



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
1650 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19103-2004

OPR

February 27, 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,¹ NAP-2025-00039-103

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

NAP

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAP-2025-00039-103

1. SUMMARY OF CONCLUSIONS.

- a. The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area and there are no areas that have previously been determined to be jurisdictional under the Rivers and Harbors Act of 1899 in the review area). A delineation of the property was completed by GZA GeoEnvironmental, Incorporated entitled: "Wetland Delineation Report Beach Highway Solar"; dated June 30, 2023. The delineation did not identify any aquatic resources within the review area. Ample upland data points were provided in support that the review area is comprised of uplands. I concur with the delineation, verified by online tools.

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023)
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is located at 38.809315 °N, 75.434949 °W, 18019 Beach Highway, Ellendale, Delaware 19941 and is identified as Sussex County Tax Parcel 230-26.00-39.00. The review area is the portion of the tax parcel identified as the limit of disturbance (LOD). The LOD is shown on the approved plans entitled "Beach Highway Solar Field Sussex County, Delaware Standard Plans"; prepared by George, Miles & Buhr, LLC; dated October 2024; unrevised; 10 sheets. This JD request was made in conjunction with a No Permit Required request for the purpose of installing a solar field within an upland area.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest TNW is the Nanticoke River. The Nanticoke River is affected by the ebb and flow of the tide. Gravelly Branch, the closest named tributary to the review area flows southwest into Collins Pond, which flows into the Nanticoke River.

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5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. The nearest TNW is the Nanticoke River. The Nanticoke River is affected by the ebb and flow of the tide. Gravelly Branch, the closest named tributary to the review area flows southwest into Collins Pond, which flows into the Nanticoke River.
6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁶ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
 - b. The Territorial Seas (a)(1)(ii): N/A
 - c. Interstate Waters (a)(1)(iii): N/A
 - d. Impoundments (a)(2): N/A
 - e. Tributaries (a)(3): N/A

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁶ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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f. Adjacent Wetlands (a)(4): N/A

g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁷ N/A

b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Desktop evaluation on February 20, 2025.

b. Delineation Report completed by GZA GeoEnvironmental, Incorporated entitled: “Wetland Delineation Report Beach Highway Solar”; dated June 30, 2023

c. Approved Plan entitled “Beach Highway Solar Field Sussex County, Delaware Standard Plans”; prepared by George, Miles & Buhr, LLC; dated October 2024; unrevised; 10 sheets.

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR’s structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

⁷ 88 FR 3004 (January 18, 2023)

1. THE SUSSEX CONSERVATION DISTRICT SHALL BE NOTIFIED IN WRITING 5 DAYS PRIOR TO COMMENCING WORK WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
2. REVIEW AND OR APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
3. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY DNREC OR THE DELEGATED AGENCY.
4. FOLLOWING SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED FOR ALL PERIMETER SEDIMENT CONTROLS, SOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WITHIN 14 CALENDAR DAYS UNLESS MORE RESTRICTIVE FEDERAL REQUIREMENTS APPLY.
5. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
6. AT ANY TIME A DETERAERING OPERATION IS USED, IT SHALL BE PREVIOUSLY APPROVED BY THE AGENCY CONSTRUCTION SITE REVIEWER FOR A NON-EROSIVE POINT OF DISCHARGE, AND A DETERAERING PERMIT SHALL BE APPROVED BY THE DNREC WELL PERMITTING BRANCH.
7. APPROVED PLANS REMAIN VALID FOR 5 YEARS FROM THE DATE OF APPROVAL.
8. POST CONSTRUCTION VERIFICATION DOCUMENTS RE TO BE SUBMITTED TO THE DEPARTMENT OR DELEGATED AGENCY WITHIN 60-DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
9. APPROVAL OF A SEDIMENT AND STORMWATER MANAGEMENT PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
10. THE OWNER SHALL BE FAMILIAR WITH AND COMPLY WITH ALL ASPECTS OF THE NPDES CONSTRUCTION GENERAL PERMIT.
11. THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHALL BE CHECKED DAILY AND ADJUSTED OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENT FROM LEAVING THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED 10% OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR ALTER MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
12. BEFORE ANY EARTHWORK OR EXCAVATION TAKES PLACE, THE CONTRACTOR SHOULD CALL MISS UTILITY AT 811 OR 1.800.282.8555 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION, TO HAVE ALL EXISTING UTILITIES MARKED ON SITE.
13. THE DEPARTMENT OR DELEGATED AGENCY MAY REQUIRE ADDITIONAL SOIL TESTING AND REAPPLICATION OF PERMANENT OR TEMPORARY STABILIZATION IN ACCORDANCE WITH THE SPECIFICATIONS IN THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, OR ALTERNATIVE MEASURES THAT PROVIDE FUNCTIONAL EQUIVALENCY.
14. WHEN DIRECTED BY THE DEPARTMENT OR DELEGATED AGENCY, THE OWNER SHALL ACQUIRE THE SERVICE OF A THIRD PARTY CERTIFIED CONSTRUCTION REVIEWER (OCR) TO PERFORM WEEKLY CONSTRUCTION REVIEWS. SEDIMENT AND STORMWATER MANAGEMENT PLANS APPROVED BY THE DEPARTMENT SHALL HAVE A THIRD PARTY OCR.
15. BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH REQUIREMENTS OF 7. DEL. C. 46, REGULATIONS GOVERNING THE CONTROL OF WATER POLLUTION, SECTION 8.1.02, KNOWN AS THE CRITERIA FOR DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES, AND DEPARTMENT POLICIES, PROCEDURES, AND GUIDANCE.

1. BOUNDARY SHOWN HEREIN PROVIDED BY BECKER MORGAN GROUP PER ALTA SURVEY DATED 2004/09/19.
2. TOPOGRAPHY SHOWN HEREIN PER SURVEY FROM BECKER MORGAN GROUP, DELAWARE STATE PLANE COORDINATE SYSTEM NAD 83/91 AND NAVD83 VERTICAL DATUM.
3. THE USE SHALL BE FOR A GROUND-MOUNTED SOLAR PLANT. NO OTHER TYPES OF ELECTRIC GENERATION SHALL BE PERMITTED AT THE SITE.
4. ANY LIGHTING ON THE FACILITY SHALL ONLY CONSIST OF PERIMETER LIGHTING NEEDED FOR SECURITY PURPOSES. ALL LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAY.
5. ONE UNLIGHTED SIGN, NOT EXCEED 32 SQUARE FEET IN SIZE, SHALL BE PERMITTED. THE SIGN SHALL IDENTIFY THE OPERATOR OF THE SOLAR PLANT AND SHALL PROVIDE CONTACT INFORMATION IN CASE OF EMERGENCY.
6. THE SITE SHALL BE SECURED BY FENCING WITH A GATE WITH A "KNOX BOX" OR SIMILAR DEVICE TO ACCOMMODATE EMERGENCY ACCESS TO THE LOCAL CITY OR COUNTY OR FIRE DEPARTMENT RESPONDERS. THE FENCE LINE SHALL BE SHOWN ON THE FINAL SITE PLAN.
7. ANY TRANSFORMERS OR SIMILAR EQUIPMENT SHALL BE CENTRALLY LOCATED ON THE SITE AWAY FROM ANY NEARBY RESIDENTIAL USES.
8. THE ENTIRE SITE, INCLUDING THE AREA THE OUTSIDE THE FENCE, SHALL BE MAINTAINED SO THAT IT DOES NOT BECOME OVERGROWN.
9. STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL OPERATED USING BEST MANAGEMENT PRACTICES.
10. THERE SHALL BE A VEGETATED BUFFER THAT IS AT LEAST 15 FEET WIDE PLANTED WITH DECIDUOUS AND EVERGREEN TREES AND SHRUBS AROUND THE PERIMETER OF THE SOLAR ARRAYS WHEREVER THERE IS NOT AN EXISTING VEGETATED BUFFER. THESE BUFFERS SHALL SCREEN SOLAR ARRAYS WHILE ALLOWING THE SOLAR ARRAYS TO FUNCTION. THESE BUFFERS SHALL INCLUDE A DOUBLE ROW OF SCREENING ALONG THE WESTERN BOUNDARY AND THE EXISTING SCREENING SHALL BE BOLSTERED ALONG THE SOUTHERN AND EASTERN BOUNDARIES.
11. THE FINAL SITE PLAN SHALL IDENTIFY A DECOMMISSIONING PLAN THAT INCLUDES FINANCIAL SECURITY TO ENSURE THAT FUNDS ARE AVAILABLE FOR DECOMMISSIONING AND REMOVAL OF THE SOLAR PLANT IN ITS ENTIRETY THROUGHOUT THE LIFE OF THE CONDITIONAL USE.
12. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

