29.06	6.77+/-
65	DE-287	Former Peninsula Plating Facility Property	West 5 th Street and River Road Blades, Delaware 19973	10.31.06	5.73+/-

66	DE-1405	Heald Street Concrete Plant Property	1100 South Heald Street Wilmington, Delaware 19801	12.12.06	9.07+/-
67	DE-0151	Donovan Property	16773 Old Orchard Road Lewes, Delaware 19958	12.12.06	7.98+/-
68	DE-1383	600 A Street Property	600 A Street Wilmington, Delaware 19801	12.12.06	2.0+/-
69	DE-1334	Former Chesapeake Supply	West Street/Railroad Street Corridor Dover, Delaware 19901	12.15.06	1.3+/-
70	DE-1404	1000 East 12 th Street Property	1000 East 12 th Street Wilmington, Delaware 19801	1.5.07	6.77+/-
71	DE-1401	Howard Street Commercial Redevelopment Property	310-600 South Market Street Wilmington, Delaware 19801	1.10.07	8.7+/-
72	DE-1408	SIP, Inc. Property	1101 and 1225 East 8 th Street Wilmington, Delaware 19801	1.10.07	6.0+/-
73	DE-045	Deemer Landfill Property	9 th and Washington Streets New Castle, Delaware 19720	1.10.07	4.3+/-
74	DE-1410	1190 E. 7 th Street Property	1190 E. 7 th Street Wilmington, Delaware 19801	6.06.07	1.44+/-
75	DE-1412	Former Milford Fertilizer Property	4991 Summit Bridge Road Middletown, Delaware 19963	6.07.07	4.57+/-
76	DE-1414	Pep Up/Calhoun Property	Route 113 and Laurel Road Georgetown, DE 19947	8.03.07	13.0+/-
77	DE-1418	Limestone Shopping Center Property	2600 Limestone Road Marshallton, DE 19808	10.03.07	4.7+/-

78	DE-1461	(Formerly) NVF Yorklyn Property/Yorklyn Redevelopment Project	1166 Yorklyn Road Yorklyn, Delaware 19736	10.03.07	37.0+/-
79	DE-1420	Former Kershaw Construction Property	473-475 Old Airport Road New Castle, Delaware 19720	10.10.07	1.92+/-
80	DE-1419	Delaware and Van Buren Avenue Property	Intersections of Delaware Avenue and Van Buren Street Wilmington, Delaware 19801	10.10.07	1.69+/-
81	DE-1424	Mt. Vernon Street Property	00 Mt. Vernon Street Smyrna, Delaware 19977	12.5.07	0.57+/-
82	DE-1158	Former P&C Roofing Property	720 South Madison Street Wilmington, Delaware 19801	12.5.07	1.33+/-
83	DE-1425	Former Star Building Property	123 South Justison Street Wilmington, Delaware 19801	12.05.07	0.33+/-
84	DE- 1109	Brandywine Fibre Property	1421 Clifford Brown Walk Wilmington, Delaware 19801	12.05.07	1.2+/-
85	DE-1423	Panella Ski Shop Property	3916 Concord Pike Wilmington Delaware 19803	12.05.07	0.18 +/-
86	DE-1428	Crozier Center Property	400 Christiana Road Newark, Delaware 19713	1.4.08	25.25+/-
87	DE-1429	97 Vandever Property	97 Vandever Avenue Wilmington, Delaware 19802	1.4.08	1.01 +/-
88	DE-1426	Dureco Landfill Property	950 River Road New Castle, Delaware 19720	1.17.08	7.74+/-
89	DE-1430	Lippincott Project	300, 308, 314, 316 and 318 N. Market Street/7 and 9 E. Third Street/ 4 E. Fourth Street, Wilmington, Delaware 19801	1.25.08	0.6 +/-
90	DE-1314	Former Dover Machine Works	326 West Loockerman Street Dover, Delaware 19901	1.25.08	0.75 +/-

91	DE-1431	1020 Christiana Avenue	1020 Christiana Avenue Wilmington, Delaware 19801	2.13.08	13.62 +/-
92	DE-1433	300 Greenhill Avenue	300 Greenhill Avenue Wilmington, Delaware 19801	2.15.08	0.58+/-
93	DE-1434	Delaware Children's Museum Property	550 South Madison Street Wilmington, Delaware 19801	2.29.08	6.65 +/-
94	DE-1438	Delaware Civic Center	Crawford Carroll Avenue and West Rustic Lane Dover, Delaware 19901	4.24.08	43.7 +/-
95	DE-0339	Kalmar Nyckel Challenge	1120 and 1112 East 7 th Street Wilmington, Delaware 19801	4.24.08	3.36 +/-
96	DE-1083	Sunday Breakfast Mission	100-110 North Poplar Street Wilmington, Delaware 19801	4.30.08	1.64 +/-
97	DE-1421	Former Pack and Processing Facility	1101 East 8 th Street Wilmington, Delaware 19801	5.30.08	3.39 +/-
98	DE-1442	B Street Pack & Processing Property	600/610 and 620 Bradford Street 410 C Street, 1400 B Street Wilmington, Delaware 19801	7.18.08	2.83+/-
99	DE-1444	605 Vandever Avenue Property	605 Vandever Avenue Wilmington, Delaware 19801	7.30.08	0.52+/-
100	DE-1445	Sears Distribution Center	200 Sears Boulevard Newport, Delaware 19804	8.21.08	12.5+/-
101	DE-1446	829 N. Church Street	829 N. Church Street Wilmington, Delaware 19801	8.21.08	0.04+/-
101	DE-1304	Wilmington Piece Dye	0 Riddle Lane/38 Bancroft Mills Road Wilmington, Delaware 19806	8.21.08	21.73+/-
102	DE-0281	Diamond State Salvage	1300 North Pine Street 1300 North Spruce Street 702 East 14 th Street Wilmington, Delaware 19801	9.19.08	4.25+/-

103	DE-1153	Curtis Paper Company	925 Paper Mill Road Newark, Delaware 19711	9.19.08	7.32+/-
104	DE-1417	Former Wilson Baker Bulk Plant Property	25056 Shorty Road Georgetown, Delaware 19947	9.19.08	0.33+/-
105	DE 1415	900 South Madison Street Facility	760 Justison Street Wilmington DE 19801	10.23.08	1.83+/-
106	DE-1449	2440 Red Lion Road Property	2440 Red Lion Road Kirkwood, Delaware 19708	11.07.08	0.47+/-
107	DE-1450	A and Townsend Street Property	1017, 1019 and 1021 A Street 333, 335 and 337 Townsend Street Wilmington, Delaware 19802	11.07.08	0.19+/-
108	DE-1452	Ministry Row Property	625. E. 10 th Street Wilmington, Delaware 19801	11.07.08	0.33+/-
109	DE-1173	Former Domino Auto Salvage Property	810 S. Walnut Street Wilmington, Delaware 19801	11.07.08	1.6+/-
110	DE-1453	222 Maryland Avenue	222 Maryland Avenue Wilmington, Delaware 19801	11.07.08	.05+/-
111	DE-1451	680 Forest Street Property	680 Forrest Street Property Dover, Delaware 19904	11.07.08	0.99+/-
112	DE-1455	4001 New Castle Avenue (a/k/a Dixon Auto)	4001 New Castle Avenue New Castle, Delaware 19720	11.24.08	0.60+/-
113	DE-1458	900 S. Franklin Street Property	900 S. Franklin Street Wilmington, Delaware	12.08.08	0.58+/-
114	DE-1460	Milton Rails-to-Trails Property	Chestnut Street to Lavinia Street (Railroad Segment) Milton, Delaware 19968	1.15.09	3.0+/-

115	DE-0149	Former Jackson Pit Property	19000 Block of Beaver Dam Road Lewes, Delaware 19985	1.29.09	18.33+/-
116	DE-1462	Consolidated Fabrication Site	900/901 Green Street 1216 D Street 700 South Heald Street Wilmington, Delaware 19801	2.12.09	0.11 +/-
117	DE-0326	512 South Claymont Property	512 South Claymont Street Wilmington, Delaware 19801	2.25.09	0.19+/-
118	DE-1464	Former Classic Image Site	112 West Market Street Newport, Delaware 19804	3.20.09	0.29+/-
119	DE-1465	925 North Church Street Property	925 North Church Street Wilmington, Delaware 19801	3.20.09	0.18+/-
120	DE-1466	Garrett House-609 Washington Street	609 Washington Street Wilmington, Delaware 19801	4.08.09	0.23+/-
121	DE-1472	Former Thompson Gas Station Property	NW Corner of Central Avenue and Front Street Laurel, Delaware 19956	6.22.09	0.2 +/-
122	DE-1175	Merkin Auto Site	501 Garasches Lane Wilmington, Delaware 19801	6.22.09	6.06 +/-

123	DE-1474	Seeds of Greatness Church Site	610 West Seventh Street New Castle, Delaware 19720	7.10.09	15.99 +/-
124	DE-0105	Former Chrysler Newark Plant Site	550 S. College Avenue Newark, Delaware 19711	9.10.09	271 +/-
125	DE-1481	Kempf Storage Site	1101 East 7 th Street 1220 East 8 th Street Wilmington, Delaware 19801	10.05.09	3/72 +/-
126	DE-1131	Former American Scrap & Waste Site	20 Commerce Street Wilmington, Delaware 19801	10.29.09	1.63 +/-
127	DE-1482	Former Foulk Road Getty Site	1712 Foulk Road Wilmington, Delaware 19803	12.02.09	0.67 +/-
128	DE-1483	Middletown Manor Site	0 and 17 Wood Street Middletown, Delaware 19709	12.21.09	1.40 +/-
129	DE-1484	DMA Expansion Site	0, 118 and 116 Middleboro Road Wilmington, Delaware 19804	12.21.09	10.87 +/-
130	DE-1263	Purina Tower A Property	3400 Edgemoor Avenue 3410 Bellvue Avenue Wilmington, Delaware 1980	1.22.10, updated April 1, 2010	6.93 +/-

131	DE-1486	Syntech OU-1 Site	785 Dawson Drive Newark, Delaware	2.19.10	3.5 +/-
132	DE-1149	General Motors Corp- Wilmington Assembly Plant Site (a.k.a. Fisker Automotive)	801 Boxwood Road and Terry Place Wilmington, Delaware 19805	3.11.2010	141.68+/-
133	DE-1487	Braun Property Site	West Water Street and S. Governor's Avenue Dover, Delaware 19901	4.15.2010	0.49+/-
134	DE-1448	Former Straight Line Filters Site	701 Christiana Avenue Wilmington, Delaware 19801	5.26.2010	1.91+/-
135	DE-1491	Former Pep-Up Site	310 N. Race Street Dover, Delaware 19901	7.12.2010	1.0+/-
136	DE-1490	Bast Parking Lot Site	Corner of New Street and N. Race Street Georgetown, DE 19947	7.12.2010	2.0+/-
137	DE-0167	New Castle Gas Company Site	508 South Street 0 West 7 th Street New Castle, Delaware 19720`	7.16.2010	21.0+/-
138	DE-1493	Harry Wood Landfill (OU-1) Site	82 Frenchtown Road New Castle, Delaware 19720	7.28.2010	16.91+/-

139	DE- 1123	560 Terminal Avenue Site	560 Terminal Avenue Wilmington, Delaware 19720	8.13.2010	7.11 +/-
140	DE- 1494	Dukes Boat Yard Site	34836 (22) Long Neck Road Millsboro, DE 19966	9.10.2010	6.60 +/-
141	DE- 1495	Former Kirkwood Highway Gulf Station Site	4601 Kirkwood Highway Wilmington, Delaware 19808	9.10.2010	1.02 +/-
142	DE- 1496	M&N Property Site	209 and 405 South DuPont Road Wilmington, Delaware 19807	10.19.2010	1.25 +/-
143	DE- 1497	Former James Julian Construction Site	209 and 405 South DuPont Road Wilmington, Delaware 19807	10.19.2010	1.31 +/- 5.01 +/-
144	DE- 1498	Riverside Redevelopment Property Site	2300 Bowers Street Wilmington, Delaware 19807	11.18.2010	12.1 +/-
145	DE- 1377	Justison Landing Property	401 S. Madison Street Wilmington, Delaware	12.13.2010	5.96 +/-
146	DE- 1421	Pack and Process Site**	1113 East 7 th Street Wilmington, Delaware	12.14.2010	3.39 +/-

147	DE- 1500	South Wilmington Storm Water Pilot Area	0 Walnut Street Wilmington, Delaware 19801	12.15.2010	2.76 +/-
148	DE- 1358	Former R&S Strauss Site	300 South Market Street Wilmington, Delaware 19801	12.23.2010	0.52 +/-
149	DE- 1502	733 South Market Street Site	733 South Market Street Wilmington, Delaware 19801	2.9.2011	0.95 +/-
150	DE- 1503	Former Defiance Athletic Club Site	1007 Coleman Street Wilmington, Delaware 19805-4707	3.11.2011	0.16 +/-
151	DE- 1504	Delta Outreach Center Site	330 East 30 th Street Wilmington, Delaware 19801	3.11.2011	1.62 +/-
152	DE- 1505	901 East 17 th Street Site	901 East 17 th Street Wilmington, Delaware 19801	3.11.2011	0.03 +/-
153	DE- 1507	Former Insteel Wire Site	700 New Castle Avenue Wilmington, Delaware 19801	5.3.2011	33.09 +/-
154	DE- 1510	Former S. DuPont Shell Station Site	178 South DuPont Highway Wilmington, Delaware 19720	6.17.2011	1.34 +/-

155	DE- 1511	Franklin Fiber Parking Site	909 East 14 th Street Wilmington, Delaware 19801	6.22.2011	.05 +/-
156	DE- 1512	Former Permaflex Rollers Site	375 Bellevue Road Newark, Delaware 19711	7.5.2011	1.66 +/-
157	DE- 1514	Former Commons Boulevard Sunoco Site	7 East Commons Boulevard New Castle, Delaware 19720	7.5.2011	2.57 +/-
158	DE- 0280	Former Diamond State Recycling Center Site	1600 Bowers Street Wilmington, Delaware 19801	10.4.2011	8.0 +/-
159	DE-1517	Former Milton Riverfront Site	117 Front Street Milton, Delaware 19968	11.30.2011	1.47. +/-
160	DE-1518	Riverfront Hotel Site	815 Justison Street Wilmington, Delaware 19801	1.17.2012	0.75 +/-
161	DE-1520	Former Chestnut Hill Exxon Site	366 East Chestnut Hill Road Newark, Delaware 19 713	2.14.2012	0.82 +/-
162	DE-0355	St. Patrick's House Site	1419 North French Street Wilmington, Delaware 19801	4.12.2012	0.14 +/-

163	DE-1523	Former Delmarva Rural Ministries Site	26 Wyoming Avenue Dover, Delaware 19904	4.23.2012	0.46 +/-
164	DE-1524	Former Crowell Corp. Site	1 Crowell Road Newport, Delaware 19804	4.3.2012	5.34 +/-
165	DE-1526	Berry Plastics Site	299 Clukey Drive Harrington, Delaware 19952	5.30.2012	43.5 +/-
166	DE-1527	Thompson Property Site	Freeman Highway and Monroe Avenue Lewes, Delaware 19958	7.27.2012	5.95 +/-
167	DE-1528	2110 Northeast Blvd. Site	2110 Northeast Boulevard Wilmington, Delaware 19801	7.27.2012	.22 +/-
168	DE-1513	Former Wings To Go Site	1804 West 6 th Street 525 North Scott Street Wilmington, Delaware 19805	10.23.2012	0.21 +/-
169	DE-1530	501 A Street Site	501 A Street Wilmington, Delaware 19801	10.23.2012	1.02 +/-
170	DE-1533	Conaway Miller Site	Water Street & South Front Street Seaford, Delaware 19973	10.23.2012	2.45 +/-

171	DE-0359	333 South Governors Avenue Site	333 South Governors Avenue Dover, Delaware 19901	10.23.2012	0.19+/-
172	DE-1535	217 New Road Site	217 New Road Wilmington, Delaware 19808	12.6.2012	0.42+/-
173	DE-1536	Mighty Muffler Site	301 Philadelphia Pike Wilmington, Delaware 19809	12.6.2012	0.27+/-
174	DE-1537	Former SMO Gas Station Site	701 Ogletown Road Newark, Delaware 19711	12.17.2012	0.63+/-
175	DE-1538	22 A East 23 rd Street Site	22 A East 23 rd Street Wilmington, Delaware 19801	2.14.2013	0.12+/-
176	DE-1539	600 North DuPont Highway Site	600 North DuPont Highway Site	2.14.2013	0.2+/-
177	DE-1534	Habitat for Humanity 14 th and Walnut Street Site	East 14 th and Walnut Streets Wilmington, Delaware 19801	2.14.2013	0.55+/-
178	DE-1543	2207 Mitch Road Site	2207 Mitch Road Wilmington, Delaware 19804	3.1.2013	0.59+/-

179	DE-1540	1320 Clifford Brown Walk	1320 Clifford Brown Walk Wilmington, Delaware	3.4.2013	2.04+/-
180	DE-1544	511 Concord Avenue Site	511 Concord Avenue Wilmington, Delaware 19805	4.1.2013	2.04+/-
181	DE-1542	Franklin Fibre Expansion Site	1317 Northeast Boulevard Wilmington, Delaware 19802	4.23.2013	1.15+/-
182	DE-1547	Davidson Lane Site	O Lambson Lane New Castle, Delaware 19720	5.7.2013	71.51+/-
183	DE-1550	Tieman Property	1965 DuPont Highway Dover, Delaware 19901	6.4.2013	0.95+/-
184	DE-1552	Former Playtex Property	519 Division Street Dover, Delaware 19910	6.7.2013	9.29+/-
185	DE-1553	218 Maryland Avenue	218 Maryland Avenue Wilmington, Delaware 19801	6.7.2013 Revoked 3.1.2018	0.08+/-
186	DE-1555	29984 Pinnacle Way	29984 Pinnacle Way Dagsboro, Delaware 19939	7.11.2013	107.0+/-

