



STATE OF DELAWARE

**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATER

RICHARDSON & ROBBINS BUILDING

89 KINGS HIGHWAY

DOVER, DELAWARE 19901

COMMERCIAL &
GOVERNMENT SERVICES:
WASTEWATER,
STORMWATER, &
BIOSOLIDS
MANAGEMENT

PHONE
(302) 739-9946

FACT SHEET – June 24, 2026

120 Hay Road, LLC
120 Hay Road, Edge Moor
Wilmington, Delaware 19809

NPDES Permit No. DE 0050857
State Permit No. WPCC 3110G/79

120 Hay Road has applied for reissuance of its National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater to the Delaware River.

Facility Location

The facility is located at 120 Hay Road, Edge Moor, Wilmington, Delaware.

Activity and Discharge Description

120 Hay Road, LLC purchased the property on 3/30/2023 from IKO Productions, Inc. (a former shingle manufacturing facility). The site is now vacant, with all buildings demolished and aboveground storage tanks removed. The site is now used for general warehousing and the outside storage of trucks, trailers, and construction materials.

Receiving Stream Classification

Outfall 001 discharges to the Delaware River. The designated uses of the Delaware River in the vicinity of the discharge are: Primary Contact Recreation; Secondary Contact Recreation; Fish, Aquatic Life & Wildlife, and Agriculture Water Supply (freshwater segments only).

The portion of the Delaware River (Zone 5), from the Pennsylvania state line to Liston Point, is listed in Delaware's 2024 CWA 305(b) and 303(d) Integrated Report for impairments related to Dieldrin, Dioxin, Furan compounds, Polychlorinated Biphenyls (PCBs), Arsenic, and Iron. This segment was also listed for Chronic Toxicity, Enterococcus, and Mercury, but these parameters have since been delisted.

The Delaware River Basin Commission (DRBC) has adopted numeric toxics criteria for Zones 2 through 6, along with a narrative standard requiring that "the waters shall be substantially free from ... substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life." In DRBC's 2024 Delaware River and Bay Water Quality Assessment, monitoring data indicated a small number of copper exceedances in the lower portion of Zone 5 and in Zone 6.

Based on a review of the NPDES Permit Application and current facility operation, the Department has determined the facility's discharges are not sources of constituents identified by the Delaware Integrated Report or the DRBC report. The permit will not include testing requirements for these constituents.

Statutory and Regulatory Basis

The Delaware Department of Natural Resources and Environmental Control (DNREC) proposes to reissue this NPDES permit to discharge stormwater subject to certain effluent discharge limitations, monitoring requirements and other terms and conditions identified in the permit. Section 402 of the federal Clean Water Act, as amended, and 7 Del. C. Chapter 60 provide the authority for permit issuance. Federal and state regulations promulgated pursuant to these statutes are the regulatory bases for permit issuance.

Bases for Effluent Limitations

DNREC has examined the application, the sites discharge monitoring data, and related information. Based on the current conditions at the site, no additional monitoring requirements are proposed for this permit cycle. The facility is a vacant property and has had no industrial activity for the past five years. A review of the facility's historical records indicates no compliance concerns, toxicity issues, or evidence of pollutant variability that would suggest reasonable potential to cause or contribute to an excursion above applicable water quality criteria.

Consistent with EPA's qualitative reasonable-potential approach, the permitting authority has determined that additional monitoring or WQBELs are unnecessary because of the absence of any discharge and the lack of identified risk factors, and the existing information is sufficient to conclude that additional monitoring is not warranted for this permit.

The Department proposes to reissue the facility's NPDES permit for a period not to exceed five (5) years, subject to the effluent discharge limitations and monitoring requirements shown in the attached permit.

The following table indicates the basis for the effluent limitations required for Outfall 001.

Effluent Limitations – Outfall 001					
Parameter	Water Quality-Based ⁽¹⁾	Technology Based		Performance Based ⁽⁴⁾	Monitoring Only
		RGCWP ⁽²⁾	DRBC ⁽³⁾		
pH		X			
Total Suspended Solids		X			
Oil & Grease		X			
Total Surfactants		X			
1. State of Delaware, Surface Water Quality Standards (SWQS) 2. State of Delaware, Regulations Governing the Control of Water Pollution (RGCWP) 3. Delaware River Basin Commission (DRBC) 4. Performance-based limits are based on the provisions of 40 CFR 122.45(b)(2)(I)					

The permit retains Benchmark Monitoring requirements for Oil and Grease, Total Surfactants, Total Suspended Solids, and pH based on SIC code 4225 (General Warehousing and Storage) of Sector P (Land Transportation and Warehousing).

Special Conditions

Special Condition No. 1 states that this permit supersedes NPDES Permit DE 0021709 and State Permit WPCC 3031F/79, issued on September 14, 2019, with an effective date of October 1, 2020.

Special Condition No. 2 is a standard permit reopener clause. This special condition allows the Department to reopen and modify the permit if the discharge is causing water quality concerns.

Special Condition No. 3 states Oil and Grease monitoring procedures.

Special Condition No. 4 states when the stone-lined swale shall be cleaned out.

Special Condition No. 5 requires the permittee to continue to implement and maintain a Storm Water Plan to minimize the discharge of contaminated storm water from the facility/site.

Special Condition No. 6 explains the Benchmark Monitoring Concentration and the subsequent results if monitoring exceeds concentration.

Special Condition No. 7 requires the permittee to use EPA-approved analytical methods that can detect and measure the pollutants at, or below, the applicable water quality criteria or permit limits pursuant to 40 CFR Part 136.

Antidegradation Statement

The effluent limitations included in this NPDES permit comply with the applicable portions of the State of Delaware Surface Water Quality Standards, Section 5: Antidegradation and ERES Waters Policies.

Public Notice and Process for Reaching a Final Decision

The public notice of the Department's receipt of the application and of reaching the tentative determinations outlined herein will be published in the Wilmington News Journal and the Delaware State News on **June 24, 2026**. Interested persons are invited to submit their written views on the draft permit and the tentative determinations made with respect to this NPDES permit application. The Department will not hold a public hearing on this application unless the Department receives a meritorious request to do so or unless the notice of this proposal generates substantial public interest. A public hearing request shall be deemed meritorious if it exhibits a familiarity with the application and a reasoned statement of the permit's probable impact. The request for a public hearing shall be in writing and shall state the nature of the issues to be raised at the hearing. All comments received by 4:30 p.m. on **July 24, 2026** will be considered by the Department in preparing the final permit.

Department Contact for Additional Information:

Wenjia Fan, PhD, P.E., Environmental Engineer
Commercial and Government Services Section, Division of Water
Department of Natural Resources and Environmental Control
89 Kings Highway, Dover, DE 19901
Telephone: (302) 739-9946
Email: Wenjia.Fan@Delaware.gov