



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL AND ENERGY
STATE STREET COMMONS
100 W. WATER STREET, SUITE 5A
DOVER, DELAWARE 19904

CLIMATE &
SUSTAINABILITY

PHONE
(302) 735-3480

November 18, 2025

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning
2 The Circle
PO Box 417
Georgetown, DE 19947

FILE COPY


Dear Mr. Whitehouse:

Thank you for reaching out about C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Commercial Zoning District at Tax Parcels 334-12.00-46.00 & 47.00. This project came through the Preliminary Land Use Service in May 2024 under the name Atlantic Fields.

This letter is in response to your letter to Secretary Patterson dated November 6, 2025, which contained questions posed during the County Council meeting on October 21. Responses to these questions from subject matter experts in the Department are attached.

Please contact me at Beth.Krumrine@delaware.gov or by phone at (302) 735-3495 if you have questions about other projects or if you need additional information. Also feel free to reach out directly to the Sediment and Stormwater Program at (302) 939-9921 or the Source Water Assessment and Protection Program at (302) 739-9948.

Sincerely,


Beth Krumrine
DNREC PLUS Lead

Enclosure (1)

Cc: Tracy Torbert, Clerk to the Council, Sussex County
David Edgell, Director, Office of State Planning Coordination

Attachment A. DNREC Answers to Questions from Sussex County Council

Re: C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Commercial Zoning District at Tax Parcels 334-12.00-46.00 & 47.00.

- 1. Can the gasoline stations proposed be moved far enough from the Wellhead to ensure public safety?**
- 2. Does the massive amount of stormwater run-off generated by this project endanger the Wellhead and the safety of Atlantic Fields neighbors, especially those dependent on wells?**

Questions 1 and 2 will be answered concurrently.

The original site design submitted through the Preliminary Land Uses Service proposed stormwater management via ponds located along Route 24 at the southern edge of the site. It is DNREC's understanding that the stormwater management now proposed is through underground retention and infiltration facilities.

Stormwater that runs off the pavement will effectively infiltrate into the water table. Underground infiltration facilities are designed for applications where the runoff will pass through the native soil to be filtered prior to reaching the water table. All infiltration facilities that are proposed to manage runoff from impervious surfaces are required to have pretreatment at the inlets to the facility. Pretreatment measures are designed to capture a portion (minimum of 50%) of the total suspended solids load and the pollutants that attach to sediment in stormwater runoff. Pretreatment measures extend the life of the infiltration facility and allow for ease of maintenance.

Setbacks to wells have been established in the Sediment and Stormwater Regulations for specific classes of stormwater management BMPs, including infiltration. The setback requirement for an infiltration facility from a public well is 150 feet.

While a gas station can be located within a Wellhead Protection Area (WHPA) and meet regulatory standards, there is still some risk to groundwater. Even if the separation distance from the well itself is met, accidental fuel release flowing into the stormwater system could inadvertently be released into the aquifer. Implementing certain controls such as shut-off valves in specific locations will greatly reduce the risk of potential spills reaching the stormwater system. It is not recommended to use infiltration in hot spot areas according to Appendix A of the Stormwater Hotspot Guidelines (written below).

Also, an underground storage tank associated with the gas station is currently proposed over a WHPA. According to DNREC's Underground Storage Tank Regulations (Section 2.4), USTs are permitted in WHPA, provided they conform to departmental standards such as secondary containment requirements.

The following information was also provided in the Preliminary Land Use Service (PLUS) letter for Atlantic Fields (PLUS ID 2024-05-02) dated June 21, 2024, from the Office of State Planning Coordination:

- All stormwater management facilities should be at least 150 feet off the WHPA.
- Hotspots and High Loading Situations: Infiltration practices are not intended to treat sites with high sediment or trash/debris loads, because such loads will cause the practice to clog and fail. Infiltration practices are not recommended at potential stormwater hotspots that pose a risk of groundwater contamination. For a list of potential stormwater hotspot operations, consult Appendix 4.
- Appendix 4. Stormwater Hotspots Guidelines:
 - Stormwater hotspots are defined as commercial, industrial, institutional, municipal, or transport-related operations that produce higher levels of stormwater pollutants, and/or present a higher potential risk for spills, leaks, or illicit discharges. Hotspot sources can be separated into two main categories: vehicles and outdoor storage.
 - Additional information for each of the listed operations is included following the plan requirements in the profile sheets. The following post construction operations may be classified as storm water hotspots operations: Vehicle Maintenance and Repair, Vehicle Fueling, Vehicle Washing, Vehicle Storage, Loading and Unloading, Outdoor or Bulk Material Storage.

3. What study has been done to assess the PFAS contamination from repeated applications of fertilizers and pesticides? (per and polyfluoroalkyl substances). Stormwater runoff transports PFAS from various sources such as surface runoff and construction materials, and can increase the concentration of PFAs. What remediation is necessary or prudent to protect the area from PFA contamination?

The DNREC Sediment and Stormwater Program currently has no requirement for management or monitoring of PFAS in stormwater runoff. If groundwater is contaminated, there may be dewatering discharge restrictions during construction through DNREC's Division of Water. Overall and statewide, DNREC has been working to better understand the sources of PFAS and impacts to soil and water, but it remains difficult to pinpoint exact sources of PFAS. If PFAS is suspected, testing is available and, if found, point-of-use filtration is available to homeowners. Financial assistance is also available for water systems for the installation of PFAS removal at their facilities.

- 4. Does the percentage of impervious cover within the wellhead protection area exceed recommended levels? Does it comply with the Delaware Code?**

County and municipal governments adopt ordinances to govern activities in sourcewater protection areas. Sussex County's sourcewater code meets the state statute. The gas station currently falls in the area between the safe zone specified in Sussex code and within the WHPA. Sussex County should determine whether the impervious zone requirement of county code has been met.

- 5. The City of Rehoboth Beach currently draws from a central county wellhead that is on and abutting this proposed development. Is there a danger of contamination for drinking water with the current design? What are the possible dangers posed to the well by the development?**

This has been addressed in answers to questions #1 and #2.

Jamie Whitehouse

From: Krumrine, Beth (DNREC) <Beth.Krumrine@delaware.gov>
Sent: Tuesday, November 18, 2025 3:18 PM
To: Jamie Whitehouse
Cc: Tracy Torbert; Edgell, David (OMB); Patterson, Gregory B. (DNREC); Love, Susan E. (DNREC); Cole, Kimberly B. (DNREC)
Subject: DNREC Response to Sussex County
Attachments: DNREC Response Letter to Sussex Co.pdf; (CCE) Response Letter to Sussex Co. Attachment A.pdf

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie,

Thank you for reaching out about C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Commercial Zoning District.

The attached letter is in response to your letter to Secretary Patterson dated November 6, 2025. Attachment A includes responses to the questions from subject matter experts in the Department.

Thanks,
Beth

Beth Krumrine, Principal Planner
Climate & Sustainability Section
DNREC Division of Climate Coastal & Energy
100 W. Water Street, Suite 5A
Dover, DE 19904
P: (302) 735-3480