187	DE-1557	Former Modern Equipment Rental Site	22 and 24 Brookside Drive Wilmington, Delaware 19804	8.23.2013	2.34+/-
188	DE-1558	721 Terminal Avenue Site	721 Terminal Avenue Wilmington, Delaware 19801	9.12.2013	2.10+/-
189	DE-1562	Former Oceanic Gas Station	2801 Concord Pike Wilmington, Delaware 19803	11.18.2013	0.35+/-
190	DE-1563	Kaiser Yacht Property	1122 E. Seventh Street and 0 SS E. Seventh Street Wilmington, Delaware 19801	11.26.2013	1.09+/-
191	DE-1565	First State Military Academy Site	355 West Duck Creek Road Clayton, Delaware 19938	1.08.2014	35.65+/-
192	DE-0107	Hudson Pit Site	NS Route 1 and Tulip Drive Lewes, Delaware	1.28.2014	36.48+/-
193	DE-1568	3006 Lancaster Avenue Site	3006 Lancaster Avenue Wilmington, Delaware 19805	3.13.2014	0.26+/-
194	DE-1569	3203 Miller Road Site	3203 Miller Road Wilmington, Delaware 19802	3.13.2014	0.36+/-

195	DE-1570	Former Air Products Site	755 Governor Lea Boulevard Delaware City, Delaware 19706	3.13.2014	15.62+/-
196	DE-1572	800 Foulk Road Site	800 Foulk Road Wilmington, Delaware 19803	3.14.2014	0.44+/-
197	DE-1574	427 West 7 th Street-New Castle	427 West 7 th Street New Castle, Delaware 19720	3.28.2014	4.3+/-
198	DE-1575	Latin American Community Center Community Gardens	1121 and 1123 West 4th Street Wilmington, Delaware 19805	4.3.2014	0.06+/-
199	DE-1576	Former Able Machine Company Site	21-23 Brookside Drive Wilmington, Delaware 19801	4.3.2014	0.28+/-
200	DE-1577	3022-3028 New Castle Avenue, New Castle Site	3022-3028 New Castle Avenue New Castle, Delaware 19720	4.22.2014	12.89+/-
201	DE-1578	Former Mike's Mini Mart Site	1454 Frederica Road Frederica, Delaware	4.30.2014	0.3+/-
202	DE-1579	Former Take A Break Site	401-415 7 th Avenue 413-423 8 th Streets Wilmington, Delaware 19801	5.2.2014	1.39+/-

203	DE-1580	307 Ridge Road Site	307 Ridge Road Claymont, Delaware 19703	5.2.2014	0.40+/-
204	DE-1582	110 Water Street Site	110 Water Street Newport, Delaware 19804	5.9.2014	0.26+/-
205	DE-1047	Pee Wee's Truck Stop Site	5321 N. DuPont Highway Cheswold, Delaware 19904	6.2.2014	1.7+/-
206	DE-1583	Former Super Soda Center Milford II Site	320 N.E. Front Street Milford, Delaware 19963	7.11.2014	0.39+/-
207	DE-1584	2712-2714 Kirkwood Highway Site	2712-2714 Kirkwood Highway Elsmere, Delaware 19805	7.11.2014	0.18+/-
208	DE-1585	Former Super Soda Center- Harrington Site	7184 Milford Harrington Highway Harrington, Delaware 19952	8.20.2014	0.65+/-
209	DE-1586	Former FAS Mart #259 Site	501-503 East Market Street Georgetown, Delaware 19947	9.02.2014	0.95+/-
210	DE-1587	18904-18920 Coastal Highway Site	18904-18920 Coastal Highway Rehoboth Beach, Delaware	9.02.2014	1.6+/-

211	DE-1589	810 Justison Street Site	810 Justison Street Site Wilmington, Delaware 19801	9.18.2014	1.96+/-
212	DE-1592	Former BP Truck Maintenance Facility Site	945 River Road New Castle, DE 19720	10.03.2014	3.17+/-
213	DE-1593	Former Eastern Auto Body Site	1 Brookside Drive Wilmington, Delaware 19804	10.24.2014	0.20+/-
214	DE-1595	Former Avon Products Site	2100 Ogletown Road Newark, Delaware 19701	11.13.2014	45.51.+/-
215	DE-1596	Former Penny Hill Mobile Site	2509 Philadelphia Pike Claymont, Delaware 19703	11.19.2014	0.35+/-
216	DE-1597	Former Free-Flow Packaging Site	111 Alan Drive Newark, Delaware 19711	1.9.2015	2.92+/-
217	DE-1598	Former 200 Churchmans Road Exxon Station Site	200 Churchmans Road Newark, Delaware 19711	1.8.2015	0.84+/-
218	DE-1599	Former Communications Printers Site	2840-2850 Ogletown Road Newark, Delaware 19711	1.7.2015	0.88+/-

219	DE-0127	Ennis Dump Site	First Avenue Smyrna, Delaware 19977	1.16.2015	22.5+/-
220	DE-1601	20618 North DuPont Blvd. Georgetown Site	20618 North DuPont Boulevard Georgetown, Delaware 19947	2.25.2015	11.37+/-
221	DE-1268	Amer Industrial Technologies Site	100 Amer Road Wilmington, Delaware 19801	2.25.2015	25.38+/-
222	DE-1603	2004 & 2008 Shipley Road	2004 & 2008 Shipley Road Wilmington, DE 19803	4.9.2015	8.41+/-
223	DE-1602	Cathedral of St. John Church Wilmington, DE	2020 North Tatnall Street and 1 Concord Ave. Wilmington, Delaware 19801	4.10.2015	2.5+/-
224	DE-1605	Liquid Alchemy Site	28 Brookside Drive Wilmington, Delaware 19804	5.7.2015	0.46+/-
225	DE-1606	726 A Street Site	726 A Street Wilmington, Delaware 19801	5.15.2015	0.47+/-
226	DE-0190	Lewes Coal Gas Site	Kings Highway Lewes, Delaware 19958	6.26.2015	1.1+/-

227	DE-1611	VEI Dover Crossroads Site	747 North DuPont Highway Dover, Delaware	6.26.2015	25.00+/-
228	DE-1610	Former McGrellis Auction House Site	713,721 and 729 Valley Road Hockessin, Delaware 19707	7.2.2015	27.19+/-
229	DE-1612	Wilmington University- Brandywine Campus Site	5014 Concord Pike Wilmington, Delaware	7.8.2015	1.16+/-
230	DE-1172	Former A-1 Auto Parts Site	410 Garasches Lane Wilmington, Delaware	7.14.2015	2.1+/-
231	DE-1613	Former Morheat Coal and Fuel Company Site	723 New Castle Avenue 801 South Clayton Street 1000-1001 Green Street Wilmington, Delaware 19801	7.17.2015	2.95+/-
232	DE-1614	0 South Chapel Street Site	0 South Chapel Street Newark, Delaware 19711	7.22.2015	0.89+/-
233	DE-1615	Former Delmar News Site	809 Taylor Street Wilmington, Delaware 19801	7.22.2015	0.22+/-
234	DE-1617	Former Dover Products Site	5200 West Denneys Road Dover, Delaware 19901	8.27.2015	14.7+/-

235	DE-1619	Former Greenwood Service Station Site	Route 13 and Hickory Lane Greenwood, Delaware 19950	9.16.2015	4.65+/-
236	DE-0245	Reichhold Chemical Site	144 Fork Branch Road Dover, Delaware 19901	9.16.2015	110+/-
237	DE-1620	Boyds Corner Property Site	451 Boyds Corner Road Middletown, Delaware 19804	9.16.2015	4.8+/-
238	DE-1621	1215 Philadelphia Pike Site	1215 Philadelphia Pike Wilmington Delaware 19809	10.14.2015	0.86+/-
239	DE-1622	Former Philadelphia Pike Texaco Site	801 Philadelphia Pike Wilmington, Delaware 19809	10.14.2015	0.39+/-
240	DE-1031	Seaford Power Plant Site	200 South Pine Street Seaford, Delaware 19973	10.23.2015	1.86+/-
241	DE-1623	Bowen Tract Site	838 Yorklyn Road Hockessin, Delaware 19707	11.2.2015	16.99+/-
242	DE-1624	459 Old Airport Road Site	459 Old Airport Road New Castle, Delaware 19720	11.5.2015	0.96+/-

243	DE-1625	Laurel Grain 2 Site	33222 Bi-State Boulevard Laurel, Delaware 19956	11.20.2015	17.84+/-
244	DE-1626	510 A Street Site	510 A Street Wilmington, Delaware 19801	11.30.2015	0.95+/-
245	DE-1627	4928 and 4929 N. DuPont Highway Salvage Yard Site	4928 and 4929 N. DuPont Highway Dover, Delaware 19901	11.30.2015	2.85+/-
246	DE-1628	0 Red Lion Road Site	0 Red Lion Road New Castle, Delaware 19720	11.30.2015	127.63+/-
247	DE-1180	American Tank Trailer Cleaning Site	535 South Market Street Wilmington, Delaware 19801	1.29.2016	5.18+/-
248	DE-1632	735 B South Market Street	735 B South Market Street Wilmington, Delaware 19801	2.19.2016	2.11+/-
249	DE-1573	Oyster House Village Site	37686 Oyster House Road Rehoboth Beach, Delaware 19971	4.8.2016	4.2+/-
250	DE-0323	201 Gold Property Site	201 Vandever Avenue Wilmington, Delaware 19801	5.17.2016	0.71+/-

251	DE-1556	1001 Garasches Lane Site	1001 Garasches Lane Wilmington, Delaware 19801	7.13.2016	2.49+/-
252	DE-1634	Former Mil-Del Site	700 and 718 McColley Street Milford, Delaware 19963	7.14.2016	3.97+/-
253	DE-1636	2-4 East 7 th Street Site	2-4 East 7 th Street Wilmington, Delaware 19801	8.29.2016	0.43+/-
254	DE-1637	200 West 9 th Street Site	200 West 9 th Street Wilmington, Delaware 19801	8.29.2016	0.18+/-
255	DE-1178	Former Shusters Auto Salvage Site	601 and 603 South Market Street Wilmington, Delaware 19801	9.29.2016	5.89+/-
256	DE-1638	Uniqema/Cherry Utility Corridor Site	900 Uniqema Boulevard New Castle, Delaware 19720	10.6.2016	2.06+/-
257	DE-0207	Thoro-Kleen, Inc. Site	11 Railroad Avenue Georgetown, Delaware 19947	11.2.2016	0.25+/-
258	DE-1642	1001 North Spruce Street Site	1001 North Spruce Street Wilmington, Delaware 19801	1.25.2017	0.02+/-

259	DE-1200	Former Holly Oak Substation Site	7001 Governor Printz Boulevard Claymont, Delaware 19703	1.27.2017	0.38+/-
260	DE-1643	Lidl Grocery Store Site	122 North DuPont Highway Dover, Delaware 19901	1.30.2017	7.23+/-
261	DE-1644	First State Crossing Site	4001 Philadelphia Pike Claymont, Delaware 19703	2.1.2017	0.4.78+/-
262	DE-1640	PB Wilmington RF 228 Site	516 and 518 A Street Wilmington, Delaware 19801	2.23.2017	0.765 +/-
263	DE-0043	Metal Masters Site	655 and 664 West Glenwood Avenue Smyrna, Delaware 19977	2.23.2017	11.14+/-
264	DE-1340	700 A Street Site	700 A Street Wilmington, Delaware 19801	3.3.2017	2.95+/-
265	DE-1650	Newtown Road Site	0 Newtown Road Newark, Delaware 19702	3.21.2017	2.10+/-
266	DE-1651	14028 Sussex Highway Site	14028 Sussex Highway Greenwood, Delaware 19950	3.28.2017	3.3+/-

267	DE-1654	Former Bobs Speed Shop Site	29122 Sussex Highway Laurel, Delaware 19956	4.18.2017	11.23+/-
268	DE-1655	Wilson Properties Site	800 and 810 South Market Street Wilmington, Delaware 19801	4.19.2017	3.69+/-
269	DE-0256	Homalite Inc. Site	11, 13 and 16 Brookside Drive Wilmington, Delaware 19804	4.19.2017	0.99+/-
270	DE-1660	Former Selbyville Foodrite Site	46-48 North Main Street Selbyville, Delaware 19975	6.20.2017	2.15+/-
271	DE-1661	504 Kirkwood Highway Site	504 Kirkwood Highway Elsmere, Delaware 19805	6.22.2017	0.36+/-
272	DE-1663	DTC- 2nd and Walnut Street Site	2nd and Walnut Street Wilmington, Delaware 19801	8.1.2017	0.29+/-
273	DE-1666	Former Pit Stop Deli Site	9758 South DuPont Highway Felton, Delaware 19943	10.10.2017	8.2+/-
274	DE-1667	1289-1313 Federica Road Site	1289-1313 Federica Road Frederica, Delaware 19946	10.23.2017	1.67+/-

275	DE-1669	Carney Machine Stores Site	0 East Front Street Wilmington, Delaware 19801	11.16.2017	1.65+/-
276	DE-0118	Sussex Lumber Site	Tract 1 B, Robinsonville Road Lewes, Delaware 19958	11.28.2017	8.8+/-
277	DE-0055	Timko Brothers Landfill Site	602 Main Street Wilmington, Delaware 19804	11.29.2017	22.26+/-
278	DE-0334	Christina River Bridge Site	1100 Justison Street Wilmington, Delaware 19801	12.12.2017	3.68+/-
279	DE-1172	A-1 Auto Parts Site	410 Garasches Lane Wilmington, Delaware 19801	12.18.2017	2.1+/-
280	DE-1670	3604 Downing Drive Site	3604 Downing Drive Wilmington, Delaware 19801	12.20.2017	5.14+/-
281	DE-1671	0 Garasches Lane Site	0 Garasches Lane Wilmington, Delaware 19801	12.20.2017	0.58+/-
282	DE-1674	Justison Landing, Parcel 1A Site	308 Justison Landing, Parcel 1A Wilmington, Delaware 19801	1.18.2018	1.28+/-

283	DE-0371	516 North King Street & Alico Road Site	516 North King Street & Alico Road Wilmington, Delaware 19801	2.01.2018	0.43+/-
284	DE-1677	119 North DuPont Highway	119 North DuPont Highway Dover, Delaware 19901	3.01.2018	0.76+/-
285	DE-1078	Former Connections CSP, Inc. Site	608 and 610 West Street 304, 306, 308, 310, 312 and 316 W. 7 th Street Wilmington, Delaware 19801	3.23.2018	0.3+/-
286	DE-1679	Christina Riverfront Hotel Site	820 Justison Street Wilmington, Delaware 19801	3.23.2018	0.3+/-
287	DE-1681	South Garasches Lane Site	South Garasches Lane Wilmington, Delaware 19801	5.31.2018	7.33+/-
288	DE-1683	John's Body Shop	2318 W Third Street Wilmington, Delaware 19801	6.21.2018	0.75+/-
289	DE-1682	West 4 th Street and Delamore Place Site	West 4 th Street and Delamore Place Wilmington, Delaware 19801	6.28.2018	0.41+/-
290	DE-0097	Sixteenth Street Quarry Site	1601 N. Spruce Street Wilmington, Delaware 19801	8.2.2018	7.29+/-


291	DE-1684	4601 N. Market Street Site	4601 N. Market Street Wilmington, Delaware 19801	8.9.2018	4.85+/-
292	DE-1686	Swain Property Site	5877 and 5899 Rehoboth Boulevard Milford, Delaware 19963	8.29.2018	7.65+/-
293	DE-0046	CitiSteel Area A Site	4001 Philadelphia Pike Claymont, Delaware 19703	8.30.2018	15.5+/-
294	DE-1685	Nanticoke Cleaners Site, Blades	35 North Market Street Blades, Delaware 19973	9.5.2018	1.0+/-
295	DE-1688	518 S. Heald Street Site	518 S. Heald Street Wilmington, Delaware 19801	10.19.2018	.39+/-
296	DE-1689	1320 E. 8 th Street Site	1320 E. 8 th Street Wilmington, Delaware 19801	10.23.2018	1.75+/-
297	DE-1345	Former New Arc Welding Site	30 Commerce Street Wilmington, Delaware 19801	10.23.2018	29.41+/-
298	DE-1693	501 East Front Street Site	501 East Front Street Wilmington, Delaware 19801	12.7.2018	0.62+/-



Public Hearing
Posting on DNREC
website
Exhibit 07

Public Hearing: Sargio Corporation Application for Bay Vista Marina Dredging

 06:00 PM - 06:00 PM Thursday March 14, 2019

 DNREC Division of Water / Water / Natural Resources and Environmental Control

MEETING DESCRIPTION

The Department of Natural Resources and Environmental Control will conduct a public hearing to hear comments on Sargio Corporations application to dredge material from Bay Vista Marina.

Sargio Corporation proposes to mechanically maintenance dredge 3,500 cubic yards of material to a depth of 4 feet below mean low water in the marina basin and to a depth of 6 feet below mean low water in the access channel. The total area of the marina basin to be dredged is 0.65 acres and the total area of the access channel is 0.11 acres. The disposal area is directly adjacent to the marina to the north and is also owned by Sargio Corporation. The area is 0.34 acres in size and will be prepared by excavating a 2-3 foot deep cut and using the excavated material to create a 4 foot high

earthen berm around the site. Silt fencing will also be placed around the bermed area. Following placement of the dredge spoil in the disposal site, the material will be allowed to dewater and will then be stabilized by leveling, capping with upland soil on top, and seeded.

[Public Hearing Information and Documents](#)

CONTACT INFORMATION

Bethany Fiske

 [302-739-9000](tel:302-739-9000)

 Bethany.Fiske@Delaware.gov

 [Website](#)

ADDRESS

Shoreline & Waterway Management

901 Pilottown Rd

Lewes DE 19958

Conference Room

Persons wishing to comment on the applications and draft permit may do so either orally or in written form at the public hearing on March 14, 2019. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via either email to Bethany.Fiske@delaware.gov or via USPS to 89 Kings Highway, Dover, DE 19901

VIRTUAL MEETING INFORMATION

None

DOCUMENTS

None

CHANGE HISTORY

Date

Reason

02/26/2019

New

Meeting Location

Get Directions 



GOVERNMENT :::

- Cities & Towns
- Delaware Courts
- Delaware State Code
- Elected Officials
- General Assembly
- Delaware Governor
- Locations Directory

- Phone Directory
- State Employees
- State Agencies
- State Regulations
- Transparency
- Calendar API
- Make a FOIA Request

BUSINESS :::

- Economic Development
- Incorporate
- Business First Steps
- Tax Center
- Bid for State Contracts
- Export Assistance
- Start a Small Business



DNREC Menu

(<http://delaware.gov>)

Public Hearing: Sargio Corporation Application for Bay Vista Marina Dredging

**DATE & TIME:**

Thursday, March 14, 2019

6:00 pm

LOCATION:

[DNREC Lewes Field Office](#)

901 Pilottown Rd.

Lewes, Delaware

DETAILS:

The Department of Natural Resources and Environmental Control will conduct a public hearing to hear comments on Sargio Corporation's application to dredge material from Bay Vista Marina, located at the end of Basin Street in Rehoboth Beach, and to dispose of the material on an adjacent upland parcel.

