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November 13, 2024

Shawn M. Garvin, Secretary  
Delaware Department of Natural  
Resources and Environmental Control  
89 Kings Highway  
Dover, DE 19901

**Re: Hardship Waiver Request – Winchelsea Subdivision**

Dear Secretary Garvin,

Applicant, Winchelsea LLC, has filed an application with the Delaware Department of Natural Resources and Environmental Control (“DNREC”) seeking to utilize the existing four (4) manholes on site (MH 3A, MH 23A, and MH 24A, MH 4A and 443 LF of 8” sewer pipe) to store the wastewater as a way of temporarily providing domestic sanitary service for 10 residential units of housing. A copy of the application is enclosed.

Title 7, Section 5.6.4 of the Delaware Administrative Code allows the Secretary to grant waivers from any provision of the Regulations in cases of extreme and unusual hardship. This waiver request seeks a waiver from Title 7, Section 6.5.2.1 to expedite the approval process and waive the required fifteen (15) day public notice requirement. In addition, this waiver request seeks to waive the hearing requirements of Title 7, Section 5.6.5, due to the time sensitive nature of this matter.

This waiver request is supported by the fact that multiple families are scheduled for real estate closings for these residential units within the next two weeks and certificates of occupancy have not been granted. Although approved by New Castle County, the connection to the public sewer in Jamison Corner Road has not been completed and multiple families may become homeless until such connection is completed and certificates of occupancy can be granted. This sewer connection has been delayed because of an undiscoverable field condition that was not known from the utility information provided by New Castle County. During excavation, it was discovered that an unrecorded sewer prevented the intended connection to the public sewer. Therefore, the connection location had to be revised, which involved the process of submitting amended plans for reapproval.

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In addition, per Title 7, Section 5.6.4.2.3, this temporary holding tank will have a relatively insignificant environmental impact if a waiver from public notice is granted. The public sewer connection is expected to be completed by December 16, 2024. The wastewater will not impact the soil due to the impermeable nature of the existing manholes and connections and the temporary system will be used for this purpose for an extremely short duration (approximately one month).

It is important to note that that New Castle County has expressed support through ongoing discussions of the use of this temporary system due to the undiscoverable nature of the unrecorded sewer and the extreme hardship this delay causes to the families intending to move into these homes. Please contact Eric Laramore with the New Castle County Department of Public Works at [eric.laramore@newcastlede.gov](mailto:eric.laramore@newcastlede.gov) or (302)-395-5741 for confirmation that the County has expressed support of the expedition of this application.

Please do not hesitate to contact me with any additional questions or concerns at [alexander.walenczyk@btlaw.com](mailto:alexander.walenczyk@btlaw.com) or (302) 267-1513.

Sincerely,

*/s/ Alexander W. Walenczyk*

Alexander W. Walenczyk,  
Associate

cc: Doug Gramiak