"I BRENT R. JETT, P.E., HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES."

DATE _____

7. THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED STANDARD PLAN AND THAT RESPONSIBLE PERSONNEL (I.E. BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS"

COMMUNITY POWER GROUP	DATE
RACHEL BOOTS, P.E.	

GMB FILE NO. 240190

This map shows the Union, North Carolina area, with a grid overlay. Key features include:

- Water Bodies:** Johnson Pond, Hudson Pond, and the Ellettsville/Redden State Forest.
- Roads:** Highway 16 (labeled 'HIGHWAY 16'), Highway 113 (labeled '113'), and various local roads like 'ROAD 100', 'ROAD 101', 'ROAD 102', etc.
- Geographic Labels:** Union, Johnson, Hudson, Ellettsville/Redden, and various other locations.
- Infrastructure:** The Union Dam is marked with a crosshair and labeled 'Union'.

SCALE: 1" = 1 MILE

APPLICANT: BEACH HIGHWAY SOLAR 1 LLC
5636 CONNECTICUT AVE, #42729
WASHINGTON DC, 20015

REED PROPERTIES
PO BOX 216
MILTON, DE 19968

MICHAEL BORKOWSKI
(PHONE) 202.844.6423

GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801

BRENT R. JETT, P.E.
(PHONE) 410.742.3115

A map of the Chesapeake Bay region. The map shows the coastline of Maryland, Delaware, Pennsylvania, New Jersey, and Virginia. Major cities labeled include Philadelphia, Wilmington, Dover, Salisbury, Ocean City, Washington, Baltimore, and Richmond. Interstate highways are shown as solid lines with shields indicating their numbers: I-95 runs north-south along the coast; I-76 runs from Philadelphia towards the bay; I-83 runs through the center of Maryland; I-95 also runs east-west near the top. State routes are indicated by smaller numbers like 2, 50, 13, and 113. A compass rose in the upper left indicates North. Shaded areas represent water bodies: the Chesapeake Bay, Delaware Bay, and the Potomac River estuary. Two specific locations are highlighted with dark shading: one in the Potomac estuary near Washington and another on the western shore of Maryland near Baltimore.

SCALE: 1" = 20 MILES

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OCTOBER 2024

G1.0	COVER SHEET
C1.0	OVERALL EXISTING CONDITIONS AND DEMOLITION PLAN
C2.0	OVERALL PROPOSED SITE PLAN
C2.0A	PROPOSED SITE PLAN
C2.0B	PROPOSED SITE PLAN
C3.0	CONSTRUCTION SITE NOTES
C3.1	CONSTRUCTION SITE DETAILS
C3.2	CONSTRUCTION SITE DETAILS
C3.3	CONSTRUCTION SITE DETAILS
C4.0	SITE DETAILS

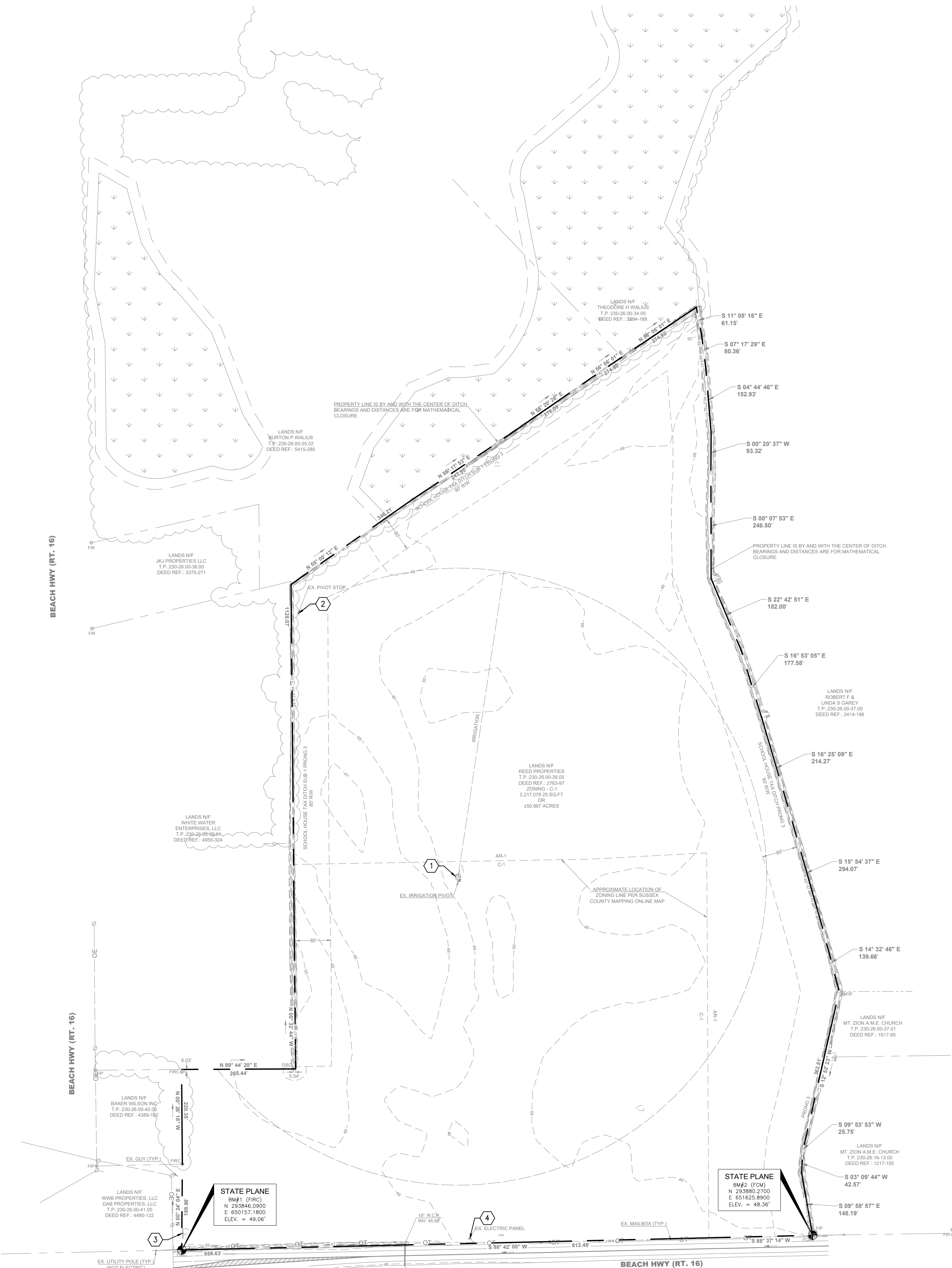
SITE ADDRESS:	APPROXIMATELY 700LF EAST OF INTERSECTION BEACH HIGHWAY (RD 16) AND DUPONT BOULEVARD (RD 113)
TAX MAP & PARCEL	230-26.00-39.00
HUNDRED:	CEDAR CREEK HUNDRED
LATITUDE:	38.809265
LONGITUDE:	-75.435545
TOTAL SITE AREA:	±50.89 ACRES
DISTURBED AREA:	±0.57 ACRES (24,682 SQ.FT.)
EXISTING ZONING:	AR-1 AGRICULTURAL
PROPOSED CONDITION:	UTILITY (SOLAR PANEL ARRAY)
EXISTING WETLAND AREA:	±0.00 ACRES
WATERSHED:	CEDAR CREEK WATERSHED
FLOOD PLAIN:	AREA OF MINIMAL FLOOD HAZARD ZONE X, PER FEMA MAP 1005C0140K DATED MARCH 16, 2015
SOILS:	FALLSINGTON SANDY LOAMS; HAMBROOK SANDY LOAM; HUMLOCK LOAM SAND; KLEI LOAMY SAND; MULICKA MUCKY SANDY LOAM; ROCKWALKER LOAMY SAND; ROSEDALE LOAMY SAND; WOODSTOWN SANDY LOAM
WATER PROVIDER:	TIDENATER UTILITIES
SEWER PROVIDER:	SUSSEX COUNTY PUBLIC WORKS
DATUM:	VERTICAL = NAVD88 HORIZONTAL = DELAWARE STATE PLANE COORDINATE SYSTEM NAD 83 /91
BENCHMARK FROM BMG ALTA SURVEY:	BM #1 (FCM) N: 293846.0900 E: 650157.1800 ELEV.=49.06' BM #2 (FCM) N: 293880.2700 E: 651625.8900 ELEV.=48.36'

