August 5, 2014

E I DUPONT DENEMOURS & CO, Inc. **Certified Mail # 7008-0500-0000-3221-2569**

974 Centre Road **RETURN RECEIPT REQUESTED**

CRP 730 Room 3160-4 **and FIRST CLASS USPS MAIL**

WILMINGTON, DE 19803

ATTENTION: Lois Smith

SUBJECT: **Notice of Violation – Land Disturbing Activity at the Tax Parcel # 26-058.00-019 (501 Christiana Avenue)**

Dear Ms. Smith:

This Notice of Violation is being issued to the party identified above related to violations of **7 *Del.C.* Chapter 60, Environmental Control and 7 *Del.C.* Chapter 40, Erosion and Sedimentation Control, the Delaware Sediment and Stormwater Regulations found at Title 7 of the Delaware Administrative Code; and the National Pollutant Discharge Elimination System (NPDES) Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities provisions** regarding stockpiles of soil materials placed in the vicinity of the Delaware I-495 bridge at the Christina River crossing.

The Department of Natural Resources and Environmental Control asserts that the following statutory authorities, regulations, and permitting apply in the case of stockpiling soil materials on Tax Parcel # 26-058.00-019. The cited parcel was observed with soil stockpiles which constitute land disturbing activity as defined in **7 *Del.C* §4002(3)**.The site is in violation of **7 *Del.C* §4003 (a), (c), and (d),** which prescribe the duties of persons engaged in land disturbing activities and the requirement to have an approved Sediment and Stormwater Plan.

The cited parcel is in violation of the **7 Del. Admin. C. Section 5101, the** ***Delaware Sediment and Stormwater Regulations*** **(effective date of 1/1/2014) Sections 3.0, 4.5.1, and 6.0,** for not submitting the required Sediment and Stormwater Plan, for failure to provide construction review of the parcel, and for failure to properly stabilize the soils following soil disturbance. Refer to the definition of owner contained in these regulations.

Tax Parcel # 26-058.00-019 disturbed more than one acre through stockpiling activities and is in violation for not obtaining a **NPDES Construction General Permit**as required in **7 Del. Admin. C. Section 7201, the *Regulations Governing the Control of Water* Pollution, Part 2 - Special Conditions for Storm Water Discharges Associated with Construction Activities, under Sections 9.2.2.4, 9.2.3.1, 9.2.3.6, 9.2.4.2 and 9.2.4.3**. Refer to the definitions contained in these regulations for operational control, operator, and permittee.

Through this Notice of Violation the Department is engaged in determining the responsible parties for the violations due to the stockpiling activity at Tax Parcel # 26-058.00-019. The Department will require a clear response as to whether the activities were conducted by the landowner and/or an operator.

Contact Jamie H. Rutherford or Cheryl L. Gmuer at 302-739-9921 within 14 calendar days of the date of this correspondence.

Sincerely,

Frank M. Piorko

Division Director

DNREC Division of Watershed Stewardship

Cc: David Small, DNREC Department Secretary

 Ralph Durstein III, Department of Justice, Deputy Attorney General

 Jamie H. Rutherford, DNREC Watershed Stewardship, Sediment and Stormwater Program, Program Manager II

 Cheryl L. Gmuer, DNREC Watershed Stewardship, Sediment and Stormwater Program