Sargio Corporation proposes to mechanically maintenance dredge 3,500 cubic yards of material to a depth of 4 feet below mean low water in the marina basin and to a depth of 6 feet below mean low water in the access channel. The total area of the marina basin to be dredged is 0.65 acres and the total area of the access channel is 0.11 acres.

The disposal area is directly adjacent to the marina to the north and is also owned by Sargio Corporation. The area is 0.34 acres in size and will be prepared by excavating a 2-3 foot deep cut and using the excavated material to create a 4 foot high earthen berm around the site. Silt fencing will also be placed around the bermed area. Following placement of the dredge spoil in the disposal site, the material will be allowed to dewater and will then be stabilized by leveling, capping with upland soil on top, and seeded.

The public notice of the Department's receipt of the application was published in the News Journal and the Delaware News on September 19, 2018. The Department received a public hearing request on October 3, 2018.

Persons wishing to comment on the applications and draft permit may do so either orally or in written form at the public hearing on March 14, 2019. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via either email to Bethany.Fiske@delaware.gov or via USPS to the address below.

Public Hearing Officer:

[Bethany Fiske](#)

Office of the Secretary

Department of Natural Resources and Environmental Control

89 Kings Highway

Dover, Delaware 19901

Related Information

[Sargio Corporation Application](#)

[Sargio Corporation Amended Application](#)

Copies of the application are also available from the Division of water by contacting Gayle Calder, at 302.739.9943.

Add event to calendar:

Apple iCal (https://dnrec.alpha.delaware.gov/?eme_ical=public_single&event_id=234)

Calendar (<http://www.google.com/calendar/event?action=TEMPLATE&text=Public%20Hearing%3A%20Sargio%20Corporation%20Application%20for%20Bay%20Vista%20Marina%20Dredging>)

Outlook (https://dnrec.alpha.delaware.gov/?eme_ical=public_single&event_id=234)

MAP & DIRECTIONS:



[Return to Calendar](#)



DIVISIONS

- Office of the Secretary (<https://dnrec.alpha.delaware.gov/office-of-the-secretary/>)
- Environmental Finance (<https://dnrec.alpha.delaware.gov/environmental-finance/>)
- Division of Community Affairs (<https://dnrec.alpha.delaware.gov/community-services/>)
- Division of Climate, Coastal, & Energy (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/>)
- Division of Air Quality (<https://dnrec.alpha.delaware.gov/air/>)
- Division of Water (<https://dnrec.alpha.delaware.gov/water/>)
- Division of Waste and Hazardous Substances (</waste-hazardous/>)
- Division of Fish & Wildlife (</fish-wildlife/>)
- Division of Parks and Recreation (</parks/>)
- Division of Watershed Stewardship (</watershed-stewardship/>)



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(<https://www.youtube.com/user/DelawareDNREC>)

- Topics of Interest (<https://dnrec.alpha.delaware.gov/topics-of-interest/>)
- Contact Us (<https://dnrec.alpha.delaware.gov/contacts/>)
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- Public Meetings (<https://dnrec.alpha.delaware.gov/public-meeting-calendars/>)
- About DNREC (<https://dnrec.alpha.delaware.gov/mission/>)
- DNREC Divisions (<https://dnrec.alpha.delaware.gov/divisions/>)
- Regulations (<https://dnrec.alpha.delaware.gov/dnrec-regulations/>)
- Employment (<http://delawarestatejobs.com/search/jobs.aspx?srch=dnrec&sort=agency&sortdir=1&loc=>)
- DNREC Improvements (<https://dnrec.alpha.delaware.gov/improving-dnrec/>)
- Public Notices (<http://www.dnrec.delaware.gov/Lists/Public%20Notices/AllItems.aspx>)
- DNREC Open Data (<https://dnrec.alpha.delaware.gov/dnrec-open-data/>)
- FOIA Requests (<https://dnrec.alpha.delaware.gov/foia/>)





Sussex Conservation District Approved Sediment Stormwater Plans Exhibit: 8

SUSSEX CONSERVATION DISTRICT
23818 SHORTLY ROAD
GEORGETOWN, DE 19947

APPLICATION FOR STANDARD PLAN APPROVAL
GENERAL APPLICATION FOR STANDARD PLAN APPROVAL

Approval of this Standard Sediment and Stormwater Plan may be granted if all applicability items established in Technical Document Article 3.01.1 for the individual standard plan project type are met, and the owner/applicant agrees to comply with the conditions of the individual standard plan project type contained in the same Article.

Standard Plan Project Type (selection one)

- 3.01.1.4 Agricultural Structure Construction
- 3.01.1.5 Tax Ditch Maintenance
- Dredged material disposal site
- 3.01.1.8 BMP Construction and Retrofit
- 3.01.1.9 Minor Bridge and Culvert Construction

Site Information

Project Name: Bay Vista Marina dredging Parcel Total Acres (nearest 0.1ac): 0.84± acres
 Site Location: First Street, Bay Vista Disturbed Acres (nearest 0.1ac): 0.34 acres
 Tax Parcel ID: #3-34-19.16-25.02 Proposed Impervious Area (sq ft/ ac): 0
 Wooded area to be cleared (sq ft/ ac): 84 ± sq. ft. total
 (28 pine trees to be removed)

Applicant Information

Owner: Sargio Corp. c/o John Candeloro Applicant: Evelyn Maurmeyer, CER, Inc.
 Mailing Address: PO Box 1066 Mailing Address: PO Box 674
Newark, DE 19715 Lewes, DE 19958
 Owner Phone: (302) 545-4655 Applicant Phone: (302) 645-9610
 email: john@martahomes.com email: maurmeye@udel.edu

Applicant Certification

I, the undersigned, certify that the information supplied on this Application for Standard Plan Approval is accurate, the proposed land disturbing activity meets the criteria established, and all conditions of this Standard Plan Approval will be met by the applicant, builder, contractor, and owner during construction and post construction.

Applicant Signature: [Signature] Date: 12/27/2018
 Applicant Printed Name: Evelyn Maurmeyer Title: Env. Consultant

Approval Information (for office use only)	
Approval #:	<u>2019-20</u>
Fee Paid: \$	<u>500.00</u>
Approved by:	<u>[Signature]</u>
Approval Date:	<u>1/2/19</u>
Title:	<u>Program Manager</u>
Expiration Date:	<u>1/2/24</u>

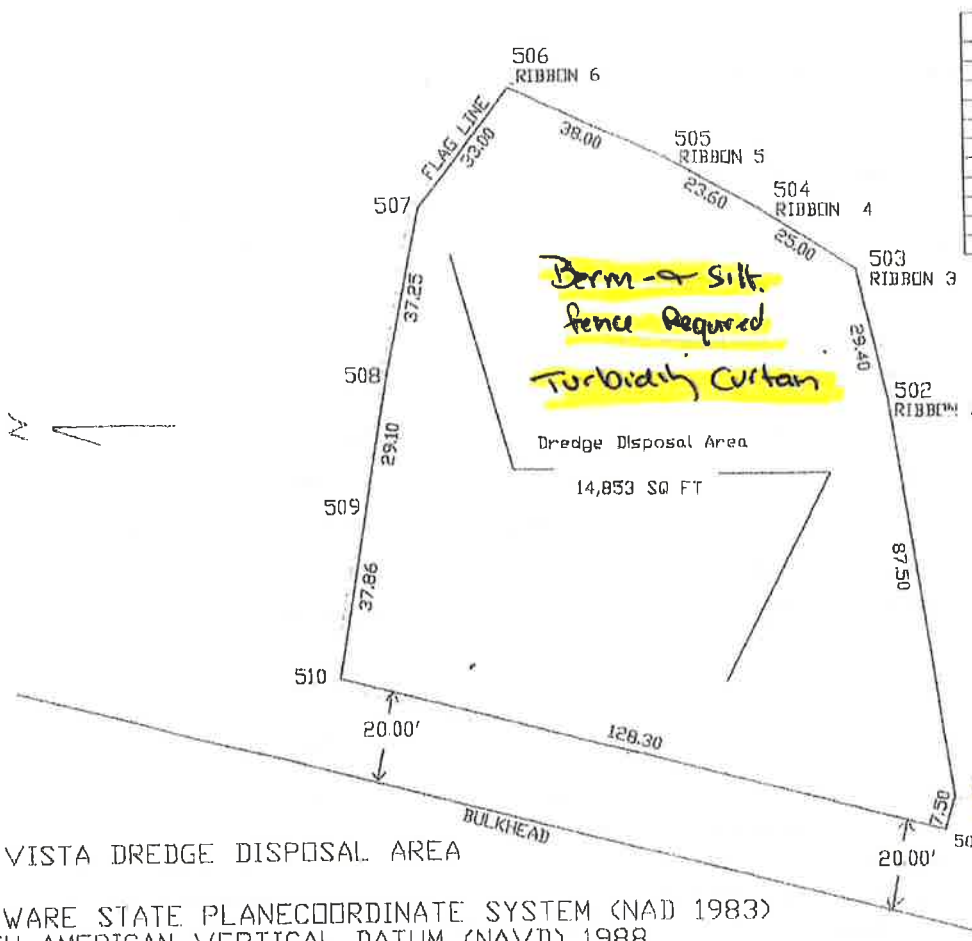


STANDARD PLAN APPROVAL

SEDIMENT CONTROL & STORMWATER MANAGEMENT

Approved by: *[Signature]* Date: *1/2/19*
#2019-20

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
IN: Bay Vista Marina basin and access channel
Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03
APPLICANT: Sargio Corp.



Point	Northing	Easting
500	254953.026	748185.179
501	254960.180	748187.300
502	255046.656	748173.920
503	255075.240	748167.100
504	255088.750	748145.890
505	255099.910	748125.000
505	255115.441	748090.399
507	255089.460	748070.110
508	255053.000	748062.470
509	255024.300	748057.640
510	254986.998	748051.186

Notes:

- a 4' cotton berm will be installed around perimeter of proposed spoil area with a silt fence around the bermed area.
- a turbidity curtain will be installed at the marina entrance.
- after dredging is completed the disposal area will be stabilized by leveling and upland soils placed on top and seeded.

BAY VISTA DREDGE DISPOSAL AREA

DELAWARE STATE PLANE COORDINATE SYSTEM (NAD) 1983
NORTH AMERICAN VERTICAL DATUM (NAVD) 1988



DATE: 12/05/18

TRIANGLE SURVEYS, INC.
P.O. Box 307 Perry Hall, MD 21120 Tel: (410) 661-5916
14108 Soling Rd Ocean City, MD 21842 Tel: (410) 324-9710

Figure 4. Survey of Bay Vista confined upland disposal site, prepared by Triangle Surveys, Inc. Ribbons denote Federal 404 wetland line, as delineated on site by Evelyn Maumeyer, CER, Inc. Site preparation notes by Apple Marine Construction, Inc. (dredging/disposal contractor).



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

December 27, 2018

Jessica Watson
Program Manager
Sussex Conservation District
23818 Shortly Road
Georgetown DE 19947

RE: Proposed maintenance dredging and dredged material disposal, Bay Vista Marina basin and access channel, Rehoboth Beach, Sussex County, Delaware (Sargio Corp. John M. Candeloro, owner)

Dear Jessica:

Enclosed is a General Application for Standard Approval for the confined dredged material disposal site for the above-referenced project. You advised me to submit this form, along with a check for \$500.00 for the application fee (also enclosed), in response to my email inquiry, December 13, 2018.

Please feel free to contact me if you have any questions, or require additional information to issue the approval. Please mail the final approval to the owner, Sargio Corp., c/o John Candeloro, at the address on the application, with a copy to me for my files, thank you.

Sincerely,

Evelyn M. Maurmeyer, Ph. D.

Enclosures

cc: John Candeloro, Sargio Corp. (Owner)
George Apple, Apple Marine Construction, Inc. (contractor)



Evelyn Maurmeyer <maurmeye@udel.edu>

E&S plan for dredge disposal site?

jessica.watson@sussexconservation.org <jessica.watson@sussexconservation.org>

Thu, Dec 13, 2018 at
8:06 AM

To: Evelyn Maurmeyer <maurmeye@udel.edu>

Good morning Evelyn,

I would use the General Standard plan application – which is a \$500 fee. Please provide a plan (which can be hand drawn) of the dredge spoil location (LOD – limit of disturbance) – and perimeter controls around the stockpile. Will you need turbidity curtains as well? Specify how the area will be stabilized following.

https://www.sussexconservation.org/images/pdfs/Stormwater_pdf/SCDAPPLICATIONFORGENERALSTANDARDPLAN_.pdf

Please let me know if you have any other questions.

Sincerely,

Jessica

Jessica Watson

Program Manager



jessica.watson@sussexconservation.org

23818 Shortly Road, Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

sussexconservation.org

From: Evelyn Maurmeyer <maurmeye@udel.edu>

Sent: Wednesday, December 12, 2018 11:46 AM



COASTAL & ESTUARINE RESEARCH, INC.

Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958
302-645-9610

December, 2018

**PROJECT DESCRIPTION:
MECHANICAL MAINTENANCE DREDGING,
BAY VISTA MARINA AND ACCESS CHANNEL
WITH UPLAND CONFINED DISPOSAL,
REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE**

Site Owner

Sargio Corp.
John M. Candeloro
PO Box 1066
Newark, DE
(302) 545-4655 (cell)
john@martahomes.com

Contractor

Apple Marine Construction, Inc.
George Apple
11702 Bay Landing Drive
Berlin, MD 21811
(401) 213-7097; (443) 944-5191
Georgerapple1@comcast.net

The dredging site is the Bay Vista Marina basin and access channel, located on Basin Street, Bay Vista, Rehoboth Beach, Sussex County, Delaware (Tax Map Parcel #3-34-19.16-23.03). See Figures 1 and 2 for location maps, and Figure 3 for aerial photograph. The site is an artificially-excavated basin adjacent to the Lewes and Rehoboth Canal. The applicant proposes to mechanically dredge the basin using a long-reach (50') excavator based on uplands, to remove **3,500 c.y.** of accumulated sediment (predominantly mud) to a depth of -4' MLW. A turbidity curtain will be installed at the marina entrance. The excavator will unload dredged material directly into dump trucks, which will transport the material directly into an on-site, upland confined disposal area adjacent to/north of the dredging site (Tax Map Parcel #3-34-19.16-23.02; approximately 0.84 acres in size, also owned by the applicant). A portion of the site was previously used for disposal of excavated material from a nearby community. Latitude = 38.699° North (approximate center of disposal site); Longitude = -75.0946° West (approximate center of disposal site). The disposal area will occupy 14,853 sq. ft. (0.34 acre). See Figure 4 for survey of disposal site. Approximately 28 pine trees will have to be cut prior to project initiation. Site preparation will involve excavating a 2-3' deep cut, and using the excavated material to create a 4' high earthen berm around the site. A silt fence will be placed around the bermed area. Upon completion of the project, the disposal area will be stabilized by leveling ; placement of upland soil on top, and seeded.

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL), WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN: Bay Vista Marina basin and access channel
 AT: Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19.16-25.03
 APPLICANT: Sargio Corp.

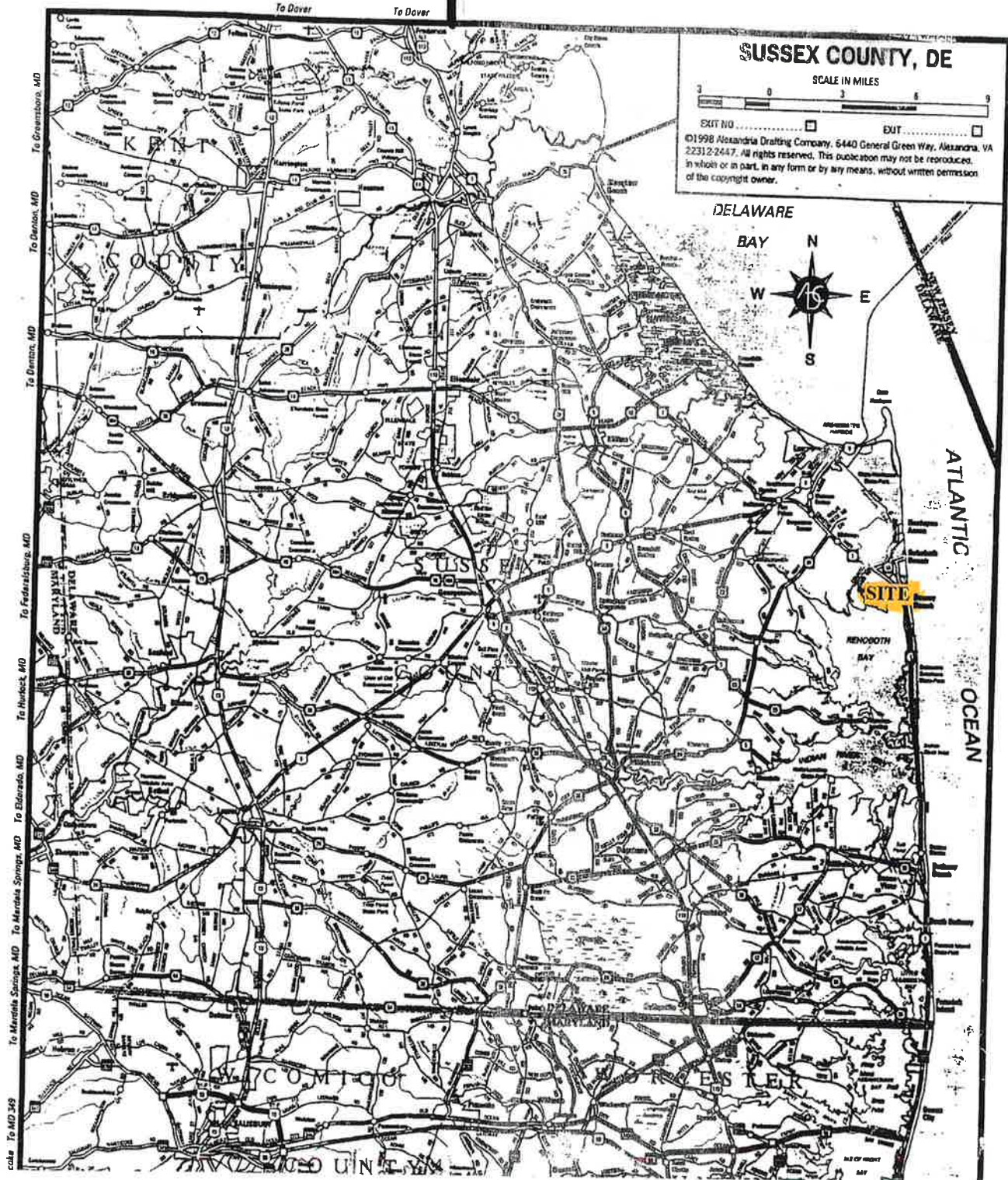


Figure 1. Map of Sussex County, Delaware showing project site, Bay Vista, Rehoboth Beach.