EXISTING PROPERTY LINE/RIGHT OF WAY
 EXISTING CONTOURS
 EXISTING NON-TIDAL FORESTED WETLANDS
 25-FOOT WETLAND BUFFER
 EXISTING FOREST CONSERVATION AREA
 25-FOOT DRAINAGE AND MAINTENANCE EASEMENT
 LIMITS OF WETLANDS
 EXISTING OVERHEAD ELECTRIC LINE
 EXISTING WOODS LINE
 EXISTING DRAINAGE DITCH
 PROPOSED LIMIT OF DISTURBANCE
 PROPOSED SILT FENCE
 PROPOSED FENCE LINE
 PROPOSED LANDSCAPING TREES
 PROPOSED GRAVEL ACCESS ROAD
 PROPOSED ELECTRICAL CONDUIT
 PROPOSED SOLAR PANELS
 PROPOSED CONCRETE PAD, PAD MOUNTED TRANSFORMERS & CONTROL PANELS
 PROPERTY MARKERS
 PROPOSED STABILIZED CONSTRUCTION ENTRANCE

[illegible]

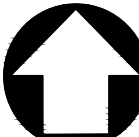
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SCALE : AS NOTED	SHEET NO.
DESIGN BY : JSL	
DRAWN BY : RFT	
CHECKED BY : TMG	
GMB FILE : 240190	
DATE : OCT 2024	



CONSTRUCTION NOTES

- 1 EXISTING IRRIGATION PIVOT. TO BE REMOVED.
- 2 EXISTING IRRIGATION PIVOT STOP. TO BE REMOVED.
- 3 EXISTING BILLBOARD. TO REMAIN.
- 4 EXISTING ELECTRICAL PANEL. TO REMAIN.

[illegible]

PEN1-RED
0.06 INCHES (1.6mm)

PEN2-YELLOW
0.07 INCHES (1.8mm)

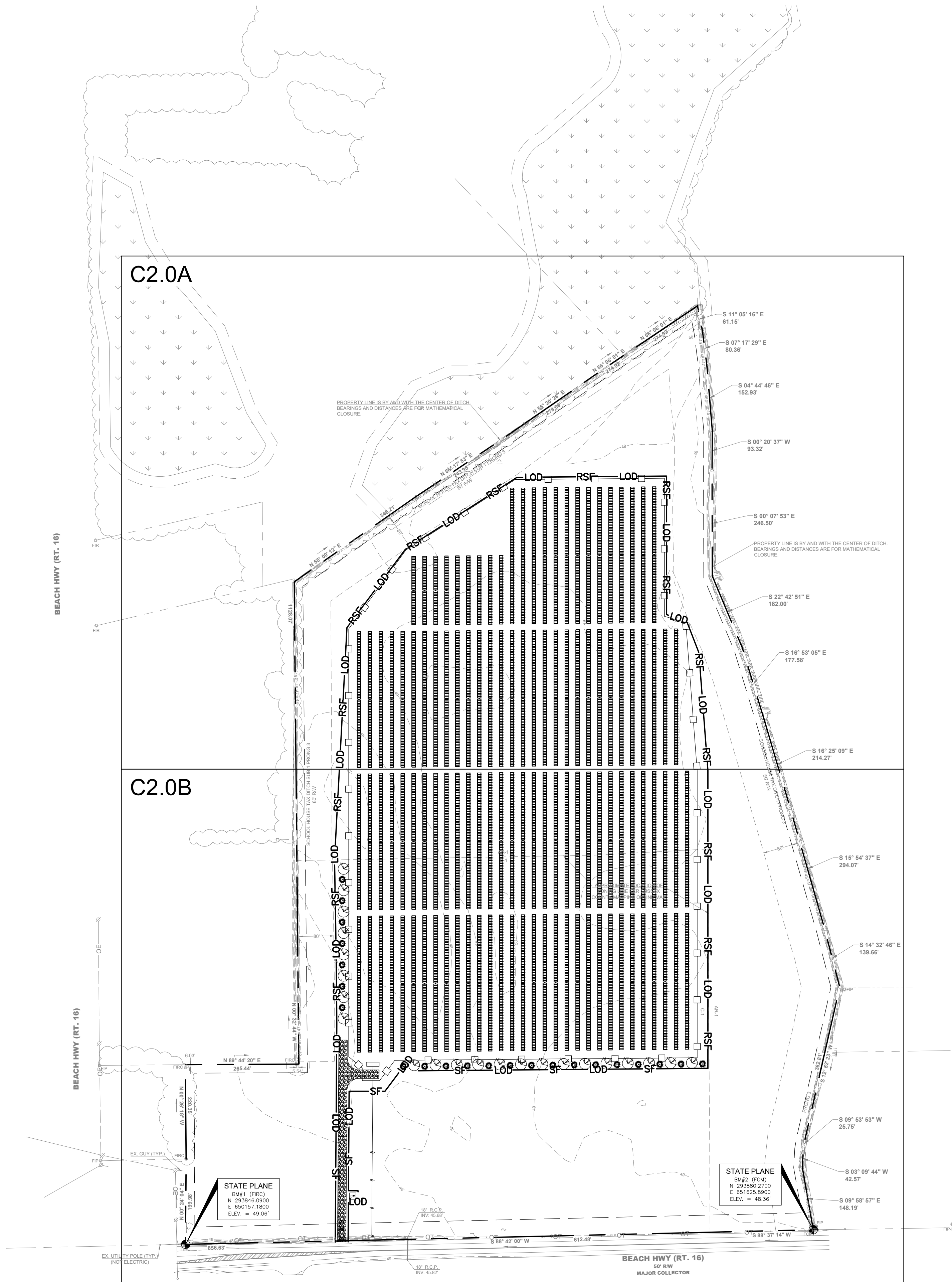
PEN3-GREEN
0.10 INCHES (2.5mm)

