



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 12/1/2020

ORM Number: CENAP-OP-R-2020-00497-46

Associated JDs: N/A

Review Area Location¹: State/Territory: DE City: Edge Moor County/Parish/Borough: New Castle

Center Coordinates of Review Area: Latitude 39.739467° Longitude -75.516085°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A. acre(s)	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Waters/Wetland	N/A.	acre(s)	(b)(10)	Site, originally tidal marsh, has been manipulated and filled since between 1943 and 1954 for industrial purposes including industrial waste (ash) landfill. Site has also been manipulated for highway construction (I-495). Aerial Photography depicts site converted to uplands with stormwater management facilities constructed between 1954 and 1963. Aerial photography depicts such stormwater facilities to present day- existing facilities exhibit wetland and open water characteristics.
A	2.03		Stormwater	
B	1.47		control feature	
C	0.028		constructed or	
D	0.034		excavated in	
			upland or in a	
			non-	
			jurisdictional	
			water to convey,	
			treat, infiltrate,	
			or store	
			stormwater	
			runoff.	
Wetland E	0.26	acre(s)	(b)(1) Non-	Does not drain to regulated waters, not adjacent to regulated waters, outside of high probability flood limits (100-year or less), wetland-vegetated depression associated with construction of I-495 and existing stormwater-management controls.
			adjacent	
			wetland.	

A) SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: "Wetland Report for Conectiv Edge Moor Site II Ash Landfill Closure" dated April 3, 2020, as prepared by Amy Greene Environmental (AGE), Incorporated including narrative summary prepared by Conectiv in original JD application letter dated July 1, 2020 and supplemental narrative summary by Conectiv dated October 9, 2020

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Aerial – HistoricAerials.com, 1943 through 2017; Google Earth 1991 through 2019, wetland delineation report

☒ Corps site visit(s) conducted on: September 25, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

☒ USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database for New Castle County, DE, December 2018

☒ USFWS NWI maps: State of Delaware NWI, USDOI, April 2018

☒ USGS topographic maps: portion of Wilmington South DE quadrangle dated January 9, 1996

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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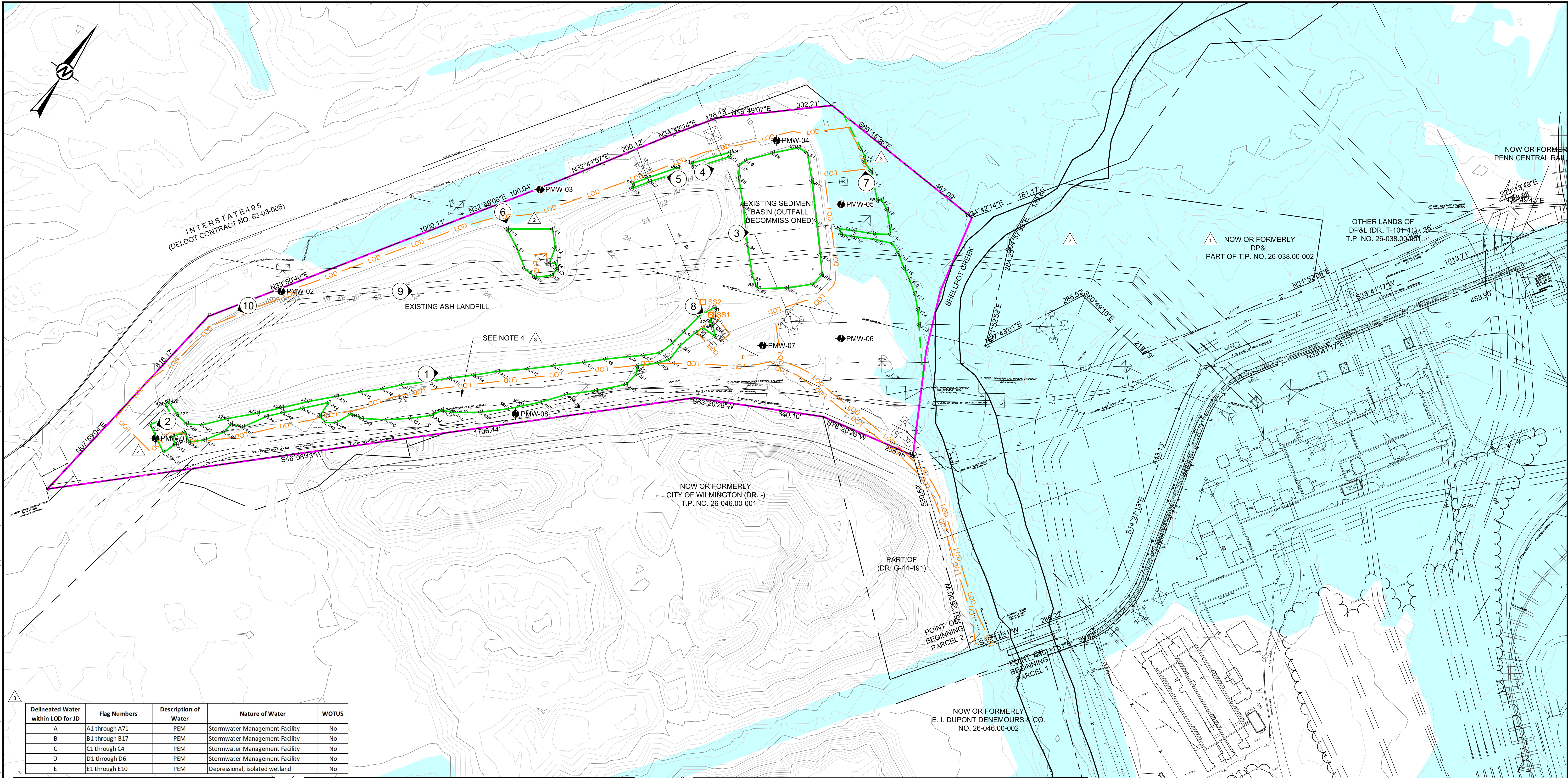
Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
Other state/local data (specify)	Delaware Watersheds (DDNREC/Univ. of Delaware) accessed 10/30/20 for tidal nature of Shellpot Creek
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: Existing stormwater management facilities delineated on the approved plan were constructed from uplands as described in a report prepared in 2009 by Conectiv Energy and Duffield Associates entitled "PLAN OF OPERATION," SOLID WASTE MANAGEMENT FACILITY APPLICATION, EDGE MOOR POWER PLANT SITE II ASH LANDFILL