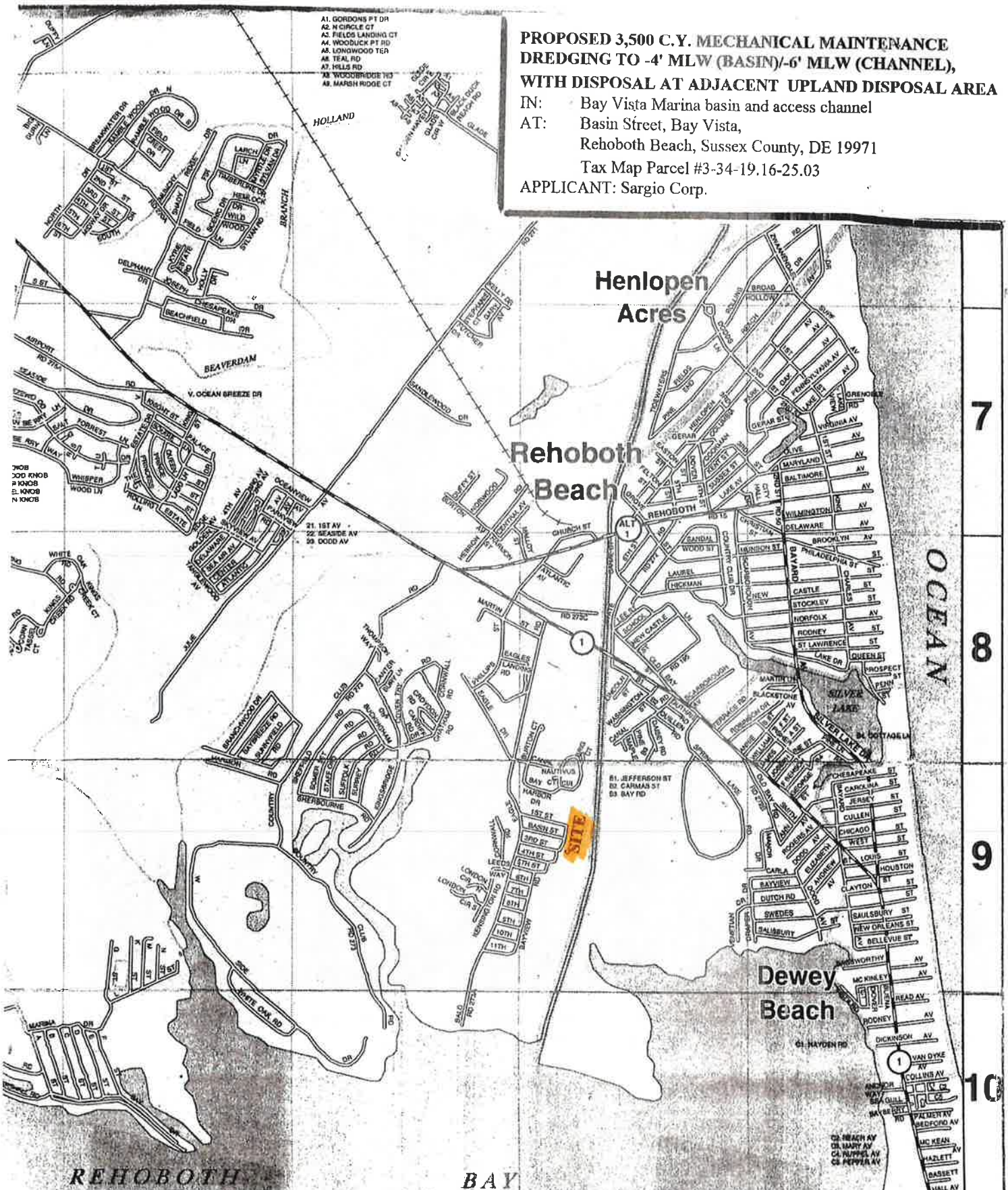


Figure 2. Map of Rehoboth Beach, Sussex County, Delaware showing maintenance dredging (MD) site, Bay Vista Marina. Directions to site (from Dover, DE): SR-1 southbound toward Rehoboth Beach; right onto Bay Vista Road; left onto Basin Road; marina is at end of road. Disposal site is cleared upland area adjacent to/north of basin. Also see Figure 3.

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**
IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
Rehoboth Beach, Sussex County, DE 19971
Tax Map Parcel #3-34-19.16-25.03
APPLICANT: Sargio Corp.



Google Earth Pro



Figure 3. GoogleEarth 2017 aerial photograph showing maintenance dredging (MD) site, Bay Vista Marina basin and entrance channel, adjacent to Lewes and Rehoboth Canal; and disposal area (DA), cleared uplands adjacent to/north of basin.

Dredge Sediment
Chemical Analyses
Exhibit: 09



51 Clark St. Harrington, DE 19952
PH: 302.398.4313 FX: 302.398.4312
ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER MONITORING

ANALYTICAL RESULTS

C.E.R. Inc.
P.O. Box 674
Lewes, DE 19958
Attention: Evelyn Maurmeyer

Lab ID: 265242 Matrix: Soil/Sludge Sample Start: 11/26/18 10:00
Description: Site: Bay Vista Lagoon Sample End:
Type: Grab Date Received: 11/26/18 11:45



Miscellaneous/Other

SHIP Completed 12/21/18 0:49 SWL None

ND = Not Detected
* = Above Specified Limit
** = Above Client Limit



Environmental & Agricultural Testing
"Providing Quality Analytical Services Since 1939"

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Certificate of Analysis

December 21, 2018

Erin Bichy
Envirocorp Labs, Inc.
51 Clark Street
Harrington, DE 19952

Work Order: 1830752
Project: General - DE

Dear Erin Bichy,

Enclosed is your report of analysis that contains the result(s) of the sample(s) received on 11/27/2018. Please direct any questions or comments regarding the content of this report to our Client Services Manager, Mr. Kevin Green; or the Laboratory Director, Mr. Raymond J. Martrano at (570) 326 - 4001.

Seewald Laboratories, Inc. is a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory and the analytical result(s) contained in this report meet those regulation requirements, except where noted. For example, all drinking water testing and/or analysis comply with the requirements in 40 CFR part 141. All wastewater testing and/or analysis comply with the requirements in 40 CFR part 136. All Solid and Chemical Material testing and/or analysis complies with the requirements in SW-846. All quantitative solid result(s), unless otherwise indicated, are reported on a dry weight basis obtained by a percent moisture calculation.

Sample(s) that were collected by Seewald Laboratories, Inc. personnel are done in accordance with the latest revision of the laboratory's Field Sampling and Field Analysis Standard Operating Procedures. The result(s) contained within this report are representative of the sample(s) as received. Any and all information provided to us by the client was not performed by Seewald Laboratories, Inc. and is not within our scope of accreditation. Any abnormalities in how the sample(s) were received are noted in the documentation contained herein.

All information contained within this report is the property of Seewald Laboratories, Inc. and that of the client. This report may not be reproduced in any form without prior consent from either an authorized representative of Seewald Laboratories, Inc. or the client for which this report was intended. If required, this report must be reproduced in its entirety. Seewald Laboratories, Inc. is not responsible for the use or interpretation of the data included herein.

Please visit www.seewaldlabs.com for a complete list of our accredited parameters and other topics of interest.

Regards,

Seewald Laboratories, Inc.



Approved by: _____

Ray Martrano, Laboratory Director

PA Lab ID: 41-00034 • Maryland Certificate #: 202 • Delaware Office of Drinking Water • NY State Lab ID: 12028

Table of Contents

Certificate of Analysis/Cover Letter	1
Sample Summary	3
Analytical Results	4
Notes and Definitions	7
Work Order/COC PDF	8



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Envirocorp Labs, Inc. 51 Clark Street Harrington, DE 19952	Project: General - DE Project Number: 265242 - C.E.R. Inc Reported: 12/21/2018 11:50
--	---

Sample Summary

Lab ID	Sample	Matrix	Sampled	Received
1830752-01	265242 - Bay Vista Lagoon	Solid	11/26/2018 10:00	11/27/2018 10:00





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Envirocorp Labs, Inc.	Project: General - DE
51 Clark Street	Project Number: 265242 - C.E.R. Inc
Harrington, DE 19952	Reported: 12/21/2018 11:50

Analytical Results

Sample ID: 265242 - Bay Vista Lagoon **Sampled:** 11/26/2018 10:00
Lab ID: 1830752-01 **Received:** 11/27/2018 10:00
Matrix: Solid

Analyte	Result	Units	Qualifier	Reporting Limit	Prepared	Analyzed	Method	Analyst
---------	--------	-------	-----------	-----------------	----------	----------	--------	---------

General Chemistry

% Moisture	66.5	%		0.500	11/28/18 14:29	11/28/18 14:40	SM 2540 G	JW
% Solids	33.5	%		0.500	11/28/18 14:29	11/28/18 14:40	SM 2540 G	JW

Metals

Arsenic	ND	mg/Kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Barium	49.4	mg/Kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Cadmium	ND	mg/Kg dry		0.434	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Chromium	63.9	mg/Kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Lead	34.1	mg/Kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Selenium	7.29	mg/Kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Silver	ND	mg/Kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3050 B/6010 C	SM
Mercury	0.188	mg/Kg dry		0.0477	11/28/18 09:43	11/28/18 15:39	EPA 7471 B	APS

Polychlorinated Biphenyl (PCBs) - GC/ECD

Aroclor 1016	ND	mg/Kg dry	D, G4	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1221	ND	mg/Kg dry	D	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1232	ND	mg/Kg dry	D	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1242	ND	mg/Kg dry	D	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1248	ND	mg/Kg dry	D	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1254	ND	mg/Kg dry	D	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
Aroclor 1260	ND	mg/Kg dry	D, G4	0.295	11/28/18 12:00	12/5/18 06:08	EPA 3550 C/8082 A	JAS
<i>Surrogate: Decachlorobiphenyl</i>	<i>91.0%</i>			<i>48.8-152</i>	<i>11/28/18 12:00</i>	<i>12/5/18 06:08</i>	<i>EPA 3550 C/8082 A</i>	<i>JAS</i>
<i>Surrogate: Tetrachloro-m-xylene</i>	<i>93.0%</i>			<i>48.1-135</i>	<i>11/28/18 12:00</i>	<i>12/5/18 06:08</i>	<i>EPA 3550 C/8082 A</i>	<i>JAS</i>

Organochlorine Pesticides GC/ECD

4,4'-DDD	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
4,4'-DDE	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
4,4'-DDT	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Aldrin	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS





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Envirocorp Labs, Inc.	Project: General - DE
51 Clark Street	Project Number: 265242 - C.E.R. Inc
Harrington, DE 19952	Reported: 12/21/2018 11:50

Analytical Results

Sample ID: 265242 - Bay Vista Lagoon (Continued) **Sampled:** 11/26/2018 10:00
Lab ID: 1830752-01 **Received:** 11/27/2018 10:00
Matrix: Solid

Analyte	Result	Units	Qualifier	Reporting Limit	Prepared	Analyzed	Method	Analyst
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Organochlorine Pesticides GC/ECD (Continued)

Alpha-BHC	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
alpha-Chlordane	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Beta-BHC	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Chlordane (tech.)	ND	mg/Kg dry		0.0498	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
delta-BHC	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Dieldrin	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endosulfan I	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endosulfan II	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endosulfan Sulfate	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endrin	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endrin Aldehyde	ND	mg/Kg dry	ML	0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Endrin Ketone	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Gamma-BHC	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
gamma-Chlordane	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Heptachlor	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Heptachlor epoxide	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Methoxychlor	ND	mg/Kg dry		0.00993	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Toxaphene	ND	mg/Kg dry		0.199	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
<hr/>								
Surrogate: 2,4,5,6-Tetrachloro-m-xylene	71.1%			15.1-116	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS
Surrogate: Decachlorobiphenyl	69.3%			24.5-130	12/10/18 10:00	12/18/18 22:11	EPA 3550 C/8081 B	JAS

Semi-Volatile Organic Compounds (SVOCs) - EPA 8270

Acenaphthene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Acenaphthylene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Anthracene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Benzo(a)anthracene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Benzo(a)pyrene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Benzo(b)fluoranthene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Benzo(g,h,i)perylene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Benzo(k)fluoranthene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS





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Envirocorp Labs, Inc.	Project: General - DE
51 Clark Street	Project Number: 265242 - C.E.R. Inc
Harrington, DE 19952	Reported: 12/21/2018 11:50

Analytical Results

Sample ID: 265242 - Bay Vista Lagoon (Continued) **Sampled:** 11/26/2018 10:00
Lab ID: 1830752-01 **Received:** 11/27/2018 10:00
Matrix: Solid

Analyte	Result	Units	Qualifier	Reporting Limit	Prepared	Analyzed	Method	Analyst
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Semi-Volatile Organic Compounds (SVOCs) - EPA 8270 (Continued)

Chrysene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Dibenzo(a,h)anthracene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Fluoranthene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Fluorene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Indeno(1,2,3-cd)pyrene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Naphthalene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Phenanthrene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Pyrene	ND	mg/Kg dry	D	0.995	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
<hr/>								
Surrogate: 2,4,6-Tribromophenol	83.9%			0.1-177	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Surrogate: 2-Fluorobiphenyl	61.4%			20.9-134	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Surrogate: 2-Fluorophenol	58.0%			0.1-88.3	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Surrogate: Nitrobenzene-d5	54.1%			0.1-152	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Surrogate: Phenol-d6	61.4%			0.1-94.1	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS
Surrogate: Terphenyl-d14	89.7%			0.1-172	12/10/18 10:00	12/21/18 00:49	EPA 3550 C/8270 D	JAS





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Envirocorp Labs, Inc.	Project: General - DE
51 Clark Street	Project Number: 265242 - C.E.R. Inc
Harrington, DE 19952	Reported: 12/21/2018 11:50

Notes and Definitions

Item	Definition
D	The sample result is reported with an elevated reporting limit and/or detection limit due to sample dilution or limited sample mass.
G4	The Calibration Verification recovered above laboratory established acceptance criteria, however, the sample concentration was determined below the reporting limit.
ML	The Calibration Verification recovered low and was not within the laboratory established acceptance criteria.
ND	Not Detected at or above the Minimum Reporting Limit
Reporting Limit	This value represents the minimum concentration that the target analyte can be identified and quantitated with confidence



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 2829 Reach Road
 Williamsport, PA 17701
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 Complete Online at www.seewaldlabs.com

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 inarround.

rt Format:

Standard / MDL Report
 Rush Standard / EDD
 QC Report / EDD



1830752

Cash PO#
 Check Ck#
 Cr. Card Not Paid

Customer Contact Information:

Contact Person: Erin Bichy or Rachael Needam
 Client/Co. Name: Envirocorps Labs, Inc.
 Address: 51 Clark Street
 City, State, Zip: Harrington, DE 19952
 Telephone No.: 302.398.4313
 Cell No.:
 Fax No.:
 Email Address: Erin@envirocorplabs.com
 Rachael@envirocorplabs.com

Invoice Information (if different):

Shelly Bloom
 Project #:
 Container Type/Preservation (see keys)
 CG 0

Sample Information: Project:

pH _____ SU Temp _____ °C Meter # _____
 DO _____ mg/L Temp _____ °C Meter # _____
 Cl₂ Tot _____ Free _____ mg/L Meter # _____
 Sp Cond _____ mg/L Temp _____ °C Meter # _____

C.E.R. Inc
 * Comp #1 8 12 24 * Comp #2 8 12 24
 Start: @ End: @
 Start: @ End: @

Sample Information:

LIMS ID #	Sample Identification	Matrix (key)	Sample Date (MM/DD/YY)	Sample Time (HH:MM)	Grab or Composite *
-01	265242 - Bay Vista Lagoon	SCM	11/26/2018	10:00	Grab

Container: (CG) Clear Glass (AG) Amber Glass (P) Plastic (V) Vial (SP) Sterile Plastic (WP) Whirl-Pak (O) Other
 Preservation: (0) none (1) H2SO4 (2) HCL (3) HNO3 (4) NaOH (5) Zn(O2CCH3)2 (6) Na2SO3 (7) NH4CL (8) H3PO4 (9) Other (a) NH4Cl (b) C6H6O6 (c) MeOH (d) NaHSO4
 Matrix: (DW) Drinking Water (NPW) Non-Potable Water (SCM) Solid/Chemical Materials (D) Dairy (FD) Frozen Desserts (F) Food (PC) Plastic Cont. (ENV) Env. Swabs (SW) Surface Water (GW) Ground Water (A) Air (DI) Reagent Water (O) Other

Sampled By (1st) Print Name: Client PAID 11/27/18 Signature: [Signature]
 Relinquished By (1st): [Signature] Received By (2nd): UPS
 Relinquished By (2nd): [Signature] Received By (3rd): [Signature]
 Relinquished By (3rd): [Signature] Received By (4th): [Signature]
 Relinquished By (4th): [Signature] Received By (5th): [Signature]

Compliance Sample Information
 PWSID # NA
 Monitoring Period: _____
 Reason: _____
 Report Type (key): A C D E M P R S
 Location Code/ID: Delaware

Receipt Info: Lab Employee _____ FedEx _____
 # of Coolers: _____ Temp: _____ °C
 Received on ice? Y N
 Coolers & samples intact? Y N
 COC intact & complete? Y N
 Correct container provided? Y N
 Sample/COC/Analysis agree? Y N
 Adequate sample volumes? Y N
 Headspace present? Y N
 Sample(s) pH acceptable? Y N
 Completed By: [Signature] Y = Yes N = No

Reporting Type Key:
 A = Start up R = Raw
 C = Check S = Special
 D = Distribution
 E = Entry Point
 M = Max Residence
 P = Plant

Comments/Notes:
 DE

UPS US Postal Walk in
 Client Notified? Yes No
 Date/Time: 11/27/18 11:53
 Spoke to: Message
 Reason: SNOE List

Analyses/Methods Requested
 See attached (or Ray Martrano)
8270 SNOE PAH
8081 pest
8082 PCB
40 Solid & moisture
TEPP PCBs & Hg
Total
Arbitration

pH checks completed by: RA
 Field Services
 Mileage/Hours/fees:

Tier 1: SR 11/27/18 Sub. WO
 Tier 2: [Signature] Completed

Rev. 3 - 1/3/17



Client Name C.E.R. Inc.
 Contact EVERETT MAURMEYER
 Address P.O. Box 674
Lawey DE 19958
 Phone 302-645-9610
 Fax
 Email maurmeyer@cedelab.com

Type	Containers Received		Administrators Notes <u>Send SQ INV #000334</u>	
Quant	Bacti	Q		M
Temperature Upon Receipt	°C			

Analyses/Method Requested

		<u>See attached</u>	

Lab I.D	Sample Description/Location	Sample Date	Time	Matrix	Field	Please check appropriate box for each test requested
<u>260242</u>	<u>Bay Vista Lagoon</u>	<u>11/26/18</u>	<u>1000</u>	<u>S</u>		<u>X</u>

Q=Quart (Unpreserved), M=Metals (HNO₃), Bacti=P/A Colliert® (Sodium Thiosulfate)

Sampled by [Signature] Date 11/26/18 Time 10⁴⁵ am. Received by E. Bees Date 11/26/18 Time 1145

Relinquished by _____ Date _____ Time _____ Received by _____ Date _____ Time _____

Relinquished by _____ Date _____ Time _____ Received by _____ Date _____ Time _____

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

7500 Wetlands and Subaqueous Lands

7504 Regulations Governing the Use of Subaqueous Land

Regulations Governing
Use of Subaqueous
Lands
Exhibit: 10

Authority

These regulations governing the use of subaqueous lands are promulgated in accordance with the provisions of 7 Del.C. §7212.