PEN4-CYAN
0.14 INCHES (3.6mm)

PEN5-BLUE
0.27 INCHES (6.9mm)

PEN6-MASTHA
0.27 INCHES (7.0mm)

PEN7-WHITE
0.29 INCHES (7.4mm)



SUSSEX COUNTY STANDARD CONDITIONS

- A. FURNISH AND INSTALL STABILIZED CONSTRUCTION ENTRANCE. SEE DETAIL ON SHEET C3.1.
- B. LIGHTING ON THE FACILITY WILL ONLY CONSIST OF PERIMETER LIGHTING, IF NEEDED, FOR SECURITY PURPOSES. ALL LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- C. ONE UNLIGHTED SIGN, NOT EXCEED 32 SQUARE FEET IN SIZE, SHALL BE PERMITTED.
- D. THE SITE SHALL BE SECURED BY FENCING WITH A GATE WITH A "KNOX BOX" TO ACCOMMODATE EMERGENCY ACCESS BY THE LOCAL FIRE COMPANY OR OTHER EMERGENCY RESPONDERS.
- E. ALL OF THE GROUNDS, INCLUDING THE AREA OUTSIDE OF THE FENCE SHALL BE MAINTAINED SO THAT IT DOES NOT BECOME OVERGROWN.
- F. ALL NATIONAL INDUSTRY STANDARDS SHALL BE FOLLOWED IN THE CONSTRUCTION OF THE PROJECT.
- G. THE FINAL SITE PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL OF TRHE PLANNING AND ZONING COMMISSION. MAX 15'
- H.

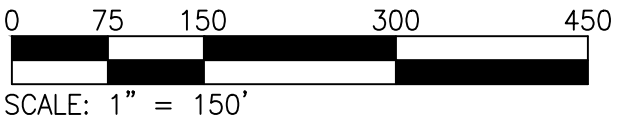
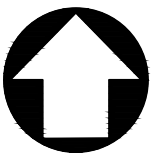
SUSSEX COUNTY STANDARD NOTES

- 1. THE PROPOSED FACILITY IS A PUBLIC USE UNDER THE SUSSEX COUNTY ZONING CODE, AND IT MEETS THE PURPOSES OF A CONDITIONAL USE IN THAT IT IS OF A PUBLIC OR SEMI-PUBLIC CHARACTER THAT IS ESSENTIAL AND DESIRABLE FOR THE GENERAL CONVENIENCE AND WELFARE OF SUSSEX COUNTY RESIDENTS.
- 2. THE PROPOSED FACILITY PROMOTES GOAL 7.3 OF THE SUSSEX COUNTY COMPREHENSIVE PLAN WHICH ENCOURAGES THE USE OF RENEWABLE ENERGY OPTIONS SUCH AS SOLAR FARMS.
- 3. WITH THE CONDITIONS IMPOSED IN THIS RECOMMENDATION, THE PROPOSED USE WILL NOT HAVE ANY ADVERSE IMPACT ON THE NEIGHBORING OR ADJACENT PROPERTIES.
- 4. THE PROPOSED SOLAR GENERATION FACILITY WILL NOT RESULT IN ANY NOTICEABLE INCREASE IN TRAFFIC ON ADJACENT AND NEIGHBORING ROADWAYS. THERE ARE NO REGULAR EMPLOYEES AT THE SITE, ONLY PERIODIC VISITS FOR INSPECTIONS, MAINTENANCE OR REPAIR OF THE SOLAR PANELS.
- 5. NO SIGNIFICANT NOISE, DUST OR ODOR WILL BE GENERATED BY THE FACILITY.

CONSTRUCTION NOTES

- 1 FURNISH AND INSTALL STABILIZED CONSTRUCTION ENTRANCE. SEE DETAIL ON SHEET C3.1.
- 2 FURNISH AND INSTALL SILT FENCE (TYPICAL). SEE DETAIL ON SHEET C3.1.
- 3 FURNISH AND INSTALL REINFORCED SILT FENCE (TYPICAL). SEE DETAIL ON SHEET C3.1.
- 4 FURNISH AND INSTALL CONCRETE WASHOUT. SEE DETAIL ON SHEET C3.1.
- 5 FURNISH AND INSTALL AGRICULTURAL FENCE. SEE DETAIL ON SHEET C4.0.
- 6 FURNISH AND INSTALL GRAVEL ACCESS ROAD. MATCH EXISTING GRADE. SEE DETAIL ON SHEET C4.0.
- 7 FURNISH AND INSTALL OVERHEAD ELECTRICAL UTILITY POLES (TYPICAL).
- 8 FURNISH AND INSTALL ELECTRICAL TRANSFORMER (TYPICAL).
- 9 FURNISH AND INSTALL SOLAR ARRAY PANELS (TYPICAL). MATCH EXISTING GRADE.
- 10 FURNISH AND INSTALL PROPOSED LANDSCAPING TREES.

NOTE: PLANTING IS SHOWN IN ACCORDANCE WITH COUNTY COUNCIL SCREENING REQUIREMENTS OF PRELIMINARY SITE PLAN APPROVAL.



GMB

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SCALE	1" = 150'	SHEET NO.
DESIGN BY	JSL	
DRAWN BY	RFT	
CHECKED BY	TMG	
GMB FILE	240190	
DATE	OCT 2024	



1	FURNISH AND INSTALL STABILIZED CONSTRUCTION ENTRANCE. SEE DETAIL ON SHEET C3.1.	8	FURNISH AND INSTALL ELECTRICAL TRANSFORMER (TYPICAL).
2	FURNISH AND INSTALL SILT FENCE (TYPICAL). SEE DETAIL ON SHEET C3.1.	9	FURNISH AND INSTALL SOLAR ARRAY PANELS (TYPICAL). MATCH EXISTING GRADE.
3	FURNISH AND INSTALL REINFORCED SILT FENCE (TYPICAL). SEE DETAIL ON SHEET C3.1.	10	FURNISH AND INSTALL PROPOSED LANDSCAPING TREES.
4	FURNISH AND INSTALL CONCRETE WASHOUT. SEE DETAIL ON SHEET C3.1.		
5	FURNISH AND INSTALL AGRICULTURAL FENCE. SEE DETAIL ON SHEET C4.0.		
6	FURNISH AND INSTALL GRAVEL ACCESS ROAD. MATCH EXISTING GRADE. SEE DETAIL ON SHEET C4.0.		
7	FURNISH AND INSTALL OVERHEAD ELECTRICAL UTILITY POLES (TYPICAL).		

