

SOURCE WATER PROTECTION ORDINANCE WORKSHOP
NOVEMBER 5, 2015 – 10:00 A.M.
BRIDGEVILLE TOWN HALL

I. CALL TO ORDER

The meeting was called to order by Commission President Pat Correll at 10:00 A.M. Present: Commissioners Lawrence Tassone, Sharon McDowell, Jay Mervine and Town Manager Jesse Savage. Additional guests included Ms. Lee Ann Walling from Cedar Creek Planners, Town Engineer Jason Loar, Water Superintendent Scott Kimball and Doug Rambo from the Department of Natural Resources and Environmental Control (DNREC). Tidewater Utilities, Inc. was represented by Jerry Esposito, President, Bruce Patrick, P.E., General Manager, Sheila Sannm, Director of Water Quality and Jeremy Kalmbacher, P.E., Director of Engineering.

II. QUORUM PRESENT

President Correll advised a quorum was present despite the absence of Commissioner Carson.

III. REVIEW AND DISCUSSION OF PROPOSED SOURCE WATER PROTECTION ORDINANCE (SWP)

Ms. Walling has been a consultant to the Town concerning this issue and has drafted a proposed Ordinance. An important area of concern has been the Tidewater Utilities-owned wellhead protection area that services the Bridgeville Mall. This area is earmarked for development and is an important growth area for Bridgeville, with service roads already in place. The Town and Tidewater representatives in attendance will hopefully find solutions to the issues. DNREC Hydrologist, Mr. Doug Rambo, made a presentation concerning the Ordinance.

- The Bridgeville Sunoco (1990's –2001) contamination clean-up cost was approximately \$590,000. A Millsboro spill cost close to \$8.1 million. Protecting our water sources is vital.
- Source Water is “untreated water from streams, rivers, lakes or underground aquifers that is used to provide public drinking water, as well as supply private wells used for human consumption.”
- Delaware’s SWP law was introduced in 2001 by Governor Minner’s Livable Delaware Initiative. It defines critical areas and aids the adoption of Ordinances by counties and municipalities to protect public drinking water sources from contamination.
- SWP is an unfunded mandate from EPA, a grass-roots effort by concerned citizens. The division has five employees who oversee source water issues and educate the public.
- Bridgeville wells have been inventoried for possible contaminants – i.e. underground storage tanks, landfills, tire piles, large and domestic septic systems, golf courses, spray irrigation, etc.
- In Sussex County, wellhead protection areas only account for 1.5% of the total land area.
- Ground-Water Potential Recharge Areas are characterized by the best water-transmitting capabilities in the first 20 ft. below the land surface.
- Definitions:
 - Wellhead Protection Area – an area surrounding a public supply well through which contaminants could likely reach the well.
 - Excellent Ground-Water Recharge Potential Area – very permeable soils mapped by the Delaware Geological Survey.
- Bridgeville must adopt this Ordinance, as it has recently reached the threshold of 2,000 citizens.

- Implications of not passing an SWP Ordinance – DNREC will not sign off on the Town's Comprehensive Development Plan. SWP also carries the enforcement of 7 Del. 60 C. 05 for issues related to noncompliance with State Law.
- Mr. Rambo is offering DNREC assistance to Bridgeville to come into compliance.

DISCUSSION AND QUESTIONS:

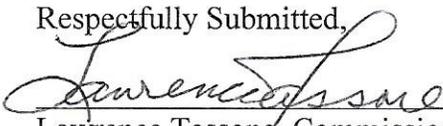
- Tidewater Utilities owns the wells in question and the wells do not serve the Bridgeville public.
- The county has an SWP Ordinance and the local Tidewater well in question is in the county's jurisdiction. If Bridgeville passes an Ordinance, as well, the wellhead protection area would be split into Town and County jurisdiction. Per Mr. Rambo, wells might be within geographic boundaries; however, groundwater knows no political boundaries. Either Town or County could have a stricter Ordinance.
- A new development on the east side of Route 13 (within county boundaries) was questioned. Mr. Rambo advised if a proposed well pumped over 50,000 gallons/day, it would fall under the Groundwater Allocations Program and would be publically advertised. The Town could then comment on the proposal. (Tidewater's well is not in Town; the groundwater is in Town.)
- Commissioner Tassone questioned how two agencies can be responsible for the same wellhead. It was clarified the County is protecting the wellhead; the protection area is the water that is flowing to the well. The Town is protecting the outermost extent of the water flowing to the well that originates within the Town of Bridgeville's boundaries.
- Mr. Rambo advised if the pumping rate decreased, the water quantity would decrease; if the wells were removed, the water protection area would disappear. Additionally, if impervious cover is put over the wellhead protection area and no means of artificial re-charge is employed, the area could increase, as it has to pull from a larger area. If impervious cover is managed in the area, it will not change.
- Commissioner Tassone concluded the municipality, with existing boundaries, will only be responsible for overseeing impervious development over that portion of the aquifer, which falls within our boundary. Mr. Rambo agreed.
- Ms. Walling advised, according to our draft Ordinance, the entire proposed commercial area (Zone 2) can exceed 20% threshold, which is not significant; however, it could increase to 50% with the completion of an environmental impact assessment report.
- Per Mr. Loar, the amount of impervious cover for future development in this area depends on the management of the stormwater. There are options; however, many are costly.
- We have developer agreements in place that might be affected (i.e. H.S. commercial). The original H.S. Master Plan showed commercial development (including a clubhouse, pool and hotel) directly across the street from Walgreens and approved by the state. Ms. Walling advised if it is already recorded, the Town is grandfathered.
- A discussion ensued concerning the difference between drinking wells and fire protection wells. Mr. Bruce Patrick, Tidewater Utilities' Manager, advised this is an important issue. His company has addressed contaminated wells several times over the years. He hopes Tidewater can help to solve the problems faced by the Town with SWP. He advised the wells can't be re-classified.
- Commissioner Tassone believes there should be a waiver process for new businesses.
- Ms. Walling advised there is guidance, but not strict regulations with the new SWP process. The Town will have the flexibility to set the parameters differently.

- Town Manager Savage suggested singling out this SWP area as its own section in the Ordinance. Ms. Walling believes that is possible.
- Mr. Patrick suggested confirming that the original H.S. Master Plan is already grandfathered, which would settle these uncertainties. (It was later noted the property has changed hands, which may overrule the clause.)
- It was clarified that most of these wells are replenished by rainfall. Delaware receives approximately 41 inches of rainfall per year and approximately 14" is absorbed.
- Representative Dave Wilson believes concrete numbers are necessary for the state to enforce these regulations. Mr. Rambo advised they place Delaware-specific data into U.S. Geological Survey models for their information. DNREC develops the wellhead protection areas; however, a private company can submit suggestions for review.
- Tidewater Utilities President, Mr. Jerry Esposito suggested initiating a sensitivity analysis concerning a worst case scenario.
- It was clarified that DNREC comments on Towns' SWP Ordinances. The process is smoother when DNREC is involved. They are currently fighting some Towns for deficiencies in their Ordinances (i.e. only borderline protective of the resource).
- Ms. Walling advised the "hammer" is in the Comprehensive Plan (CP) process. The state could reject Bridgeville's CP, which must be updated in 2016, if SWP does not meet their standards.
- It was determined the Town does not have enough information presently to pass the Ordinance.
- Ms. Walling advised that re-delineating one area could change everything, with assistance from the hydrologist. Mr. Esposito offered years of Tidewater well data to plug into DNREC's model.
- Mr. Rambo believes this issue can be solved; well-head protection hasn't stopped development anywhere else and he believes the same can be true for Bridgeville.
- The Town will wait for new data and a new map. The 2016 CP amendment will take a closer look at wellheads and other issues that have been introduced during this workshop and will be modified accordingly.

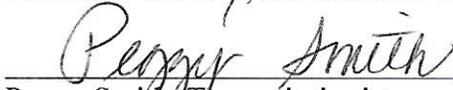
IV. ADJOURNMENT

Motion to adjourn: Tassone; 2nd – Mervine; motion carried. The meeting was adjourned at 11:12 A.M.

Respectfully Submitted,



Lawrence Tassone, Commission Secretary



Peggy Smith, Transcriptionist