Purposes

Subaqueous lands within the boundaries of Delaware constitute an important resource of the State and require protection against uses or changes which may impair the public interest in the use of tidal or navigable waters. The purposes of this Ch. are to empower the Secretary to deal with or to dispose of interest in public subaqueous lands, and to place reasonable limits on the use and development of private subaqueous lands, in order to protect the public interest by employing orderly procedures for granting interests in public subaqueous land, and for issuing permits for uses of or changes in private subaqueous lands. To this end 7 Del.C. §7212 empowers the Secretary to adopt rules and regulations to effectuate the purposes of the chapter, to apply to the courts for aid in enforcing this statute and the rules and regulations adopted pursuant thereto, and to convey interests in subaqueous lands belonging to the State.

1.0 Definitions

The following words or phrase shall have the following definitions unless the context clearly indicates otherwise.

"Activity" includes, but is not limited to, any human induced action, such as dredging, draining, filling, grading, bulkheading, mining, drilling, extraction of materials or excavation or construction of any kind, including, but not limited to, construction of a boat ramp or slip, breakwater, residences, bridge, bulkhead, culvert, dam, derrick, dock, groin, jetty, lagoon, gabion, rip-rap, launching facility, marina, mooring facility, pier, seawall, walkway or wharf.

"Anchoring" means the holding of a vessel solely by means of an anchor which is dropped to underwater lands and which is carried aboard the vessel.

"Anchorage/Moorage" means a designated and permitted area reserved for the anchoring or mooring of vessels.

"Approved Upland Residential Unit(s)" means the residential units given final approval by a local government zoning agency for one parcel of land riparian to the adjacent or affected waterbody.

"Boat Docking Facility" means a place where a vessel or vessels may be secured to a fixed or floating structure, or moorage or mooring onto the shoreline or shoreline structure (including marginal docks), either temporarily or indefinitely.

"Commercial" means any activity undertaken for profit, for which a fee will be charged, directly or indirectly, or which results in the generation of revenue.

"Commercial Project" means any boat docking facility or anchorage, other than a single-boat pier, dock or anchorage intended to serve a single family dwelling.

"Convenience Structure" means any structure which provides access to a watercourse, including but not limited to, a boat ramp or slip, derrick, dock, dolphin, piling, launching facility, marina, mooring facility, pier, walkway or wharf; whether permanent or temporary, floating or fixed.

"Critical Habitat" includes areas classified by the Department and serving an essential role in the maintenance of sensitive species. Areas may include unique aquatic or terrestrial ecosystems that support rare endangered or threatened plants and animals. Rare, endangered or threatened species are defined by both state and/or federal listings.

"Cumulative Impacts" means the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges or activities. Although the impact of a particular discharge or activity may be a minor change in itself, the cumulative effect may

impair the water resources and interfere with the productivity, water quality, or public use of existing aquatic ecosystems.

"Department" means the Department of Natural Resources and Environmental Control.

"Dredging" means the removal or displacement, by artificial activities, of mud, soil, sand, gravel, shells or other material from subaqueous lands.

"Facility" means all related land, structures, services, appurtenances and improvements associated with an activity regulated under 7 Del.C. Ch. 72.

"Filled Lands" includes tidelands and submerged lands reclaimed artificially through raising such lands above the highest probable elevation of the tides to form dry land by placement of a fill or deposit of earth, rock, sand or other solid materials.

"Filling" means depositing materials from any source onto tidelands, submerged lands, wetlands or upland, whether for the purpose of creating new uplands or for any other purpose, including the disposal of dredged materials.

"Floating Platform" means any floating structure which has no means of propulsion or is not designed as a boating vessel.

"Governor" means the Governor of the State of Delaware.

"Lease" means an agreement for exclusive possession of lands for a determinate period.

"Marginal Dock" means a fixed or floating structure placed immediately contiguous and parallel to or including an established seawall, bulkhead, or revetment, used for the purpose of berthing vessels either temporarily or indefinitely.

"Marina" means a boat docking facility, as defined in the Department's Marina Regulations.

"Mean High Water" or **"Mean High Tide"** (a tidal datum) means the point on a bank, tide flat, beach or shore, up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation (non-aquatic), physical markings or characteristics, known vegetation lines, and maybe further identified by tidal gauge data, or any other suitable means delineating the mean height reached by a rising tide.

"Mean Low Water" or **"Mean Low Tide"** (a tidal datum) means the average lowest point on a bank, tide flat, beach or shore, found during normal tide conditions. This may be determined by physical or biological characteristics, interpolation from mean high water based on knowledge of tidal range for an area or tide gauge information, if corrected to account for local conditions.

"Mooring" means the holding of a vessel by means of a mooring buoy or similar device which is fastened to a stationary underwater device that is not carried aboard the vessel as regular equipment.

"Navigable Water" means a river, stream, lake, bay, inlet, or other waterway capable of having been or being used for transport of useful commerce, including waterways which become navigable as the result of alteration such as dredging. "Transport of useful commerce" shall include the transportation of goods or persons by water including, but not limited to, recreational transport, such as canoeing, rafting, sailing, tubing, water-skiing, motor boating or windsurfing.

"Ordinary High Water Line" means for nontidal waters, the line where the presence and action of the water are so continuous in all ordinary years so as to mark upon the soil of the bed, or character distinct from that of the banks, with respect to vegetation, as well as with respect to the nature of the soil itself.

"Person" means any individual, minor, partnership, corporation, joint venture, estate, trust, syndicate, fiduciary, firm and other association and combination whether public or private, including quasi-public corporations, political subdivisions, and governmental agencies, instrumentalities, and other entities.

"Pier" means a structure in, on, or over subaqueous lands which is used by the public primarily for fishing, crabbing, swimming, or viewing. A pier shall not include vessel berthing use unless specifically designated as such.

"Preemptive Area" means the area of public subaqueous lands from which the traditional public uses have been, or would be, excluded to any extent by an activity, structure, or vessel.

"Private Subaqueous Lands" means any subaqueous lands which are not public subaqueous lands.

"Public Interest" means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in subaqueous lands, the Department shall consider the ultimate project and purpose to be served by said use, sale, permit, lease, or transfer of lands or materials.

"Public Subaqueous Lands" means those subaqueous lands owned by the State of Delaware, including subaqueous lands which were altered or created from non-subaqueous lands by excavation or other means or through loss by natural processes or acts of God.

"Resident Vessel" means a live-aboard vessel docked or moored at an anchorage, marina, or other boat docking, facility for a period exceeding a total of two consecutive weeks in a single year.

"Riparian Habitat" means a habitat that is strongly influenced by water and which occurs in, or adjacent to, a waterbody (i.e. rivers, streams, ponds, lakes, bays, ocean, wetlands, etc.).

"Secondary Effects" are effects on an aquatic ecosystem that are associated with a discharge or activity, but do not directly result from the discharge or activity.

"Secretary" means the Secretary of the Department of Natural Resources and Environmental Control.

"Shoreline Erosion Control Structure or Measure" means any activity or structure which provides for stabilization of the shore or bank of a watercourse including, but not limited to, a bulkhead, breakwater, gabion, groin, jetty, rip-rap revetments, seawall, vegetation, and/or grading of banks.

"State" means the State of Delaware.

"Structure" includes, but is not limited to, any boat ramp, slip, building, breakwater, bridge, bulkhead, culvert, dam, derrick, dock, gabion, groin, jetty, residence, launching facility, marina, mooring facility, pier, seawall, walkway, or wharf.

"Subaqueous Lands" means submerged lands and tidelands.

"Submerged Lands" means land lying below the line of mean low tide in the beds of all tidal waters within the boundaries of the State, together with the beds (channel ward of ordinary high water in non-tidal waters) of navigable rivers, streams, lakes, bays, inlets, ponds, or other waterways within the boundaries of the State.

"Tidal Waters" means any waters affected by tide.

"Tidelands" means lands lying between the line of mean high water and the line of mean low water.

"Vessel" means and includes every description of watercraft, boat, houseboat, or other contrivance capable of navigating the waters of the State.

"Water-Dependent Activity" means an activity which can only be conducted on, in, over, or adjacent to water, and where the use of the water or subaqueous lands is a primary and integral part of the activity or use.

"Wetlands" means those lands defined as "Wetlands" in 7 Del.C. Ch. 66.

2.0 Administrative Principles

2.1 Jurisdiction. These Regulations are adopted pursuant to 7 Del.C. §7212.

2.2 Scope of Regulations

2.2.1 Applicability

2.2.1.1 The extent of jurisdictional authority over public or private subaqueous lands includes any activity in a navigable stream or waterbody, which have a hydrologic connection to natural waterbodies.

2.2.1.2 These Regulations shall apply to all activities upon or affecting public and private subaqueous lands within the State of Delaware.

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

- 2.2.1.3 These Regulations shall apply to all applications received on or after the effective date of these Regulations. Applications submitted before the effective date of these Regulations shall be governed by the regulations titled "Regulations Governing the Use of Public Subaqueous Lands," adopted July 14, 1969 and revised July 30, 1985.
- 2.2.1.4 These Regulations shall not alter any right or obligation arising from any lease, easement, license, grant or other legally binding agreement from or between the State of Delaware and any person which is in effect prior to the effective date of these Regulations.
- 2.2.1.5 To the extent that any activity is commenced prior to the effective date of these Regulations, any previous regulation or law which applied to such activity prior to the effective date of these Regulations shall remain in force.
- 2.2.1.6 Any expansion, modification, renewal, repair, or rebuilding of any structure affecting subaqueous lands, which occurs after the effective date of these Regulations, shall be subject to these Regulations.
- 2.2.1.7 Any change or modification of a permitted or grandfathered activity affecting subaqueous lands, which occurs after the effective date of these Regulations, shall be subject to these Regulations.
- 2.2.2 Subaqueous Lands
- 2.2.2.1 The areas where these Regulations apply are shown on the U.S. Geological Survey 7.5 Minutes Series (Topographic) Quadrangle Charts for the various quadrangles making up the State of Delaware. Such jurisdiction shall be presumed correct subject to written rebutment by the public or the Department based on a determination made in the field, using established criteria and procedures adopted by the Department in accordance with the Regulations. These criteria shall be developed using biological and physical indicators which include, but are not limited to, the presence of a defined channel, banks, aquatic fauna and flora, and other field indicators of instream habitat.
- 2.2.2.2 Final determination of the location of mean high water shall be determined in the field by the Department, using biological and physical indicators. Where the bank or shore at any particular site is of such character that it is impossible or difficult to ascertain where the point of mean high water is, recourse may be had to other places on the bank or shore of the same stream, lake, etc. to determine whether a given stage of water is above or below the mean high water mark. Similarly, the ordinary high water mark along the banks of a navigable bay, lake, pond, river, stream, or other waterway shall be taken as the boundary between the subaqueous lands and the non-subaqueous lands.
- 2.2.2.3 These Regulations acknowledge the applicability of the Public Trust Doctrine to all navigable waters. Any applicant asserting private ownership of subaqueous lands must demonstrate said ownership.
- 2.3 Activities on Private Subaqueous Lands: Types of Projects Requiring a Permit
- 2.3.1 Owners of private subaqueous lands shall obtain a permit from the Department, pursuant to this regulation, before undertaking any activity on such lands which, as determined by the Department, may contribute to the pollution of public waters, have an adverse impact or destroy aquatic habitats, infringe upon the rights of the public use of the waterway or the public, infringe upon the rights of other private owners, or make connection with public subaqueous lands, including but not limited to, the activities specified in subsection C of this section.
- 2.3.2 No person shall deposit material upon, remove, or extract materials from, or construct, modify, repair, reconstruct, except as specified in subsection 1.08(B) any structure or facility upon or over private subaqueous lands without first having obtained a permit or letter of authorization from the Department.
- 2.3.3 Permits or Letters of Authorization
- 2.3.3.1 The following types of activities in, on, over, or under private subaqueous lands require a permit or letter of authorization from the Department:

- 2.3.3.1.1 Construction of a convenience structure or boat docking facility.
 - 2.3.3.1.2 Construction of a shoreline erosion control structure or measure.
 - 2.3.3.1.3 Dredging, filling, excavating, or extracting of materials.
 - 2.3.3.1.4 Excavation, creation, or alteration of any channel, lagoon, turning basin, pond, embayment, or other navigable waterway on private subaqueous lands which will make connection with public subaqueous lands.
 - 2.3.3.1.5 Dredging of existing channels, ditches, dockages, lagoons, and other navigable waterways to maintain or restore the approved depth and width (letter of authorization).
 - 2.3.3.1.6 Excavation of land which makes connection to subaqueous lands.
 - 2.3.3.1.7 The laying of any pipeline, electric transmission line, telephone line, or any other utility structure in, on, over, or under the beds of private subaqueous lands.
 - 2.3.3.1.8 Installation of temporary or permanent mooring buoys or private marker buoys.
 - 2.3.3.1.9 Establishment of an anchorage for the use of a mooring for more than two (2) boats or for appurtenant onshore services.
 - 2.3.3.1.10 Anchoring or mooring a floating platform over private subaqueous lands for a period of twenty-four (24) consecutive hours or more.
 - 2.3.3.1.11 Anchoring or mooring any vessel or platform over private subaqueous lands for a revenue generating purpose.
 - 2.3.3.1.12 Repair and replacement of existing serviceable structures over private subaqueous lands (letter of authorization), except no permit or letter is required for repairs or structural replacements which are above the mean low tide and which do not increase any dimensions or change the use of the structure.
- 2.4 Use of Public Subaqueous Lands: Types of Projects Requiring Approval
- 2.4.1 The Secretary may convey a fee simple title or any lesser interest for a commercial or noncommercial project. Once public subaqueous lands become private subaqueous lands, they are subject to regulation as private subaqueous lands pursuant to these Regulations.
 - 2.4.2 The following types of activities on public subaqueous lands require a lease, permit, or letter of authorization from the Department:
 - 2.4.2.1 Construction or use of any structure on, in, under, or over public subaqueous lands, including but not limited to, any convenience structures, shoreline erosion control structure or measure, or boat docking facility.
 - 2.4.2.2 Dredging, filling, excavating, or extracting of materials.
 - 2.4.2.3 Continuous anchoring or mooring of a commercial vessel used in a commercial activity on or over public subaqueous lands for thirty (30) or more consecutive calendar days or for thirty (30) or more calendar days during any consecutive three (3) months.
 - 2.4.2.4 The laying of any pipeline, electric transmission line, or telephone line in, on, over, or under the beds of public subaqueous lands.
 - 2.4.2.5 Installation of temporary or permanent mooring buoys or private marker buoys.
 - 2.4.2.6 Establishment of an anchorage for mooring more than two (2) boats or which serves as a permanent place for resident vessels.
 - 2.4.2.7 Anchoring or mooring a floating platform over public subaqueous lands and for a period of twenty-four (24) consecutive hours or more.
 - 2.4.2.8 Maintenance dredging of existing or new channels, ditches, dockages, lagoon and other waterways to maintain or restore the approach depth and width (letter of authorization).
 - 2.4.2.9 Anchoring or mooring any vessel or platform over public subaqueous lands for revenue generating purposes.