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PEN1-RED 0.06 INCHES (1.6mm)	PEN2-YELLOW 0.07 INCHES (1.8mm)	PEN1-GREEN 0.10 INCHES (2.5mm)	PEN4-ORANGE 0.14 INCHES (3.6mm)	PEN3-BLUE 0.07 INCHES (2.0mm)	PEN4-BROWN 0.07 INCHES (2.0mm)	PEN1-WHITE 0.09 INCHES (2.3mm)
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SEDIMENT CONTROL NOTES

- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR THE PURPOSES OF PERIODIC SITE INSPECTION.
- FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER SEDIMENT CONTROLS, TOPSOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROPOSED SITE.
- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK LATEST EDITION.
- CONTRACTOR SHALL MAINTAIN AND REPAIR ALL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PRACTICES DAMAGED DURING UTILITY INSTALLATION.
- "APPROVAL OF A SEDIMENT AND STORM WATER PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORM WATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS."
- EROSION CONTROL MATTING IS REQUIRED ON SLOPES OF 3:1 OR GREATER AND IN AREAS OF CONCENTRATED FLOW.
- TO PREVENT OR REDUCE MOVEMENT OF DUST FROM DISTURBED SOIL SURFACES, THE CONTRACTOR SHALL SPRINKLE THE SITE WITH WATER UNTIL THE SURFACE IS MOIST AND REPEAT AS NECESSARY.
- LOCATE STOCKPILES ON AREAS WITH LITTLE OR NO SLOPE. STOCKPILES MUST BE SURROUNDED WITH SILT FENCE OR A STABILIZED EARTHEN BERM.
- CONTACT THE SUSSEX CONSERVATION DISTRICT PRIOR TO COMMENCEMENT OF ANY WELL POINT OPERATIONS.
- STOCKPILING OR EXCAVATED MATERIAL OUTSIDE OF THE CONTRACT AREA SHALL REQUIRE AN ADDITIONAL EROSION AND SEDIMENT CONTROL PLAN FOR THAT LOCATION. PLAN MUST BE SUBMITTED AND APPROVED BY THE SUSSEX CONSERVATION DISTRICT.
- STREAMS, CHANNELS, OR WATERWAYS – NO SPOIL SHALL BE WASTED IN THE WATERWAY OR ADJACENT BANK AREAS. MEASURES SUCH AS SILT FENCE AND/OR BUFFER STRIPS SHALL BE USED TO PROTECT STREAMS, CHANNELS, PONDS OR WATERWAYS. LOCATION AND REQUESTS FOR SILT FENCE INSTALLATION WILL BE MADE BY THE DISTRICT INSPECTOR.
- MINOR FIELD ADJUSTMENTS MAY BE MADE TO INSURE THE CONTROL OF SEDIMENT, UPON APPROVAL OF THE SEDIMENT CONTROL REPRESENTATIVE.
- MAINTENANCE OF THE STORM WATER MANAGEMENT AREA IS TO BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE STATE AND COUNTY ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE AREA.
- ALL SEDIMENT CONTROL DEVICES ONCE INSTALLED SHALL BE APPROVED BY SEDIMENT CONTROL REPRESENTATIVES BEFORE PROCEEDING WITH ACTUAL CONSTRUCTION.
- NO SPOILS, STOCKPILED OR EXCAVATED MATERIAL MAY BE DISCHARGED INTO WETLANDS REGULATED BY THE STATE OF DELAWARE OR THE U.S. ARMY CORPS OF ENGINEERS.
- A THIRD PARTY CERTIFIED CONSTRUCTION REVIEWER REPRESENTATIVE IS REQUIRED ON-SITE UNLESS WAIVED BY THE SUSSEX CONSERVATION DISTRICT.
- ANY DEVIATION FROM THE "SEQUENCE OF OPERATIONS" INDICATED ON THIS DRAWING SHALL BE APPROVED BY THE SEDIMENT CONTROL REPRESENTATIVE.
- AT THE END OF EACH WORKING DAY ALL SEDIMENT CONTROL DEVICES SHALL BE INSPECTED AND LEFT IN FUNCTIONAL CONDITION.
- DNREC DEWATERING PERMITS ARE REQUIRED FOR ANY DEWATERING OPERATIONS.
- THE SCD INSPECTOR NEEDS TO VERIFY THAT THE DISCHARGE LOCATION FOR ANY DEWATERING OPERATIONS IS IN A NON-EROSIVE MANNER.

SEQUENCE OF OPERATIONS

GENERAL NOTES

- NOTIFY THE SUSSEX CONSERVATION DISTRICT IN WRITING AT LEAST FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- LOG INTO "SCD'S CONTRACTOR PORTAL" AT [HTTPS://SUSSEX.ASSET-TRACKER.NET/HOME/WELCOME](https://sussex.asset-tracker.net/home/welcome) TO ACCESS THE BMP'S CONSTRUCTION CHECKLIST. PLEASE SCAN THE QR CODE THAT CAN BE FOUND ON THIS SHEET TO ACCESS SUSSEX CONSERVATION DISTRICTS 'HOW TO GUIDE' AND A LINK TO THE "CONTRACTOR'S PORTAL".
- PRIOR TO ANY CLEARING, INSTALLATION OF SEDIMENT CONTROL MEASURES OR GRADING, A PRE-CONSTRUCTION MEETING SHALL BE SCHEDULED AND CONDUCTED WITH THE AGENCY CONSTRUCTION SITE REVIEWER. THE LANDOWNER/DEVELOPER, CONTRACTOR, AND THIRD PARTY CERTIFIED CONSTRUCTION REVIEWER ARE REQUIRED TO BE IN ATTENDANCE AT THE PRE-CONSTRUCTION MEETING; THE DESIGNER IS RECOMMENDED TO ATTEND..
- SURVEY AND STAKE OUT PERIMETER CONTROLS, AS SHOWN ON APPROVED PLANS.
- INSTALL PERIMETER CONTROLS, AS SHOWN IN THE PLANS.
- ALL PERIMETER CONTROLS ARE TO BE REVIEWED BY THE AGENCY CONSTRUCTION SITE REVIEWER AND APPROVED PRIOR TO PROCEEDING WITH FURTHER SITE DISTURBANCE OR CONSTRUCTION.
- THE CONTRACTOR SHOULD AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHOULD BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENTATION ON THE SITE. ACCUMULATED SEDIMENT SHOULD BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR REPAIR MEASURES IN TIME OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
- A CONSTRUCTION REVIEW IS REQUIRED DURING INITIAL SITE PREPARATION (INCLUDING INSTALLATION OF EROSION AND SEDIMENT CONTROL PRACTICES).
- INSTALL STABILIZED CONSTRUCTION ENTRANCE.
- INSTALL GRAVEL ACCESS ROAD, FENCING, AND SOLAR ARRAYS.
- RESTORE ALL DISTURBED GRASS AREAS AND VEGETATE ARE REQUIRED.
- REMOVE SEDIMENT CONTROL MEASURES AND STABILIZE AREA AFTER OBTAINING PERMISSION FROM SEDIMENT CONTROL INSPECTOR.

