



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

Surface Water Discharges Section

RECEIVED  
APR 17 2001

DEPT. OF TRANSPORTATION  
OFFICE OF OPERATIONS

Telephone: (302) 739-5731  
Facsimile: (302) 739-8369

April 9, 2001

CERTIFIED MAIL

Mr. Nathan Hayward III, Secretary  
State of Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903

Re: NPDES Permit DE 0051071  
Storm Water Discharges from MS4 in  
New Castle County, Delaware

Dear Secretary Hayward:

Enclosed please find a copy of the referenced NPDES permit, authorizing the discharge of storm water from/through the municipal separate storm sewer system or "MS4" located in New Castle County. Please note the enclosed permit has an effective date of May 1, 2001.

In addition, please note that a few changes were made to the February 23, 2001 draft permit to address the comments we received from the New Castle County Department of Special Services during the notice period. Specifically, in the second sentence of Part II.A.6.d., "implement" was changed to "promote - through education, public information and other appropriate measures -" the proper management and disposal, etc. Language was added that states the co-permittees are to coordinate their effort with the Delaware Solid Waste Authority, the Department's Division of Air and Waste Management and the Recycling Public Advisory Council and that they are to explore opportunities to facilitate existing programs and identify ways to encourage more participation. Such a change maintains consistency with our original intent and the requirement in 40 CFR Part 122.26(d)(2)(iv)(B)(6).

A provision was added to Part III. Schedules of Compliance to address what was originally proposed as Part V.R. Historic Preservation, i.e., the State Historic Preservation Office's involvement and review, for compliance with Section 106 of the National Historic Preservation Act, of any projects involving ground disturbance, new

*Delaware's good nature depends on you!*

Secretary Hayward  
April 9, 2001  
Page Two

construction or demolition of an existing structure, that are undertaken within the scope of the permit. The co-permittees are to develop and implement a programmatic agreement with the Department and the State Historic Preservation Office within two years of the effective date of the permit. Part V.R. was removed from the final permit.

The language in Part II. H. and Part IV.J. was modified to clarify the deadline for submission of the annual report and its coverage. The annual report is to be submitted no later than the anniversary of the effective date of the permit (May 1) and is to cover the preceding calendar year's activities (January 1 through December 31).

Should you have any questions or wish to discuss any of the provisions of the enclosed permit in further detail, please contact me. I can be reached in Dover, at 739-5731.

Sincerely,



Paul J. Janiga, P.E.  
Environmental Engineer  
Surface Water Discharges Section

Enclosure

pc: Raymond M. Harbeson, Jr., Chief Engineer, DelDOT  
John J. Gilbert, Director, Division of Highway Operations, DelDOT  
Joe Wright, Assistant Director, Transportation Engineering, DelDOT  
Rob McCleary, Field Services Engineer, DelDOT  
Wendy Gillin, Environmental Engineer, DelDOT

State Permit Number: WPCC 3063/96  
NPDES Permit Number: DE 0051071  
Effective Date: May 1, 2001  
Expiration Date: April 30, 2006

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
AND THE LAWS OF THE STATE OF DELAWARE

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.), hereinafter referred to as "the Act", and pursuant to the provisions of Title 7, Del.C., §6003,

New Castle County Department of Special Services  
187-A Old Churchmans Road  
New Castle, Delaware 19720

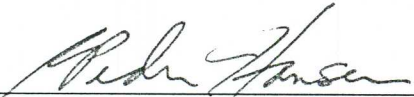
The Delaware Department of Transportation  
P.O. Box 778  
Dover, Delaware 19903

And the following municipalities:

The Village of Arden, The Village of Ardentown, The Village of Ardencroft,  
The Town of Bellefonte, The City of Delaware City, The Town of Elsmere,  
The Town of Middletown, The Town of Newport, The City of New Castle,  
The Town of Odessa, The Town of Townsend and the City of Wilmington

are authorized collectively and severally, to discharge storm water from/through all portions of the municipal separate storm sewer system located in New Castle County, Delaware that are owned, operated or maintained by any of the co-permittees listed above, to waters of the State in New Castle County, in accordance with the comprehensive storm water pollution prevention and management program, the discharge limitations, monitoring requirements and other provisions set forth in Parts, I, II, III, IV and V hereof.

This permit and the authorization to discharge under the National Pollutant Discharge Elimination System shall become effective May 1, 2001 and expire at midnight, on April 30, 2006.

  
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R. Peder Hansen, P.E., P.G.  
Manager, Surface Water Discharges Section  
Division of Water Resources  
Delaware Department of Natural Resources  
and Environmental Control

  
\_\_\_\_\_  
Date Signed

**Part I. Discharges Authorized By This Permit**

**A. Area Covered**

This permit covers all areas located within the corporate boundary of New Castle County, Delaware, served by or otherwise contributing to discharges from, the municipal separate storm sewers owned, operated or maintained by the co-permittees.

**B. Authorized Discharges**

1. This permit authorizes all existing or new point source discharges of storm water to State waters from those portions of the municipal separate storm sewer system owned, operated or maintained by the co-permittees. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater or storm water associated with industrial activity provided such discharges are authorized under separate NPDES permits or covered under the Department's NPDES General Permit Program regulations.

2. Limitations on Coverage

The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

a. Non-storm water and Industrial Storm Water:

Discharges of materials other than storm water, discharges of storm water associated with industrial activity or other storm water discharges required to obtain an NPDES permit, except where such discharges are:

- (1) regulated by a separate NPDES permit or the discharger has applied for such permit;
- (2) covered under the Department's NPDES General Permit Program regulations; or
- (3) identified by and in compliance with Part II.A.6.

b. Spills:

Where the discharge of materials resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the co-permittees shall take, or insure that the party responsible for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. (See also Part II.A.7., page 9.) This permit does not transfer the liability for the spill itself from the party(ies) responsible for the spill nor relieve the party(ies) responsible for the spill from the reporting requirements under 7 Del.C. §6028.