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- 2.4.2.10 Repair and replacement of existing serviceable structures over private subaqueous lands (letter of authorization), except no permit or letter is required for repairs or structural replacements which are above the mean low tide and which do not increase any dimensions or change the use of the structure.
- 2.4.2.11 New dredging activities of channels, ditches, dockages or other waterways.
- 2.5 Statewide Activity Approvals. The Department may adopt statewide activity approvals for certain specified activities with limiting dimensions and criteria which are considered to have minimal impacts on subaqueous lands, water quality, habitats, etc. The qualification of a project for a statewide activity approval may require no review or will invoke an abbreviated review process for a decision by the Department.
- 2.6 Prohibitions. Certain types of projects are deemed inappropriate for consideration and shall not be considered or approved for private or public subaqueous lands under these Regulations:
- 2.6.1 Houseboats. No non-motorized vessel or floating platform whose function or use is primarily that of a residence shall be authorized under these Regulations to moor, anchor, dock over or otherwise occupy subaqueous lands. 2.6 Prohibitions. Certain types of projects are deemed inappropriate for consideration and shall not be considered or approved for private or public subaqueous lands under these Regulations:
- 2.6.2 Gazebos. No gazebos shall be constructed on a dock, pier, wharf, or other convenience or shoreline erosion control structure which otherwise utilize subaqueous lands, whether the structure is enclosed or open.
- 2.6.3 Overwater Structures. Restaurants, decks, residences, or appurtenances that extend over subaqueous lands, but which are not dependent upon water access for their primary purpose, shall not be authorized by these Regulations.
- 2.6.4 Mooring Buoys. Installation of mooring buoys or private marker buoys, which unduly impedes or preempts public access to subaqueous lands or interfere with navigation, shall not be permitted.
- 2.6.5 Convenience Structures. No convenience structure shall be constructed or used in a manner which creates a safety or navigation hazard, public nuisance, or unduly restricts public use or access to subaqueous lands. Such structures shall be relocated or removed by the person who installed, replaced or owns the structure.
- 2.6.6 Dockominiums. No real property consisting of a pier, dock, boat slip or anchorage over public subaqueous lands shall be declared as a unit in a common interest community. The section shall not prohibit classification of such structures as common amenities of a condominium or planned community.
- 2.6.7 Developments.
- 2.6.7.1 In residential developments in which the development allows individual boat docks, the combined number of individual boat docks and centralized slips (such as in a marina) shall not exceed the total number of waterfront lots in the development. This subsection shall not apply to an application for an individual boat dock at a waterfront lot filed by the individual if an individual has purchased such lot prior to the effective date of these Regulations. In residential developments in which the development prohibits individual boat docks, the number of centralized slips shall be limited only by any applicable requirements of the State of Delaware Marina Regulations.
- 2.6.7.2 The construction of boat launching ramps may be authorized within residential developments for the use of any resident within the development regardless of whether or not residents with waterfront property have, or may apply for, individual boat docks.
- 2.6.7.3 No resident of a development which prohibits individual boat docks shall permanently beach, moor, or anchor any vessel at any location in the development other than the development's approved marina.
- 2.6.7.4 No individual boat dock application shall be accepted prior to the legal subdivision and sale of individual lots on, or adjacent to, the proposed structure.

- 2.7 Other Projects. No other project which may potentially impact the public interest in the use of tidal or navigable waters, contribute to water pollution, infringe upon the rights of the public, infringe on the rights of private owners, or make connection with public subaqueous lands, shall be undertaken on public or private subaqueous lands unless approval has been obtained from the Department.
- 2.8 Exemptions
- 2.7.1 Anchoring. A waterfront property owner, other than one within a development which provides a marina or anchorage for residents' use, may anchor or moor, not more than two (2) personally owned vessels in the waters adjacent to and within the perpendicular seaward extension of the property boundaries of the waterfront property, provided that the preemptive mooring area does not extend more than ten percent of the width of the waterbody at high tide, is not in a navigational channel, and does not pose a navigational hazard.
- 2.8.2 Written Notification of Exempted Repairs and Replacements. Repairs or structural replacements which are above the mean low tide and which do not increase any dimensions or change the use of the structure are exempt from the permit or letter of authorization requirements contained herein. The user shall notify the Department in writing in advance of utilization of the exemption. For purposes of this subsection, the notice shall include the location of the structure, a description of the use of the structure, and provide its dimensions.
- 2.8.3 Shellfishing. The use of shellfish grounds for shellfishing and the authorized use, deployment, and marking of fishing equipment and gear, is regulated under the authority of 7 **Del.C.** Ch. 9, 11, 18, 19, 21, 23, 24, 25 and 27.
- 2.8.4 Drainage Ditches. Artificially created channels excavated from non-subaqueous lands and designed according to reasonable drainage standards do not require approval under these Regulations.
- 2.9 Waivers. The Department may waive any provision of these regulations when warranted under the following circumstances:
- 2.9.1 Life-threatening emergencies.
- 2.9.2 Actions are required for public safety for which sufficient time is not available to follow the Regulations.
- 2.9.3 Where the authority of the Department under 7 **Del.C.** Ch. 72 overlaps with another statute, including but not limited to Shellfish Grounds, 7 **Del.C.** Ch. 19; Beach Preservation, 7 **Del.C.** Ch. 68; or Wetlands, 7 **Del.C.** Ch. 66, provided that the following criteria are met:
- 2.9.3.1 If, in the opinion of the Secretary, equal environmental impact review and regulation of the activity would be provided by either statute; and
- 2.9.3.2 Waiver of these regulations would not be contrary to the purposes of 7 **Del.C.** Ch. 72.
- 2.9.4 For facilities or activities which require a permit pursuant to the Department Marina Regulations, the Department will waive the provisions of Sections 3.O1.B and 3.O1.C of these Regulations.
- 2.9.5 The failure of the Department to enforce any of the provisions of these Regulations, however, shall not constitute a waiver by the Department of any such provisions.
- 2.10 Revocation. The Secretary may revoke any lease or permit for failure to comply with these Regulations or the terms and conditions of the lease or permit. The Secretary may, upon expiration or cancellation of a lease, direct the lessee to remove all structures and equipment from the leased area within 180 days. If the lessee fails to remove the structures and equipment thereon within the 180 day period, the Department shall, at its option and after 10 days from receipt of written notice by certified mail to the lessee, have the structures and equipment removed at the expense of the lessee.
- 2.11 Penalties. Violations of these regulations shall be punishable in accordance with 7 **Del.C.** §7214.

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- 2.12 Other Regulatory Agencies. Compliance with these Regulations does not relieve any person from complying with the laws, rules, regulations, and requirements imposed on the same lands, uses, structures, facilities or other appurtenances by local, State and Federal government agencies or other divisions within the Department.
- 2.13 Public Information. All material submitted in connection with any application shall be deemed public records subject to disclosure subject to 29 **Del.C.** Ch. 100 unless designated by the applicant and accepted by the Department as covered by one or more of the exceptions enumerated in 29 **Del.C.** §10002(d).
- 2.14 Severability. If any part of these Regulations or the application of any part thereof are held invalid or unconstitutional, the application of such part to other persons or circumstances, and the remainder of these Regulations, shall not be affected thereby and shall be deemed valid and effective.
- 2.15 Appeals. Any person whose interest is substantially affected by any action of the Secretary taken pursuant to these Regulations may appeal to the Environmental Appeals Board as per 7 **Del.C.** §7210. There shall be no appeal of a decision by the Secretary to deny a permit on any matter involving State-owned subaqueous lands.
- 2.16 Effective Date of These Regulations. These Regulations shall take effect upon final adoption.

3.0 Procedures for Application**3.1 General****3.1.1 Requirements for Every Application**

- 3.1.1.1 A person seeking a case or permit shall submit to the Secretary a written request, using the appropriate forms available from the Department, stating in detail the type of grant, lease or permit desired, showing the location of the area and containing specifications for any proposed activity.
- 3.1.1.2 The application for every type of activity shall provide the information requested in the appropriate application form. No application shall be considered complete or acted upon until the application is deemed complete by the Department. Providing false or inaccurate information shall be grounds for denial or revocation of a permit or lease and shall be grounds for a civil or criminal penalty.

3.1.2 Required Attachments to the Application. The applicant shall attach the following to the application:

- 3.1.2.1 A map showing the location and boundaries of the proposed project in relation to the adjoining property and to the nearest existing street or road intersection, and the specific location of all proposed activities.
- 3.1.2.2 A neat, scaled drawing of the proposed activities on 8-1/2" x 11" paper which shows:
 - 3.1.2.2.1 that the design conforms to generally accepted engineering principles,
 - 3.1.2.2.2 accurate dimensions of the proposed activity (e.g., cubic yards of dredging or fill, square feet of dock, pier, jetty, or preemptive area, linear feet of bulkheading, utilities, etc.),
 - 3.1.2.2.3 all existing structures,
 - 3.1.2.2.4 exact location of property corners and property lines, wetlands and aquatic habitats.
- 3.1.2.3 If the design does not conform to generally accepted engineering principles, the Secretary may require that the design be prepared, signed, and scaled by a professional engineer registered in the State of Delaware.
- 3.1.2.4 A certified copy of the deed and survey plot plan (to indicate property lines and corners) to the land, and written permission from the owner if other than the applicant for the project. The Department may request such additional information as will enable it to determine ownership of or authority to use the property.
- 3.1.2.5 Evidence of zoning approval for the project. The Department may defer consideration of the application if it determines that substantive questions

- regarding the validity of the County's or municipality's actions are raised in an appeal of that action.
- 3.1.2.6 The application fee and any deposit required.
 - 3.1.2.7 Performance bond as required.
 - 3.1.2.8 Additional information as required by the Department.
- 3.1.3 Current Application. The applicant shall maintain the application in a current state and notify the Department immediately of any changes in the information provided.
- 3.2 Additional Information. The Department may request such additional information as will enable it to consider the application properly. The Department may require the applicant to provide an environmental assessment if it determines that the proposed activity may have a substantial adverse effect on the environment. Any requested additional information not provided to the Department within a reasonable time may be grounds to declare the permit incomplete or deny the permit.
- 3.3 The Department may request of any State agency a report or recommendation concerning any application before it which affects that agency or for which that agency has particular information or expertise. The Department may consider the report in ruling on the application.
- 3.4 Burden on Applicant. The burden shall be on the applicant to satisfy the Department that the requirements of these Regulations have been met; and if the granting of the permits, lease or approval will result in loss to the public of a substantial resource, that the loss has been offset or mitigated.

4.0 Criteria of Permits Leases and Letters of Authorization

- 4.1 Evaluation Considerations. Each application shall be reviewed based on the consideration of the performance specifications, standards and other criteria listed in this section for the type of activity proposed.
- 4.2 An application may be denied if the activity could cause harm to the environment, either singly or in combination with other activities or existing conditions, which cannot be mitigated sufficiently.
- 4.3 For shoreline erosion control structures or measures and for water-dependent activities, each activity shall be reviewed on basis of need for the type of structure proposed.
- 4.4 For repair and replacement projects of serviceable structures, serviceability must be proven to the satisfaction of the Department. A serviceable structure includes existing structures which are intact and functioning for the original intended design purpose. For structures which are no longer intact due to a specific and catastrophic water event or activity, camera-dated photographs or aerial photography must clearly indicate the serviceability of said structure (as defined by the criteria above) within six (6) months prior to the date of application.
- 4.5 With regard to an evaluation of the overall public benefits from the proposed activity or structure, the following criteria may be used to determine whether or not to issue a permit, easement, lease, fee simple interest, or other instrument, with or without mitigating measures and conditions.
- 4.6 Public Use Impact. The Department shall consider the public interest in any proposed activity which might affect the use of subaqueous lands. These considerations include, but are not limited to, the following:
 - 4.6.1 The value to the State or the public in retaining any interest in subaqueous lands which the applicant seeks to acquire, including the potential economic value of the interest.
 - 4.6.2 The value to the State or the public in conveying any interest in subaqueous lands which the applicant seeks to acquire.
 - 4.6.3 The potential effect on the public with respect to commerce, navigation, recreation, aesthetic enjoyment, natural resources, and other uses of the subaqueous lands.
 - 4.6.4 The extent to which any disruption of the public use of such lands is temporary or permanent.
 - 4.6.5 The extent to which the applicant's primary objectives and purposes can be realized without the use of such lands (avoidance).

- 4.6.6 The extent to which the applicant's primary purpose and objectives can be realized by alternatives, i.e. minimize the scope or extent of an activity or project and its adverse impact.
- 4.6.7 Given the inability for avoidance or alternatives, the extent to which the applicant can employ mitigation measures to offset any losses incurred by the public.
- 4.6.8 The extent to which the public at large would benefit from the activity or project and the extent to which it would suffer detriment.
- 4.6.9 The extent to which the primary purpose of a project is water-dependent.
- 4.7 Environmental Considerations
 - 4.7.1 The Department shall consider the impact on the environment, including but not limited to, the following:
 - 4.7.1.1 Any impairment of water quality, either temporary or permanent, which may reasonably be expected to cause violation of the State Surface Water Quality Standards. This impairment may include violation of criteria or degradation of existing uses.
 - 4.7.1.2 Any effect on shellfishing, finfishing, or other recreational activities, and existing or designated water uses.
 - 4.7.1.3 Any harm to aquatic or tidal vegetation, benthic organisms or other flora and fauna and their habitats.
 - 4.7.1.4 Any loss of natural aquatic habitat.'
 - 4.7.1.5 Any impairment of air quality, either temporarily or permanently, including noise, odors, and hazardous chemicals.
 - 4.7.1.6 The extent to which the proposed project may adversely impact natural surface and groundwater hydrology and sediment transport functions.
 - 4.7.2 For major commercial activities, or for other activities which may have a substantial environmental impact, the Department may require an environmental impact assessment. In all cases, a general assessment of potential impacts listed in 4.7 must be provided by the applicant.
 - 4.7.3 The Department shall consider whether the activity under review could have the potential to cause any adverse environmental impacts, taken in conjunction with the existing situation and with other activities under construction or review. To assess the cumulative and secondary impacts, the Department may require the applicant to provide the following information:
 - 4.7.3.1 Determination of cumulative effects on the aquatic ecosystem, natural surface and groundwater hydrology.
 - 4.7.3.2 Determination of secondary effects on the aquatic ecosystem, natural surface and groundwater hydrology.
 - 4.7.4 The Department shall consider whether any significant impacts or potential harm could be offset or mitigated by appropriate actions or changes to the proposed activity by the applicant. If so, the required mitigating measures may be included as conditions of the permit or lease.
 - 4.7.5 Other Considerations. The Department shall also consider the following to determine whether to approve the application:
 - 4.7.5.1 The degree to which the project represents an encroachment on or otherwise interferes with public lands, waterways or surrounding private interests.
 - 4.7.5.2 The degree to which the project incorporates sound engineering principles and appropriate materials of construction.
 - 4.7.5.3 The degree to which the proposed project fits in with the surrounding structures, facilities, and uses of the subaqueous lands and uplands.
 - 4.7.5.4 Whether the proposed activity complies with the State of Delaware's Surface Water Quality Standards both during construction and during subsequent operation or maintenance.

4.7.5.5 The degree to which the proposed project may adversely affect shellfish beds or finfish activity in the area.

4.8 Requirements for all Structures

4.8.1 Structures shall be constructed in a manner that allows for continued growth and nourishment of aquatic and wetland vegetation under or near the structure wherever possible, and allows for adequate water circulation and water quality to support plants and animals.

4.8.2 Structures shall be constructed, installed, and used in a manner that minimizes pollution or the causing of harm to aquatic and tidal plants, fish and wildlife.

4.8.3 Structures shall utilize the best available materials and technologies and shall be constructed in a manner that will prevent or minimize leaching or runoff of harmful chemicals or other substances which may cause water pollution or harm to aquatic plants and wildlife.

4.8.4 Structures shall not interfere with navigation, public, or other rights.

4.9 Boat Docking Facilities

4.9.1 All new and existing marinas must comply with the requirements of the Department Marina Regulations.

4.9.2 General Siting Considerations: Siting of boat docking facilities shall be evaluated on site-specific conditions including, but not limited to, location of navigational channel, proximity of existing structures, aquatic habitats, and width and orientation of waterbody. The following criteria will be weighed and balanced when evaluating the siting of boat docking facilities.

4.9.2.1 Structures should be sheltered or protected from storm-driven currents, waves, and ice in an area with low or moderate normal currents and littoral drift.

4.9.2.2 Structures should be constructed to avoid dredging or filling, with minimal impact on aquatic vegetation and wetlands, and without dead-end or poorly flushed lagoons.

4.9.2.3 Structures should be located away from critical habitats, historic, or archaeological areas.

4.9.2.4 Structures should be located away from hazardous facilities or designated recreational swimming areas.

4.9.2.5 Where adequate depths exist for water-dependent structures, no dock, mooring, piling, or other structure or mooring area shall extend channelward more than 10 percent of the width of the waterbody at that location (from mean low water). In no case shall a structure extend more than 20 percent of the width of the waterbody, nor shall it extend seaward more than 250 feet, except under exceptional circumstances necessary to provide access for needed commerce.

4.9.2.6 Docks, mooring, pilings, or other structures should be located a minimum of ten (10) feet from a navigation channel.

4.9.2.7 Docks and piers should extend out from the shoreline far enough so as to eliminate need for dredging and filling, and provide sufficient height to allow light to penetrate to vegetation underneath and alongside.

4.9.2.8 Slips, lagoons, basins, and access channels should be no deeper than the parent waterbody (i.e. no sill), and the depth should slope upward toward the landward extent from the parent waterbody. Exception may be allowed only by individual review of the potential environmental impacts and approval granted by the Secretary of the Department.

4.9.2.9 Berms and grasslands should be made a part of the boat docking facility design wherever feasible and possible, particularly for buffer zones between the facility and any wetlands. As much of the land surface as possible should be vegetated or covered with porous materials to decrease stormwater runoff.