SOIL INFORMATION

SYMBOL	NAME	HYDROLOGIC SOIL GROUP
FaDA	FALLSINGTON SANDY LOAMS	D
HuB	HAMBROOK SANDY LOAM	B
HuA	HURLOCK LOAMY SAND	D
KsA	KLEJ LOAMY SAND	D
MmA	MULLICA MUCKY SANDY LOAM	D
RiA	ROCKAWALKIN LOAMY SAND	A
RoA	ROSEDALE LOAMY SAND	A
WdA	WOODSTOWN SANDY LOAM	C

SOIL CLASSIFICATION OBTAINED FROM NRCS-WEB SOIL SURVEY OF SUSSEX COUNTY

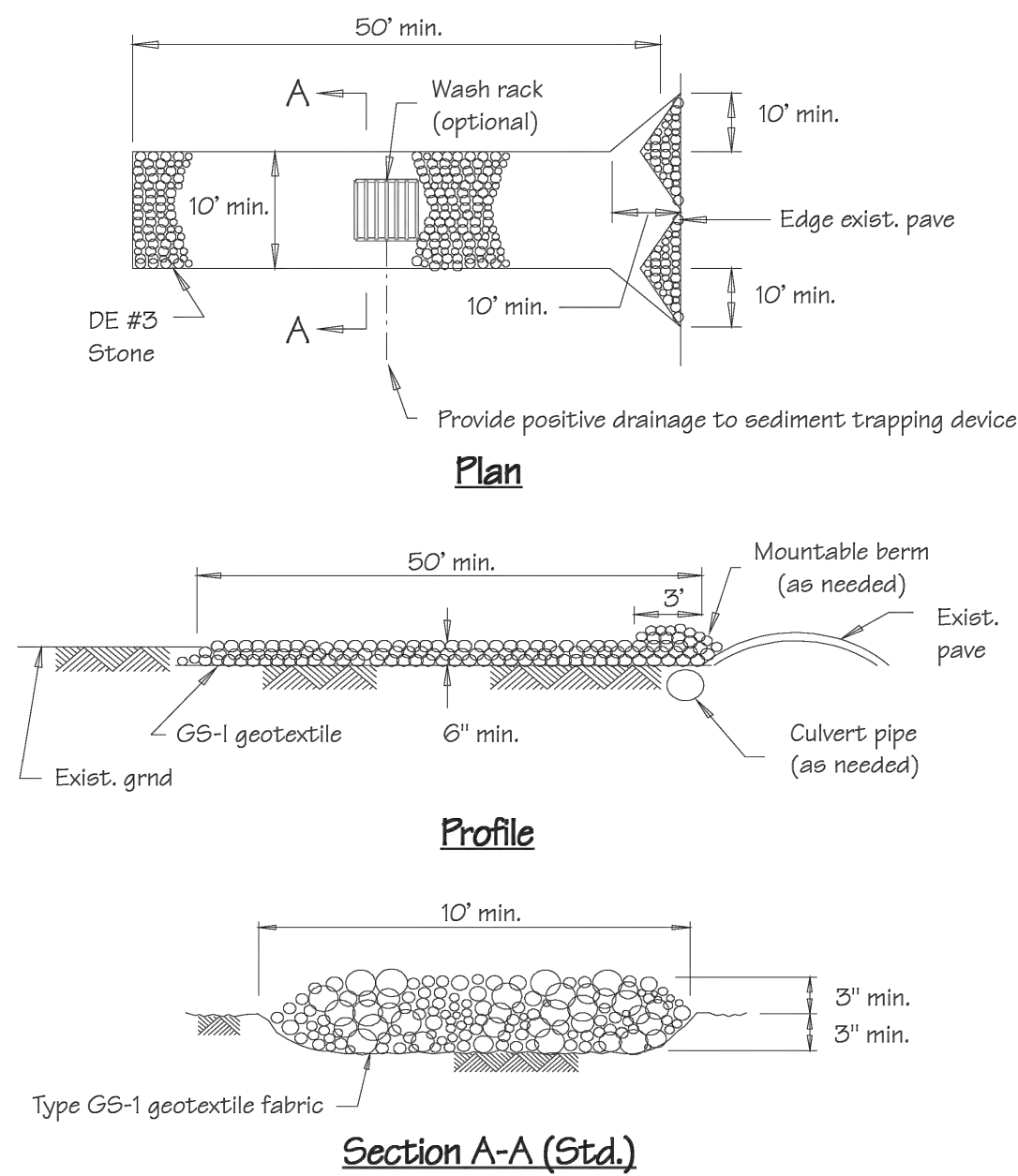


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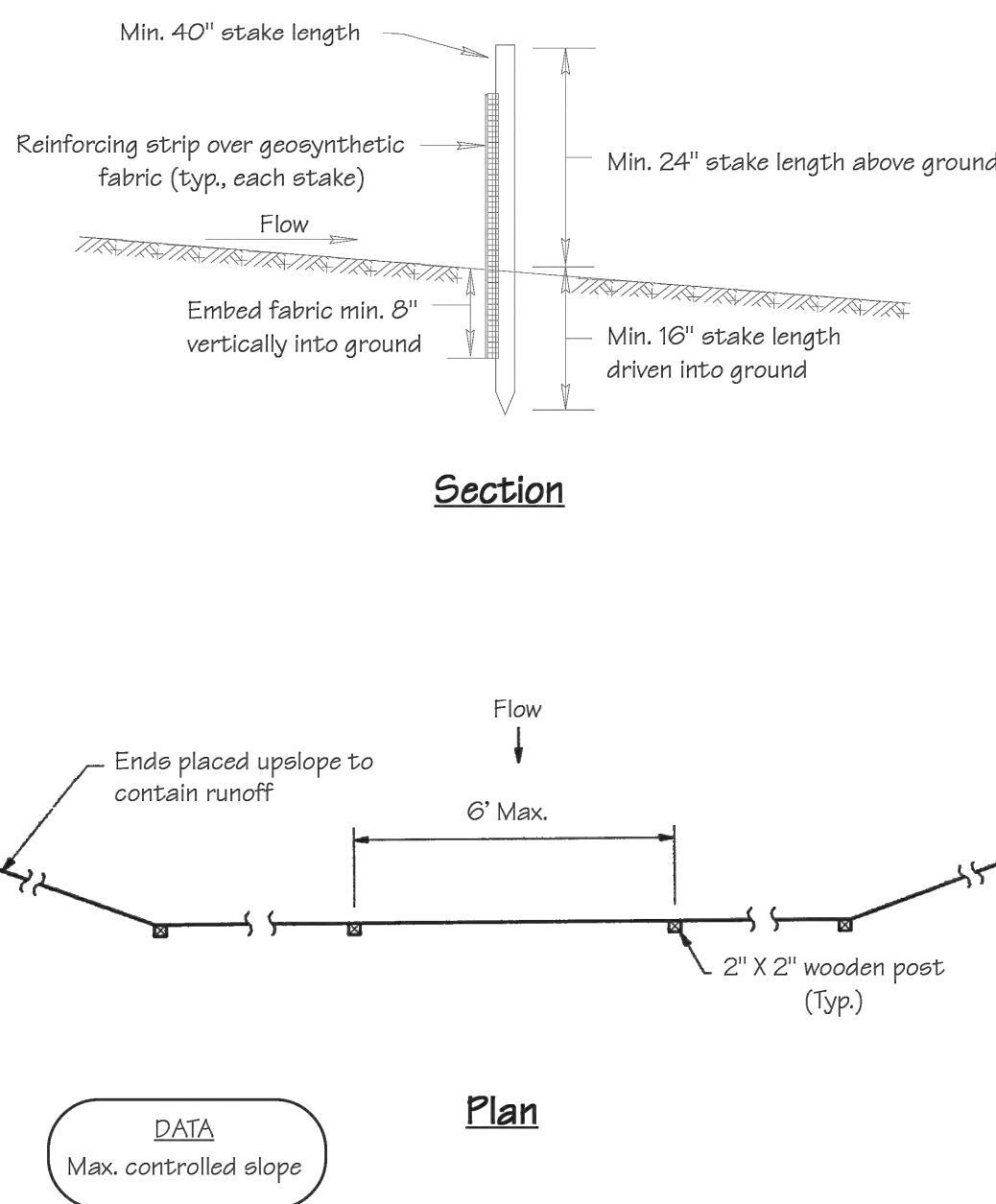
SCALE : NO SCALE	SHEET NO.
DESIGN BY : JSL	
DRAWN BY : RFT	
CHECKED BY : TMG	
GMB FILE : 240190	
DATE : OCT 2024	

