



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

CONSERVATION PROGRAMS
SECTION

PHONE: (302) 739-9921
FAX: (302) 739-6724

SEDIMENT AND STORMWATER PLAN APPROVAL

Tracking No.: 2022-094

Issued To: Eugene Bailey
Executive Director
Diamond State Port Corporation
820 N. French St, 10th flr.
Wilmington, DE 19801

September 29, 2023

Dear Mr. Bailey,

The Sediment and Stormwater Management Plan for Phase 1 of the Port of Wilmington Edgemoor Expansion, as submitted by your authorized agent, Samuel Guarnieri, P.E., of Verdantas, LLC, has been reviewed and evaluated regarding the Sediment and Stormwater Management requirements of this Division and is approved with conditions (see attached).

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*, effective February 11, 2019. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

NOTE: Effective February 11, 2019, all State and Federal projects will require inspection services by a third party Certified Construction Reviewer.

We provide technical assistance, environmental education, and training to those we regulate. If we may be of any assistance to you, regarding the sediment and stormwater specifications of this project, please contact us at the address and number listed above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brendan R. Diener".

Brendan R. Diener, P.E.
Engineer V

cc: Samuel Guarnieri, P.E., Project Manager, Verdantas
Bonnie Arvay, Acting Program Manager II, Sediment and Stormwater Program
Lawrence D. Matson, PG, Hydrologist, DNREC Remediation Section
John Pietrobono, Acting New Castle County Review Coordinator, DelDOT
Amy Fitzgerald, Stormwater Reviewer, JMT on behalf of DelDOT

S. Douglas Hokuf, Jr., P.E., Chief of Site Management, NCC Land Use
John Gysling, PE CFM, Civil Engineer III, NCC Land Use

CONDITIONS OF APPROVAL

NOTIFICATION

1. This approved plan will remain valid for **5 years** from the date of the original approval unless specifically extended or renewed by DNREC Sediment and Stormwater Program.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested.
3. Notify the DNREC Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the DNREC Sediment and Stormwater Program for review and approval of the revision.
5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, the original owner must file a Notice of Termination (NOT) and the new owner must file a new Notice of Intent (NOI) to continue Federal permit coverage under the NPDES Construction General Permit (CGP).

CONSTRUCTION AND CLOSEOUT

6. Effective February 11, 2019, all State and Federal projects require construction review services by an approved 3rd party Certified Construction Reviewer throughout construction. CCR reports shall be submitted weekly to DNREC_CCR_Stormwater@delaware.gov.
7. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and DNREC Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the DNREC Construction Reviewer to schedule the pre-construction meeting.
8. Keep available on-site, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
12. The permanent stormwater management facility or facilities must be constructed and accepted by DNREC Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.