4.9.2.10 All convenience structures shall be set back a minimum of ten (10) feet from adjacent property lines. Exceptions may be allowed only if a written letter of no objection is obtained from the adjacent property owner, and the Department is

- satisfied that no navigation hazard or other adverse environmental impact may result.
- 4.9.2.11 New docking facilities should not extend beyond existing structures in the immediate vicinity unless absolutely necessary to obtain navigable water depths for a water-dependent activity.
 - 4.9.2.12 Docking facilities should extend out from the shoreline no further than to a depth necessary for docking a boat capable of navigating the waterway.
 - 4.9.2.13 Dredging to obtain navigable water depths in conjunction with private residential boat docking facilities should be avoided.
- 4.9.3 Structures shall not be constructed using creosote treated lumber.
 - 4.9.4 For subdivided, recorded parcels of real property, applications for construction of a boat docking and/or launching facility must satisfy the minimum area requirements of a lot for residential construction, to include applicable setback and utility construction requirements (based on county, state and municipal standards), prior to consideration for approval for a subaqueous lands lease/permit. Community or common area parcels within an approved subdivision must satisfy the requirements defined by the Marina Regulations for a marina, based on the maximum number of potential users within the subdivision.
 - 4.9.5 Properties which were legally subdivided and recorded prior to the adoption of Subaqueous Lands law (July 14, 1969) are exempted from the minimum size requirements for a docking facility as specified by 4.94 of these regulations. All structures exempted by this condition must satisfy all other siting, design, and review criteria of these Regulations.
 - 4.9.6 Minimum frontage adjacent to subaqueous lands for a docking facility for any parcel will be forty (40) feet. Any proposed structure must satisfy all setback requirements as defined by state, federal or county regulation or guidelines.
 - 4.9.7 Applications for the construction of a boat docking/launching facility within a recorded easement/right-of-way, linking non-waterfront properties to the shoreline, must be submitted with a written letter of no objection by the owner of the property containing said conveyance. Location and siting of the structure must satisfy all setback and frontage requirements, as defined by the Department. Applications will not be accepted for private/community structures within approved public easements or right-of-ways.
- 4.10 Installation and Use of Shoreline Erosion Control Measures
 - 4.10.1 Requirements
 - 4.10.1.1 Structural shoreline erosion control measures shall not be permitted in those areas where minimal demonstrable erosion is evident, as determined by the Department.
 - 4.10.1.2 Efforts shall be made to utilize shoreline erosion control methods that best provide for the conservation of aquatic nearshore habitat, maintain water quality, and avoid other adverse environmental effects. These include, but are not limited to, vegetation, revetments, and gabions. Structural erosion control measures may be allowed where it can be shown, through a review of site conditions and generally accepted engineering standards, that nonstructural measures would be ineffective in controlling erosion. When engineering feasibility and effectiveness considerations are equal, the shoreline erosion control method utilized shall be the one with the least adverse environmental impact.
 - 4.10.1.3 Nonstructural measures are preferred for shoreline stabilization work in:
 - 4.10.1.3.1 Low wave energy areas where no significant shoreline erosion occurs or wetlands occur. In this case, the allowable activity or measure should be limited to, the introduction or management of suitable vegetation.
 - 4.10.1.3.2 Eroding areas where combinations of structural/nonstructural measures would be a practicable and effective method of erosion control. In this case, the allowable activities include:

- 4.10.1.3.2.1 The properly, designed and constructed regrading and contouring of the shoreline followed by planting and management of suitable vegetative stabilizing cover.
- 4.10.1.3.2.2 A combination of low profile stone groins and suitable vegetative stabilizing cover.
- 4.10.1.3.2.3 Properly designed and constructed low-profile rip-rap revetments, marsh-toe sills, or other non-vertical structures which may be used in conjunction with vegetative stabilizing cover.
- 4.10.1.4 Vertical-walled structures shall be allowed only where a non-vertical structure, designed to equal standards, would be ineffective to control erosion, where deleterious environmental effects associated with the construction of vertical structures would be less than the impacts on the adjacent environment during construction of a non-vertical structure, where functionally, no practical alternatives exist for certain water-dependent facilities or activities, or where generally accepted engineering practices would preclude the use of non-vertical walled structures.
- 4.10.1.5 All structural shoreline erosion control measures shall be designed to conform to generally accepted engineering principles. If the designed measure does not conform to accepted engineering principles, the Department may require a design to be prepared, signed, and sealed by a professional engineer registered in Delaware.
- 4.10.1.6 Structural erosion control measures shall address and satisfy the following elements:
 - 4.10.1.6.1 Protection of aquatic biota, wetlands, and nearshore shallow water habitat.
 - 4.10.1.6.2 Protection of water quality, flushing, and naturally occurring littoral drift and flow.
 - 4.10.1.6.3 For vertical walls, protection against "toe scour" by adequately designed toe depth and, in high energy environments, rip-rap at the toe of the structure for existing tidal and wave conditions.
 - 4.10.1.6.4 Adequate flow and circulation necessary to support the functional value of adjacent wetlands or aquatic habitat.
 - 4.10.1.6.5 Materials and methods of construction shall be sufficient to withstand the stresses to which they will be subjected, from wind, waves, tides, currents, ice, and debris.
 - 4.10.1.6.7 Avoidance or minimization of increased erosion of adjacent or downdrift shorelines.
- 4.10.2 Additional Requirements
 - 4.10.2.1 Erosion control measures shall be installed and used only for the purposes of shoreline stabilization; any structure which serves or could serve to increase the property of an applicant shall be regulated by the provisions of 4.11 below.
 - 4.10.2.2 Bulkheads must be aligned, where possible, with any adjacent bulkheads and shall be designed to prevent the possibility of trapping floating debris or impairing water circulation.
 - 4.10.2.3 Each shoreline erosion control structure shall be designed to the extent possible to minimize adverse environmental impacts. If the Department determines that the granting of a permit for a shoreline erosion control structure will result in loss to the public of a substantial resource, the permittee may be required to take measures which will offset or mitigate the loss.
 - 4.10.2.4 No permanent structure (building, house, patio, porch, deck, or other such structure) shall be constructed on a bulkhead or any portion of the anchoring system or any adjacent area that would interfere with future repair and/or replacement of the bulkhead.
- 4.11 Activities Involving Dredging, Filling, Excavating or Extracting Materials
 - 4.11.1 Objectives. Projects shall be designed to meet the following objectives:

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

- 4.11.1.1 Conform to the pertinent objectives, classification system, environmental considerations, and criteria of the "Inland Bays Dredging Study, Volumes I and II," dated April 1986, as adopted by the Department on July 18, 1986.
- 4.11.1.2 Maintain the navigability of channels.
- 4.11.1.3 Maintain or improve the environmental quality of the State's water resources, subaqueous lands and wetlands.
- 4.11.2 General Evaluation Consideration. The Department shall consider the following additional factors in reviewing a dredging, filling, excavating, or extracting application:
 - 4.11.2.1 Any environmental impacts at and surrounding the dredging site(s).
 - 4.11.2.2 Any environmental effects of the disposal of the dredged materials at and surrounding the disposal or fill site(s), before or after mitigation, during and following the disposal of fill activities and particularly impacts on water quality as described below in 4.11.3.
 - 4.11.2.3 Any economic and noneconomic benefits of the project compared to the costs of the project, both direct and secondary.
 - 4.11.2.4 Consistency of the project with regional growth and local land use plans.
- 4.11.3 Water Quality on Dredging Projects. The applicant may be required to submit information to the Department to facilitate its evaluation of water quality impacts, as may be required to ensure compliance with State Surface Water Quality Standards. The following concerns for protecting water quality shall be specifically considered by the Department in evaluating applications for dredging projects:
 - 4.11.3.1 All dredging is to be conducted in a manner consistent with sound conservation and water pollution control practices. Spoil and fill areas are to be properly diked to contain the dredged material and prevent its entrance into any surface water. Specific requirements for spoils retention may be specified by the Department in the approval, permit or license.
 - 4.11.3.2 All material excavated shall be transported, deposited, confined, and graded to drain within the disposal areas approved by the Department. Any material that is deposited elsewhere than in approved areas shall be removed by the applicant and deposited where directed at the applicant's expense, and any required mitigation shall also be at the applicant's expense.
 - 4.11.3.3 Materials excavated by hydraulic dredge shall be transported by pipeline directly to the approved disposal area. All pipelines shall be kept in good condition at all times and any leaks or breaks shall be immediately repaired.
 - 4.11.3.4 Materials excavated and not deposited directly into an approved disposal area shall be placed in scows or other vessels and transported to either an approved enclosed basin, dumped, and then rehandled by hydraulic dredge to an approved disposal area, or to a mooring where scows or other vessels shall be unloaded by pumping directly to an approved disposal area.
 - 4.11.3.5 When scows or other vessels are unloading without dumping, they shall have their contents pumped directly into an approved disposal area by a means sufficient to preclude any loss of material into the body of water.
 - 4.11.3.6 In approved disposal areas, the applicant may construct any temporary structures or use any, means necessary to control the dredge effluent, except borrowing from the outer slopes of existing embankments and/or hydraulic placing of perimeter embankments. For bermed disposal sites, a minimum freeboard of two (2) feet, measured vertically from the retained materials and water to the top of the adjacent confining embankment, shall be maintained at all times.
 - 4.11.3.7 The applicant shall not obstruct drainage or tidal flushing on existent wetlands or upland areas adjacent thereto. The applicant shall leave free, clear, and unobstructed outfalls of sewers, drainage ditches, and other similar structures affected by the disposal operations. The dredged materials shall be distributed within the disposal area in a reasonably uniform manner to permit full drainage without ponding during and after fill operations.

- 4.11.3.8 The dredging operation must be suspended if water quality conditions deteriorate in the vicinity of dredging or the spoil disposal site. Minimum water quality standards may be included as an element of the permit and shall be monitored by the applicant. Violation of these conditions shall be cause for immediate suspension of activity and notification of the Department. Dredging shall not be resumed until water quality conditions have improved and the Department has authorized the resumption.
- 4.11.4 Prohibited Dredging Project. The following types of dredging projects are prohibited.
 - 4.11.4.1 Dredging of biologically productive areas, such as nursery areas, shellfish beds, and submerged aquatic vegetation, if such dredging will have a significant or lasting impact on the biological productivity of the area.
 - 4.11.4.2 Dredging of new dead-end lagoons, new basins and new channels, which have a length to width ratio greater than 3:1 and for which the applicant cannot prove, by clear and convincing evidence, that such dredging would not violate State Surface Water Quality Standards. This subsection shall not apply to marina projects governed by the Marina Regulations.
 - 4.11.4.3 Dredging channels, lagoons, or canals deeper than the existing controlling depth of the connecting or controlling waterway, unless otherwise approved under 4.9.2.8 of these Regulations.
 - 4.11.4.4 Dredging channels, cleaning marinas, or other subaqueous areas by using propeller wash from boats.
- 4.11.5 Removal of Public Subaqueous Lands. No person shall remove any material from public subaqueous lands without Department approval and receipt by the Department of full payment of the fee for the amount of material estimated to be removed. The Department reserves the right to determine the amount of material to be removed in dredging and/or filling projects.
- 4.12 Creation of Lands
 - 4.12.1 Creation. No person shall fill, reclaim, or alter public subaqueous lands without the Department approval and receipt by the Department of full payment of a lease fee for the estimated area of land created or affected. The land created shall remain State property and may be leased to the applicant under terms and conditions to be set by the Department, unless otherwise conveyed as noted below in paragraph B. Lease fees may be waived for shoreline erosion control projects which have demonstrated water quality or habitat benefits associated with their use.
 - 4.12.2 Sale of Created Lands. The Secretary may convey a fee simple title or any other interest in public lands created by filling, reclamation, or alteration of public subaqueous lands, in whole or in part, in lieu of leasing said lands pursuant to the provisions of Paragraph A above, as a precondition of granting a permit for such project. The sale price shall be determined by the Department on the basis of the fair market value after filling, reclamation, or alteration.
 - 4.12.3 Secretary Approval of the Sale or Lease of Created Lands. The Secretary reserves the right to deny any application for the lease or sale of created lands pursuant to 4.12.1 and 4.12.2 above if he deems such lease or sale-not to be in the public interest.
- 4.13 Installation and Use of Pipeline and Other Conduits
 - 4.13.1 Types of Projects: No person shall install or use a pipeline or other conduit, on or in subaqueous lands, without a lease or permit from the Department. Approval of the Department is required for pipeline including, but not limited to:
 - 4.13.1.1 Telephone lines.
 - 4.13.1.2 Lines for the transmission of electricity.
 - 4.13.1.3 Pipelines for the transport of any liquid or gas.
 - 4.13.1.4 Any other type of conduits or utility.
 - 4.13.2 Construction and Materials. The construction methods and materials for pipelines and other conduits shall, at a minimum, be in accordance with the applicable state and federal

regulations governing the installation and operation of pipelines, and shall conform to generally accepted engineering practices for said activities.

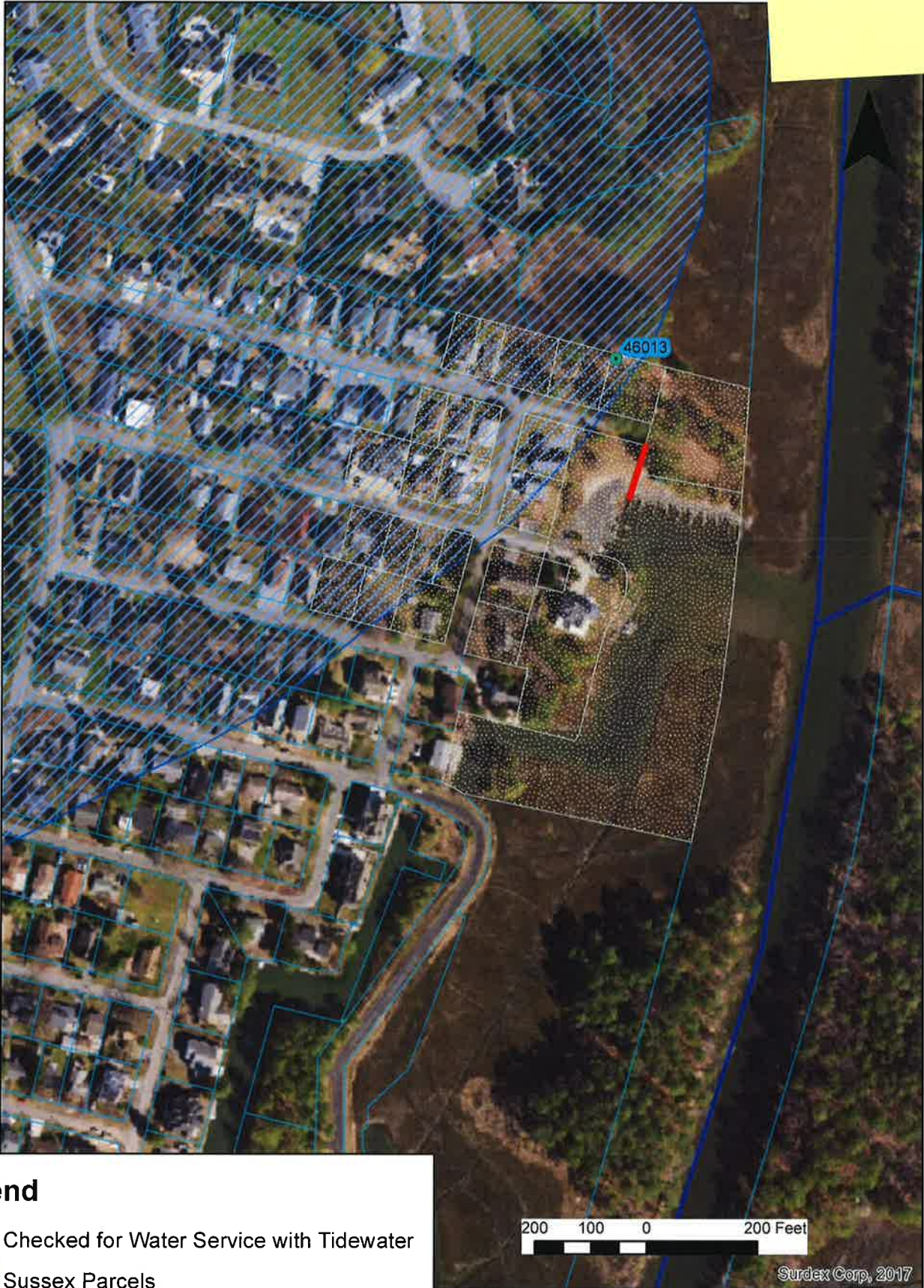
5.0 Fees

- 5.1 **Application Fees.** Every application, except those from a state or federal government agency or political subdivision of the State of Delaware, shall be accompanied by the nonrefundable application fee established by the General Assembly. This fee shall cover the costs of handling and evaluating the application, and other expenses of administering the subaqueous lands program.
- 5.2 **Lease Fees.** Lease fees shall be established by the General Assembly for all commercial and noncommercial projects over public subaqueous lands. The lease and fee requirements of these Regulations shall be applicable to all activities and structures, including previously leased lands, where no fee was required. Lease fees shall apply to any lease that has expired until such time as the structure is removed pursuant to a denial or revocation, or until such time as a new lease has been issued.
- 5.3 **Hearing Fees**
 - 5.3.1 **Costs.** The costs of public hearings, as described below, shall be charged to the applicant. These costs may include the costs of publication of the notice of the hearing, charge for the hearing room, if any, costs for recording, transcription, and copying the proceedings, and other costs directly related to the hearing. No charge will be made for the salaries and expenses of the public officials involved in the hearing.
 - 5.3.2 **Deposit.** The Secretary may require a deposit in addition to the application fee at the time of application, or at any other time, to ensure payment of the applicable fees.

Bay Vista Dredging Sargio Corp.


Well-head protection
area

Exhibit: 011



Legend

Checked for Water Service with Tidewater

 Sussex Parcels

 Well Head Protection Areas

Surdex Corp, 2017

DNREC Public
Hearing Presentation
Exhibit: 12

Public Hearing

March 14, 2019

Sargio Corporation Dredging Project at Bay Vista Marina

Rehoboth Beach, DE



Department of Natural Resources and Environmental Control

Division of Water

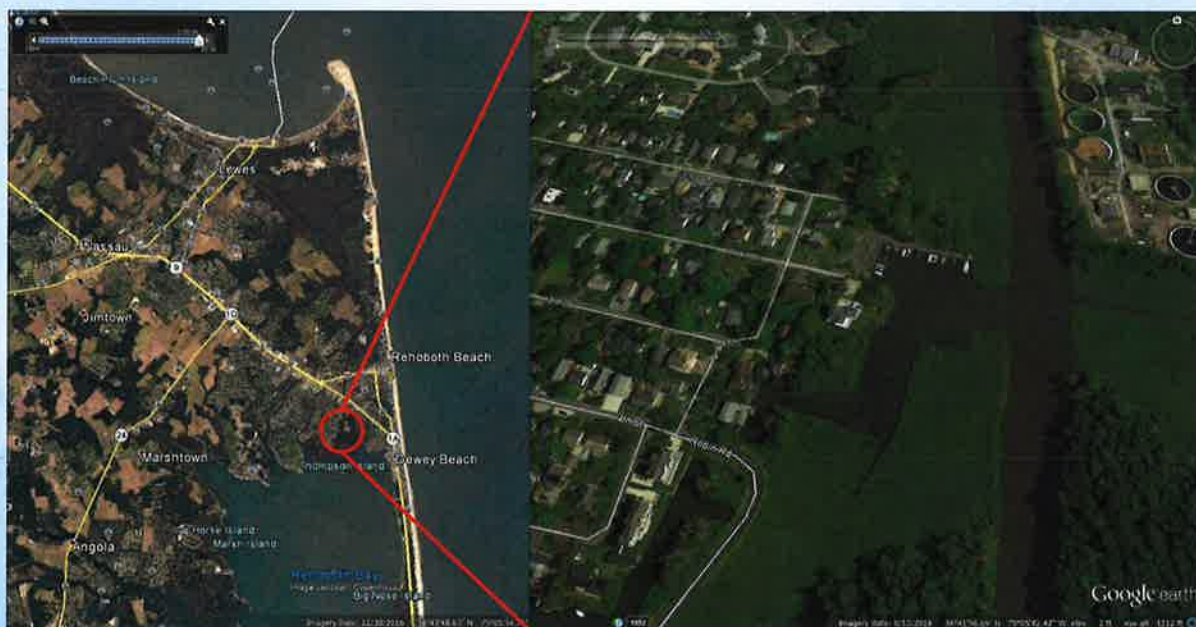
Wetlands and Subaqueous Lands Section (WSLS)

Purpose of Public Hearing

- To provide the public an opportunity to comment on the Sargio Corporation Subaqueous Lands Permit and Water Quality Certification for the dredging and disposal of material at Bay Vista Marina in Rehoboth Beach, DE.