Standard Detail & Specifications Stabilized Construction Entrance



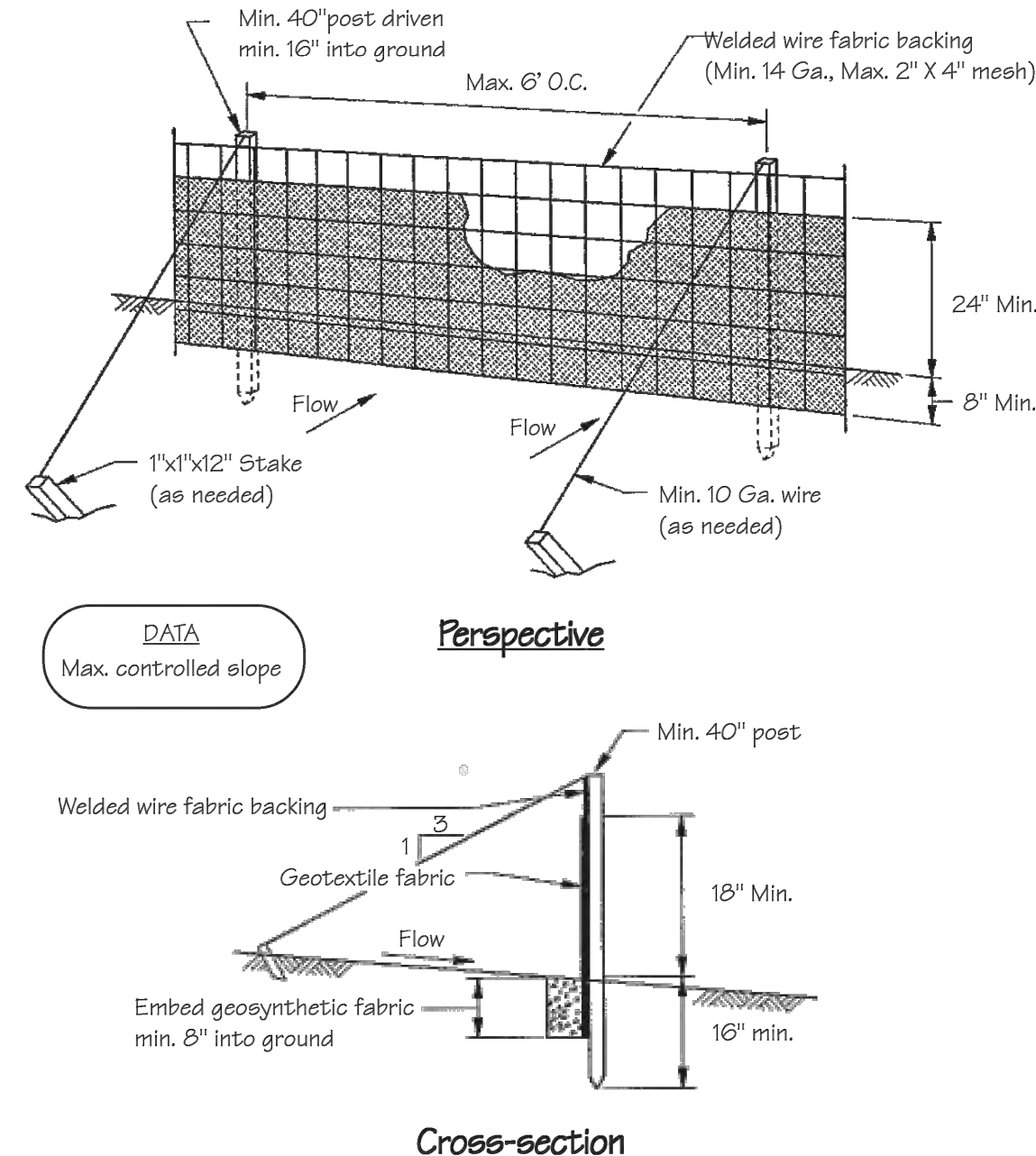
Source: Adapted from VA ESC Handbook
Symbol: **SCE**
Detail No. **DE-ESC-3.4.7**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Silt Fence



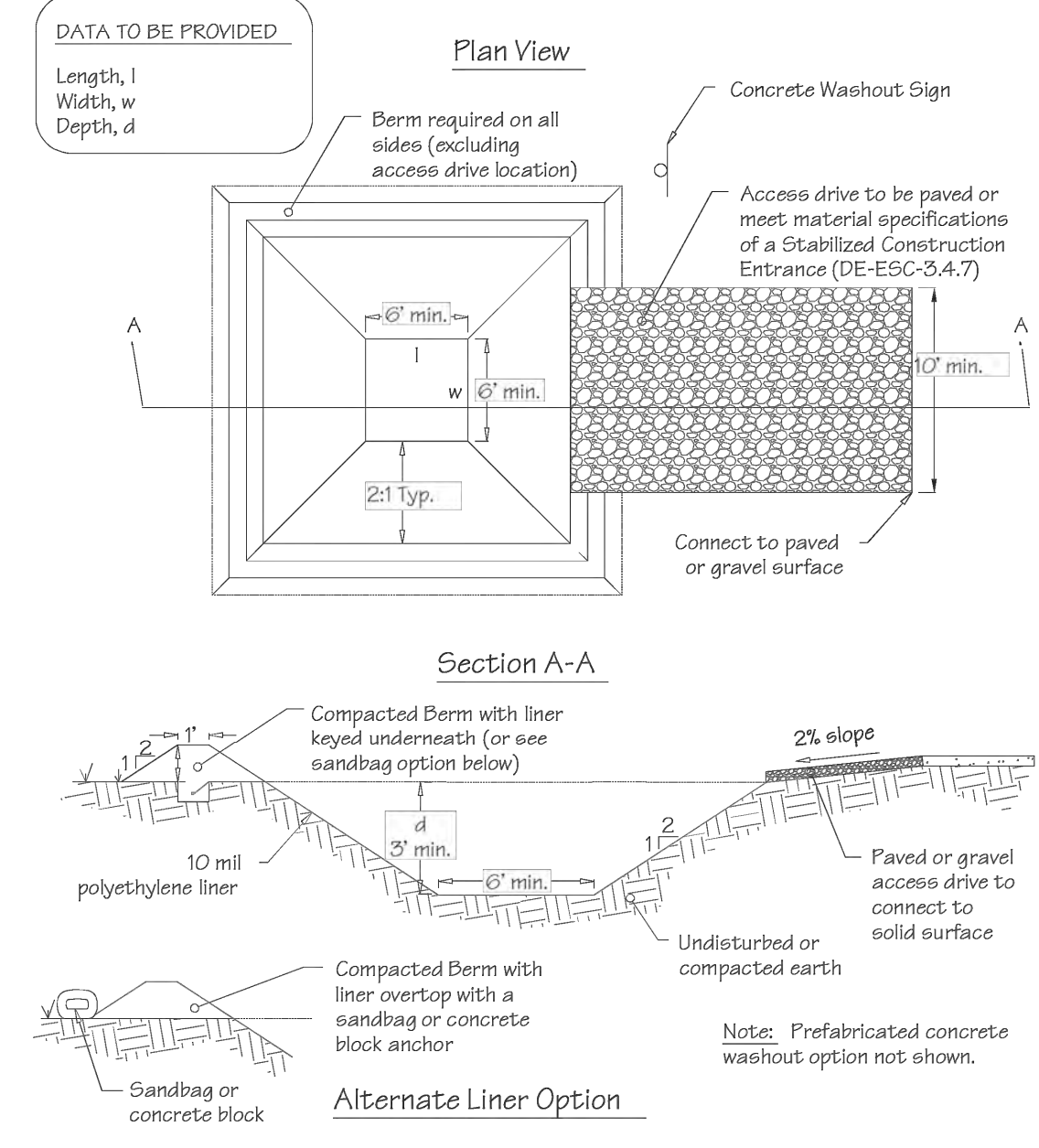
Source: Adapted from MD Stds. & Specs. for ESC
Symbol: **SF**
Detail No. **DE-ESC-3.1.2.1**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Reinforced Silt Fence



