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**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATER
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Technical Response Memorandum

To: Lisa Vest, Hearing Officer

Through: Steven M. Smailer, Director, Division of Water  Date: 2024.10.04 16:10:43 -04'00'

From: Matthew R. Jones, Section Manager, Wetlands and Waterways Section 

Date: October 4, 2024

Subject: US Wind Water Quality Certification

INTRODUCTION

On April 15, 2024, the Wetlands and Waterways Section (WWS), Division of Water, Department of Natural Resources and Environmental Control (DNREC) received a request for Water Quality Certification from US Wind, Inc., associated with the cable installation and dredging activities proposed as part of the Subaqueous Lands and Wetlands Permits applications for their proposed offshore wind project. This Technical Response Memorandum (TRM) summarizes the Wetlands and Waterways Section's review of the potential water quality impacts from those proposed activities pursuant to 7 Del. Admin. Code §7201 (Regulations Governing the Control of Water Pollution) & 7 Del. Admin. Code §7401 (Surface Water Quality Standards). The water quality certification process does not authorize any construction-related activities but rather is the mechanism by which the certifying agency (DNREC) can review the water quality aspects of the project and provide comments and/or conditions to be included in the federal permitting processes. As such, this TRM does not pertain to the ongoing technical review of the subaqueous lands permit, subaqueous lands lease, and wetlands permit applications and the public comments received in direct association with those applications, nor does it constitute any form of recommended decision on those applications.

In accordance with 7 Del. Admin. Code 7201, the public was invited to participate in the review of the US Wind, Inc. Water Quality Certification Request. Notice of the Joint Virtual Public Hearing, which was held on Tuesday July 9, 2024, on the above referenced matter was published in the Delaware State News, The News Journal, DNREC Public Notices website and the State

Public Meeting Calendar on April 28, 2024. The public was given until September 9, 2024, which equates to 134 days, to provide comment. During the public hearing, 34 attendees provided comments, and an additional 412 comments were received during the entire public comment period. Of the comments received, approximately 50 commenters identified water quality as a concern, with most of those expressing general concerns regarding possible impacts.

The attached draft Water Quality Certification details the technical review of the information provided regarding both specific contaminants of potential concern and general water quality impacts. This included the review of the “Indian River and Indian River Bay Surface Water and Sediment Assessment” dated September 13, 2024, to ensure that the proposed discharge meets Delaware Surface Water Quality Standards. During this review it was determined that there is negligible increased potential for impact on ecological and/or human health as a result of the proposed activities. However, it was identified that there was a need for limiting the turbidity associated with the temporary disturbance during the proposed construction. As a result, the applicant was required to provide additional details on the efforts to reduce the potential amount/extent of the turbidity created and their proposed monitoring in that regard. This supplemental information was received on September 13, 2024, in a document titled “Indian River Bay Turbidity Minimization and Monitoring Plan. The program has completed its review of that document as reflected in the draft Water Quality Certification including the turbidity-specific certification conditions.

CONCLUSION

The potential water quality impacts from the proposed activities have been reviewed relative to the Delaware Surface Water Quality Standards based on the information provided, the public comments received, and our knowledge of the area of potential impacts. It was determined that there should be negligible impacts to surface water quality provided that both engineering and operational controls are in place to minimize the extent and duration of turbidity generated during construction. These controls are detailed in the conditions included in the draft water quality certification, which is herein provided in the event the Secretary determines that conditional certification is appropriate for this project.

Enclosures: Department’s Wetlands and Waterways Section Presentation
Draft Water Quality Certification & Supporting Documentation