Project Overview

- Application for dredging of Bay Vista Marina received by DNREC WSLs on August 20, 2018.



Initial Application

- Problem: Bay Vista Marina has silted in making ingress and egress impossible for boats at lower tides.
- Solution: Mechanical maintenance dredging of 3,500 yd³ of material to a depth of -4' below mean low water in the marina basin and -6' below mean low water in the access channel.
- The dredging is proposed to be conducted by land-based and barge-mounted excavators.
- Dredge material, consisting primarily of mud, would be placed in an adjacent on-site upland disposal area to the north of the marina basin, which is also owned by the applicant.
- This area will be constructed by excavating a 2' deep cut and using the excavated material to create a 3' high earthen berm around the site.

Initial Application

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
 DREDGING TO 4' MLW (BASIN)-6' MLW (CHANNEL),
 WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN Day Vista Marina basin and access channel
 AT: Day Vista Marina, Day Vista,
 Rehoboth Beach, Sussex County, DE 19971
 Tax Map Parcel #3-34-19-16-23-03
 APPLICANT: Sergio Corp
 DATE: August 7, 2018

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
 DREDGING TO 4' MLW (BASIN)-6' MLW (CHANNEL),
 WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA
 IN Day Vista Marina basin and access channel
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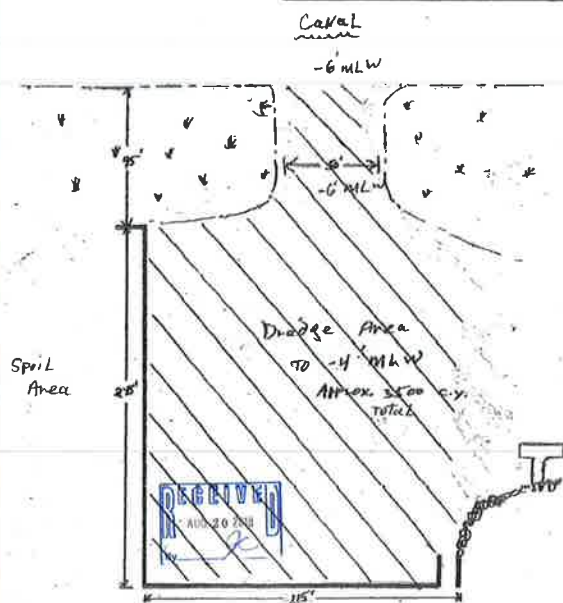


Figure 12. Plan view diagram (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor) showing dimensions and extent of area to be dredged (cross-hatched).

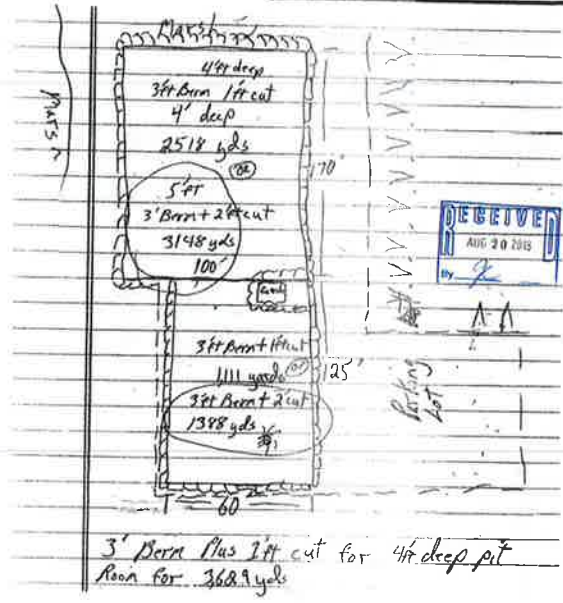


Figure 14. Plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).

Public Notice

- Project was put on public notice #20 from September 19 through October 9, 2018.
- 3 Public comments received:
 - 2 in favor of project, 1 against the project
- As a result of this, DNREC WSLs met in person with the objector and then an on-site meeting was set-up with all parties involved
- Additionally, a hydrologic review was conducted of the site by DNREC Division of Water Hydrologists to determine areas of concern

Hydrologic Review

500 ft radius of protected buffer zone around public groundwater withdrawal well

Bay Vista Dredging
Sargio Corp.



Legend

- Checked for Water Service with Tidewater
- Sussex Parcels
- Well Head Protection Areas

Hydrologic Review

To protect local groundwater, the smaller dredge disposal area was abandoned

PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE DREDGING TO 4' MLW (BASIN) & MLW (CHANNEL) WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA IN Bay Vista Marina basin and access channel
A1 Basin Street, Bay Vista, Rehoboth Beach, Sussex County, DE 19971
Fax: 302-341-1625
APPLICANT: Sargo Corp.
DATE: August 7, 2018

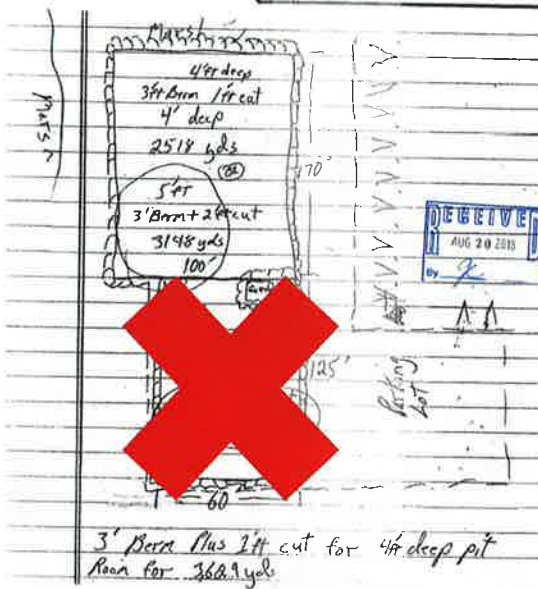


Figure 14. Plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).

Site Meeting - 10/25/18

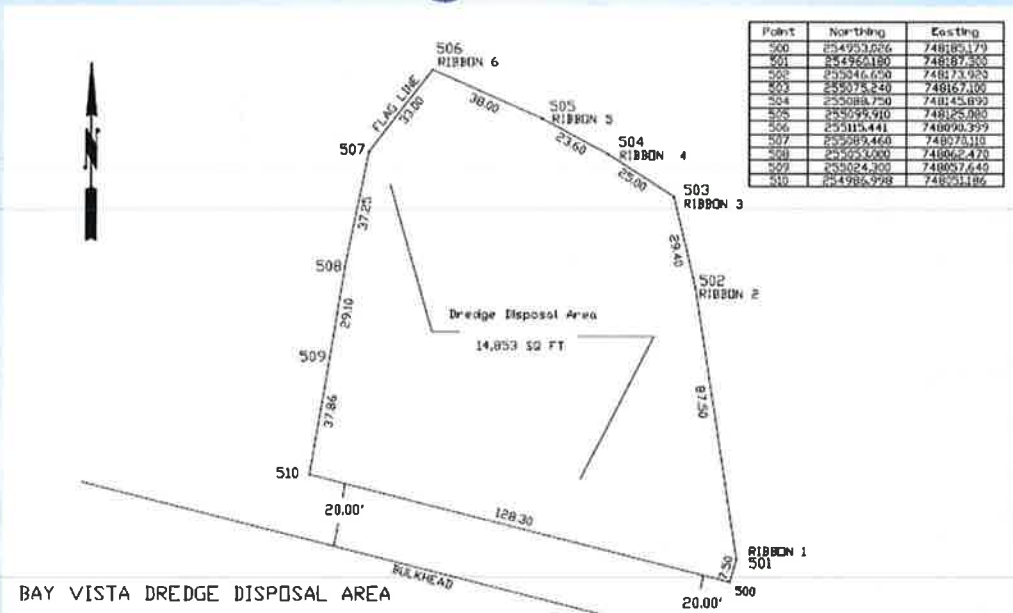
- Held on-site at Bay Vista Marina on October 25, 2018
- In attendance were:
 - DNREC WSLs Staff
 - Consultant
 - Contractor
 - Objector
- Outcomes included:
 1. Needed to have specific survey-level site boundaries
 2. Needed to have a sediment control and stormwater management plan approved by the local conservation district
 3. Needed to have dredge sediment tested for chemical pollutants of human health concern

Meeting Outcomes

1) Reconstructed site boundaries



Meeting Outcomes



BAY VISTA DREDGE DISPOSAL AREA

DELAWARE STATE PLANE COORDINATE SYSTEM (NAD 1983)
 NORTH AMERICAN VERTICAL DATUM (NAVD) 1988



DATE: 12/05/18

TRIANGLE SURVEYS, INC.
 P.O. Box 307 14188 Siding Rd
 Perry Hall, MD 21088 Ocean City, MD
 Tel: (410) 661-5216 Tel: (410) 497-1082

Meeting Outcomes

2) Approved Sussex Co. Conservation District Sediment Control and Stormwater Management Plan

- Notes included:
- Silt fencing around earthen berm perimeter
- Turbidity curtain installation
- Capping and planting plan following dewatering of material

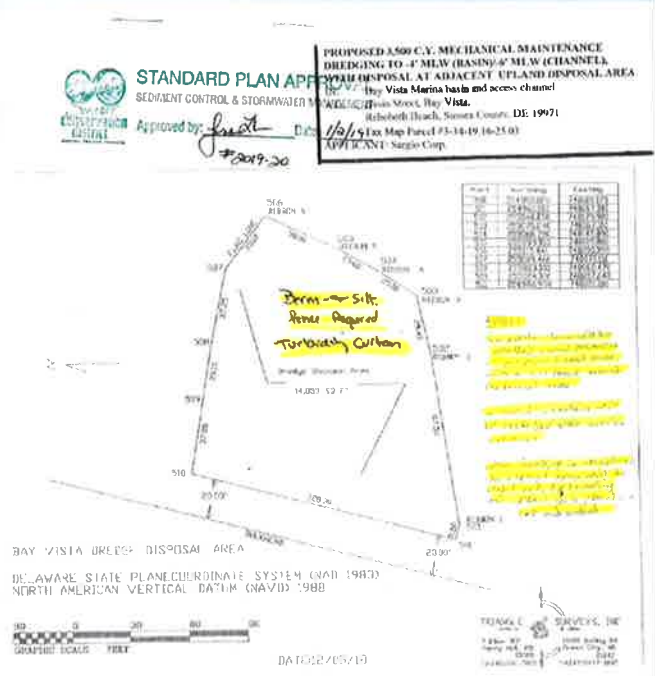



Figure 4. Survey of Bay Vista confined upland disposal site, prepared by Triangle Surveys, Inc. Ribbons denote Federal 401 wetland line, as delineated on site by Evelyn Maunmeyer, CER, Inc. Site preparation notes by Apple Marine Construction, Inc. (dredging/disposal contractor)

Meeting Outcomes


3) Chemical analysis of the dredge sediment

- Metals
- Polychlorinated Biphenyls (PCBs)
- Organochloride Pesticides
- Semi-Volatile Organic Compounds

*Only 5 metals registered, none were at levels of human health concern



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Envirotec Labs, Inc.
51 Clark Street
Harrington, DE 19952


Project: General - DE
Project Number: 200342 - C&E, Inc.
Reported: 10/10/2018 11:50

Analytical Results

Sample ID: 200342 - Bay Vista Lagoon
LAB ID: 1830752-01
Matrix: Solid

Sampled: 11/26/2018 10:00
Received: 11/27/2018 10:00

Analyte	Result	Units	Qualifier	Reporting Lab	Proposed	Analysis	Method	Analyst
General Chemistry								
% Moisture	46.5	%		0.920	11/28/18 14:20	11/28/18 14:40	SP13540.0	JW
% Solids	53.5	%		0.920	11/28/18 14:20	11/28/18 14:40	SP13540.0	JW
Metals								
Arsenic	ND	mg/kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3052.0/3053.0	SM
Beryllium	ND	mg/kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3050.0/3051.0	SM
Cadmium	ND	mg/kg dry		6.434	12/4/18 12:38	12/7/18 12:04	EPA 3050.0/3051.0	SM
Chromium	65.9	mg/kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3060.0/3061.0	SM
Copper	24.1	mg/kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3060.0/3061.0	SM
Lead	7.20	mg/kg dry		7.24	12/4/18 12:38	12/7/18 12:04	EPA 3060.0/3061.0	SM
Nickel	ND	mg/kg dry		1.45	12/4/18 12:38	12/7/18 12:04	EPA 3063.0/3064.0	SM
Mercury	0.188	mg/kg dry		0.0477	11/28/18 15:45	11/28/18 15:20	EPA 1631.0	APS
Polychlorinated Biphenyl (PCBs) - GC/ECD								
Aroclor 1248	ND	mg/kg dry	D, G1	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1254	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1260	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1268	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1280	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1284	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Aroclor 1290	ND	mg/kg dry	D	0.255	11/28/18 12:00	11/28/18 16:00	EPA 3550.0/3551.0	JAS
Organochlorine Pesticides GC/ECD								
4'-p'-DDE	ND	mg/kg dry		0.0091	12/18/18 10:00	12/18/18 12:11	EPA 3550.0/3551.0	JAS
4'-p'-DDD	ND	mg/kg dry		0.0091	12/18/18 10:00	12/18/18 12:11	EPA 3550.0/3551.0	JAS
4'-p'-DDE	ND	mg/kg dry		0.0091	12/18/18 10:00	12/18/18 12:11	EPA 3550.0/3551.0	JAS
Heptachlor Epoxide	ND	mg/kg dry		0.0091	12/18/18 10:00	12/18/18 12:11	EPA 3550.0/3551.0	JAS



PA Lab ID: 41-00034 - Maryland Certificate #: 202 - Delaware Office of Drinking Water - NY State Lab ID: 12028 WGW 1830762

Final Application

- Changes from initial application include:
 - Reduction of the disposal area from 2 cells to 1 cell
 - Increasing the excavated depth of the cell from 2' to 3' and increasing the berm height from 3' to 4' high

Final Application

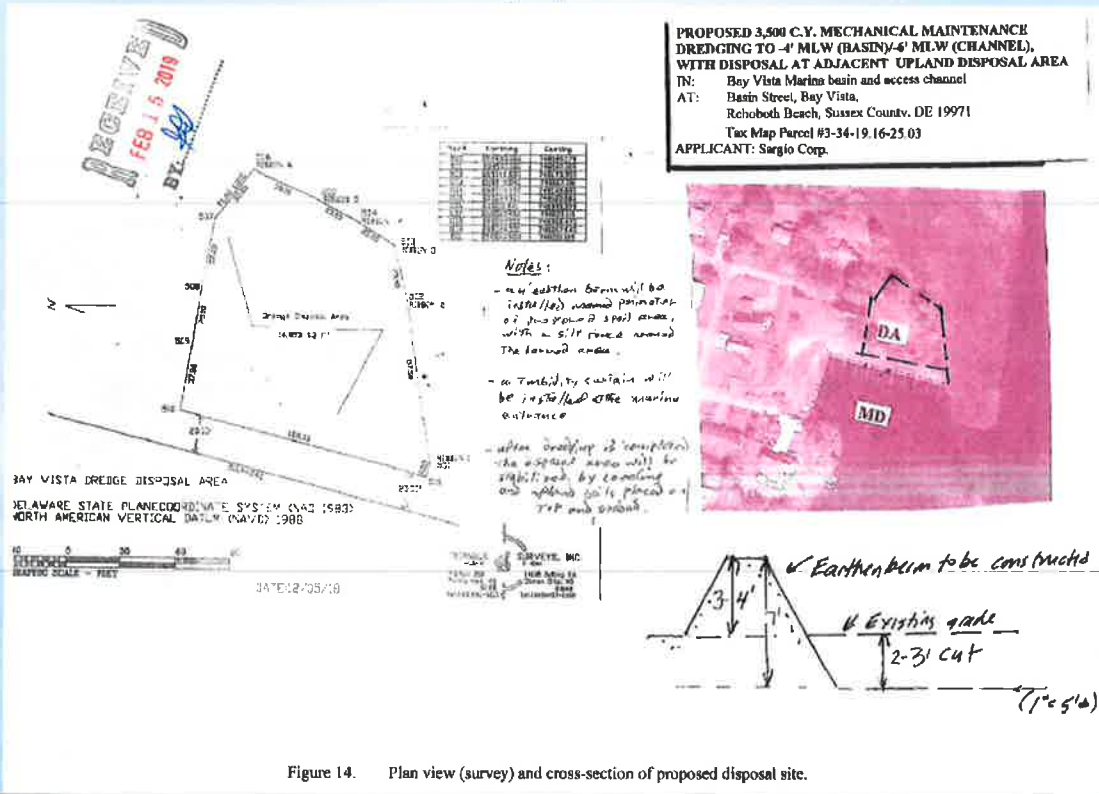


Figure 14. Plan view (survey) and cross-section of proposed disposal site.

Contact Information

George Geatz

Environmental Scientist IV

Delaware Department of Natural Resources and
Environmental Control

Division of Water

Wetlands and Subaqueous Lands Section

Phone: 302-739-9943

Email: George.Geatz@delaware.gov



Comment Timer

3 minutes per person