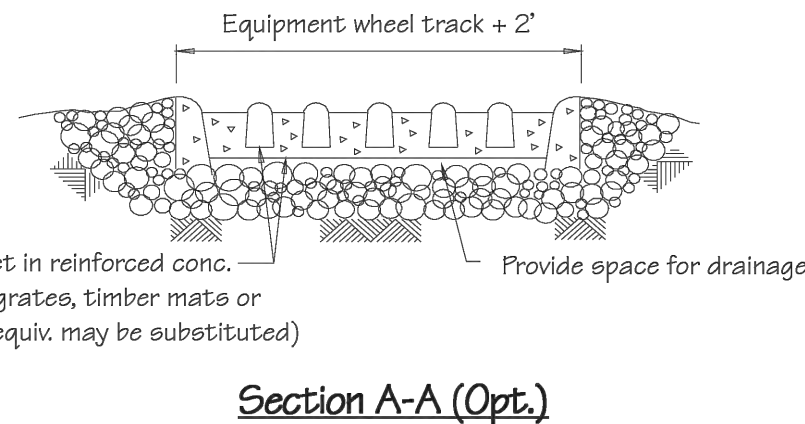
Source: Adapted from Transco, Inc.
Symbol: **RSF**
Detail No. **DE-ESC-3.1.2.2**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Concrete Washout



Source: Adapted from Colorado Urban Storm Drain-age Criteria Manual, Vol 3
Symbol: **CW**
Detail No. **DE-ESC-3.6.2**
Sheet 1 of 2
Effective July 2023

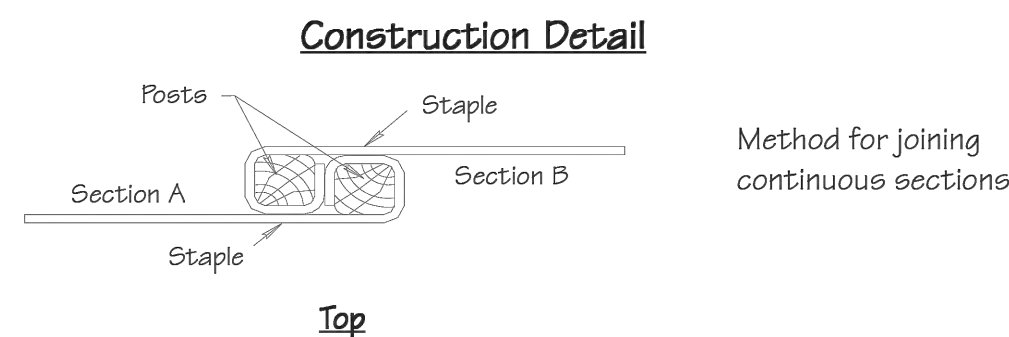
Standard Detail & Specifications Stabilized Construction Entrance



- Construction Notes:**
- Stone size** - Use DE #3 stone.
 - Length** - As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum length would apply).
 - Thickness** - Not less than size (6) inches.
 - Width** - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
 - Geotextile** - Type GS-1; placed over the entire area prior to placing of stone.
 - Surface Water** - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
 - Maintenance** - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
 - Washing** - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
 - Inspection** - Periodic inspection and needed maintenance shall be provided after each rain.

Source: Adapted from VA ESC Handbook
Symbol: **SCE**
Detail No. **DE-ESC-3.4.7**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications Silt Fence



- Construction Notes:**
- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
 - When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
 - Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.
- Materials:**
- Stakes**: Steel (either T or U) or 2" x 2" hardwood
 - Geosynthetic Fabric**: Type GD-1
 - Reinforcing strip**: Wooden lath or plastic strip

Source: Adapted from MD Stds. & Specs. for ESC
Symbol: **SF**
Detail No. **DE-ESC-3.1.2.1**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications Reinforced Silt Fence

Construction Notes:

- Welded wire fabric to be fastened securely to the fence posts with wire ties or staples.
- Filter cloth to be fastened securely to woven wire fence with ties spaced every 24 inches at top and mid-section.
- When two sections of fabric adjoin each other, they shall be overlapped by six inches and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

Materials:

- Posts**: Steel either T or U or 2" x 2" hardwood
- Geotextile Fabric**: Type GD-1
- Backing**: Woven welded wire, 14 Ga., 2" X 4" mesh opening

Source: Adapted from Transco, Inc.
Symbol: **RSF**
Detail No. **DE-ESC-3.1.2.2**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications Concrete Washout

Construction Notes:

- Locate washout area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
- Locate washout area so that it is accessible to concrete equipment (service with a minimum 10 foot wide gravel accessway), but so it is not in a highly active construction area causing accidental damage.
- Minimum dimensions for prefabricated units are 4 feet by 4 feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
- The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
- Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
- Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
- Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source: Adapted from Colorado Urban Storm Drain-age Criteria Manual, Vol 3
Symbol: **CW**
Detail No. **DE-ESC-3.6.2**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications

Dust Control

Temporary Methods:

- Mulches - See **DE-ESC-3.4.5**, Standard Detail and Specifications for Mulching.
- Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
- Adhesives - Use on mineral soils only (not effective on muck soils). Keep traffic off these areas. The following table may be used for general guidance.

Type of Emulsion	Water Dilution	Type of Nozzle	Apply Gal/Ac.
Latex emulsion	12.5:1	Fine spray	235
Resin-in-water emulsion	4:1	Fine spray	300
Acrylic emulsion (non-traffic)	7:1	Coarse spray	450
Acrylic emulsion (traffic)	3.5:1	Coarse spray	350

- Tillage - For emergency temporary treatment, scarify the soil surface to prevent or reduce the amount of blowing dust until a more appropriate solution can be implemented. Begin the tillage operation on the windward side of the site using a chisel-type plow for best results.
- Sprinkling - Sprinkle site with water until the surface is moist. Repeat as needed.
- Calcium Chloride - Apply as flakes or granular material with a spreader at a rate that will keep the soil surface moist. Re-apply as necessary.
- Barriers - Place barriers such as solid board fences, snow fences, hay bales, etc. at right angles to the prevailing air currents at intervals of approx. 10X their height.

Permanent Methods:

- Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
- Stone - Apply layer of crushed stone or coarse gravel to protect soil surface.

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook		DE-ESC-3.4.8 Sheet 1 of 1 Effective July 2023

