

Secretary's Order No.: **2005-W-0007**

RE: Department of Special Services –
New Castle County, Delaware: Southern Sewer Service Area
Water Farm #2 – Phase II: Wastewater Treatment &
Disposal Facilities

Date of Issuance: January 13, 2005

Effective Date: January 13, 2005

I. Background

On Thursday, December 2, 2004, the Department of Natural Resources and Environmental Control held a public hearing in the Community Room at the New Castle Southern Patrol Building, 605 North Broad Street in Middletown, Delaware, in order to receive comments on Phase II of an application submitted by New Castle County's Department of Social Services requesting a permit to construct a 1.6 million gallon per day (mgd) wastewater treatment and spray irrigation facility called Water Farm 2. Water Farm 2 would provide central sewer service to designated areas of Southern New Castle County. Phase II encompasses the construction of the wastewater treatment and disposal facilities, including irrigation pivots. The treated effluent will be spray irrigated

onto approximately 320 acres of agricultural land located north of Rt. 429; south of Spring Mill Branch and Shallcross Lake; east of Conrail Railroad Tracks and Rt. 301; extending partly east of Shallcross Lake Road, bordered by Drawyers Creek and Woodlawn Estates in New Castle County, Delaware.

It should be noted that Secretary Hughes issued Order No. 2004-W-0057, formally approving Phase I of this project on November 29, 2004. Phase I encompasses the construction of two earthen storage lagoons with a combined total capacity of 194 million gallons and associated appurtenances. The public hearing which took place on December 2, 2004 was limited to receiving public comment on only Phase II of the aforementioned proposed project, as described above.

After the hearing, the Department performed an evaluation of the evidence entered into the record in this matter. Thereafter, the Hearing Officer prepared her report and recommendation in the form of a Hearing Officer's Report to the Secretary dated November 24, 2004, and that report is expressly incorporated herein by reference. Proper notice of this hearing was provided as required by law.

II. Findings:

1. Proper notice of this hearing was provided as required by law.

2. As with Phase I of the Water Farm 2 project, Phase II has been designed to minimize any environmental impacts as summarized in the Applicant's testimony as referenced within the Department's Report to the Hearing Officer, which has been expressly incorporated into this Order.

3. No substantial concerns were raised, nor was any testimony provided to the Department during any phase of this public hearing process to indicate the proposed construction of this project would have any adverse impact on either public health or the environment.

4. The record demonstrates compliance with applicable Department requirements regarding the construction of such wastewater treatment and disposal facilities.

III. Order

In view of the above findings, it is hereby ordered that a permit be issued to allow New Castle County to construct Phase II of their project to construct, operate and maintain a 1.6 million gallon per day wastewater treatment and spray irrigation facility called Water Farm 2, consistent with the application submitted and containing the customary conditions to protect water supply and water quality as deemed necessary by the Division of Water Resources.

IV. Reasons

The record demonstrates compliance with all applicable Department requirements and strongly suggests that the environmental impact from this project will be negligible. New Castle County has demonstrated a genuine need to construct Water Farm 2, citing commitments made to provide sewer service to future schools and housing developments in northern Delaware. Moreover, no testimony was provided during any phase of this permitting matter that demonstrated that Phase II of the Water Farm 2 project should not be constructed, or that said project would have an adverse affect impact on either public health or the environment.

John A. Hughes
Secretary