



MORTON  
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July 9, 2024

**VIA ELECTRONIC MAIL**

Mr. Shawn M. Garvin  
Secretary  
Dept. of Natural Resources and Environmental Control  
[DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov)

**Re: Quarry Walk, Yorklyn Road, Hockessin – Wastewater Collection and Conveyance System Construction Permit Application  
Tax Parcel #'s 08-008.10-117 to -120, 08-008.10-083 to -103**

Dear Secretary Garvin:

This office represents the concerned residents of the Yorklyn Valley (the “Residents”). The Residents are aware of the Wastewater Collection and Conveyance System Construction Permit Application (the “Application”) submitted by the Quarry Walk LLC, the Developer of the subdivision identified as Quarry Walk, which is currently under consideration by your Office.

While the Residents are heartened to learn that the Developer’s plans for Quarry Walk subdivision now include the construction of a wastewater conveyance system (the “Pump Station”), this change of plans necessarily calls into question the need for the installation of twelve (12), 1,500-gallon sewage holding tanks, the permit for which is simultaneously pending before DNREC. Simply stated, if the Pump Station is installed, there is no need for a dozen large holding tanks to also be installed, as the sewage will be simply pumped offsite without the need for temporary storage. Moreover, the installation, operation, maintenance and ultimate removal of the holding tanks would be time intensive and costly for the Developer, which draws into question why the Developer would apply for the construction and installation of both the Pump Station and the holding tanks. Given the comments from DNREC’s own engineers at the June 25, 2024 hearing, installation of the holding tanks would be completed before the construction of the Pump Station. Once the holding tanks have been installed, the instant need for the Pump Station diminishes significantly, thereby allowing for the quiet cancellation of the Pump Station plans.

The solution is simple and common place for construction permits of all kinds: a surety bond in an amount sufficient to cover the costs of building the Pump Station. When infrastructure projects in a development are undertaken, surety bonds are common practice to ensure the project is properly constructed, installed and operating. Indeed, such bonds are required by municipalities and counties throughout the State of Delaware to ensure the completion of projects in the manner contemplated by plans and permits. Such a surety bond should be required here as a condition to approval of the Application. DNREC, as a State agency, should protect the interests of the citizens of this State by

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requiring the Developer to bond the entirety of the estimated construction and installation costs of the Pump Station as a condition to approval of the Application.

Alternatively, if DNREC determines, for whatever reason, that the public should not be protected by a surety bond, then the Residents respectfully request that the holding tank portion of the application be denied, and that the project move forward only upon the construction and installation of the Pump Station. Indeed, the Residents do not understand why holding tanks are needed when the Pump Station, which is now part of the Application, can be built now.

Again, the concept here is to protect the public from having to shoulder the costs of waste removal from this Subdivision.

As set forth in my letter dated March 5, 2024, the public should not be left “holding the bag” with respect to the costs when constituents move into the now completed units, are paying for the regular waste removal from the storage tanks and demand that the taxpayers pay for the connection that the Applicant cannot or will not build at some later date.

Accordingly, the Residents respectfully request that a surety bond in an amount equal to the entirety of the estimated construction and installation costs of the Pump Station be added as a condition of approval before the Application may be granted, or that the holding tank portion of the Application be denied in favor of the immediate construction of the Pump Station.

Respectfully,

/s/ Robert J. Valihura, Jr.

Robert J. Valihura, Jr., Esq.

RJV/SMQ

Enclosure

cc: Residents of Yorklyn Valley