Path: \\server\Complete\Drawings\1929265 - Edge Moor Ash Closure\StormwaterManagementPlan\ACTIVE\ File Name: 19292650009 - Overall Wetlands Delineation Map.dwg | Printed By: CHC | Date: 2020-11-30 Time: 10:44:32 AM | Last Edited By: chchan | Date: 2020-11-30 Time: 11:40:35 AM



Delineated Water within LOD for JD	Flag Numbers	Description of Water	Nature of Water	WOTUS
A	A1 through A71	PEM	Stormwater Management Facility	No
B	B1 through B17	PEM	Stormwater Management Facility	No
C	C1 through C4	PEM	Stormwater Management Facility	No
D	D1 through D6	PEM	Stormwater Management Facility	No
E	E1 through E10	PEM	Depressional, isolated wetland	No

- LEGEND**
- 23 ——— EXISTING GRADE MAJOR CONTOUR
 - 23 ——— EXISTING GRADE MINOR CONTOUR
 - 23 ——— PROPOSED TOP OF FINAL GRADE MAJOR CONTOUR
 - 23 ——— PROPOSED TOP OF FINAL GRADE MINOR CONTOUR
 - EXISTING PROPERTY LINE
 - - - EXISTING UTILITY EASEMENT
 - 100-YEAR FLOOD ZONE (SEE REFERENCE 5)
 - MW EXISTING GROUNDWATER MONITORING WELL (SEE NOTE 5)
 - WETLANDS DELINEATION AND FLAGS - AGE (SEE REFERENCE 7)
 - 1 PHOTO LOCATION AND DIRECTION
 - SAMPLE STATION LOCATION
 - STUDY AREA - AGE (SEE REFERENCE 8)
 - INTERPOLATED WETLAND DELINEATION (SEE NOTE 3)
 - LOD LIMIT OF DISTURBANCE FOR JURISDICTIONAL DETERMINATION

- NOTE(S)**
- THIS PROPERTY, TAX MAP PARCEL NUMBER 26-046.00-005, DISTRICT 26, MAP NUMBERS 38 AND 46, HAS BEEN EXAMINED BY AMY GREENE ENVIRONMENTAL FOR THE PRESENCE OF WATERS OF THE UNITED STATES (WOTUS), INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUEOUS LANDS AND STATE REGULATED WETLANDS AS ESTABLISHED BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED IN THIS PLAN SET IS IN ACCORDANCE WITH THIS CRITERIA AND ARE SUBJECT TO REVIEW AND VERIFICATION BY THE DNR AND/OR USACE.
 - GOLDER PREPARED THIS DRAWING FOR INCLUSION INTO THE WETLANDS DELINEATION REPORT.
 - WETLAND F IS BOUNDED TO THE EAST BY THE STUDY AREA BOUNDARY (i.e., PROPERTY LINE). THE BEGINNING AND ENDPOINTS OF WETLAND F WERE SET FROM ESTIMATING THE PROPERTY LINE IN THE FIELD.
 - ADDITIONAL WETLAND AREA IS ANTICIPATED TO BE TRAVERSED BY MATTING TO FACILITATE CONTRACTOR ACCESS. THIS MATTING IS OUTSIDE OF THE LOD, BUT THE ESTIMATED AREA HAS BEEN INCLUDED IN THE WETLAND A AREA ESTIMATE.

- REFERENCE(S)**
- EXISTING CONTOURS SHOWN BASED ON BASE MAP TAKEN FROM RAMESH C. BATTIA ASSOCIATES, P.A., DATED MARCH 15, 2006, MERGED WITH USGS FEBRUARY 2013; NATIONAL ELEVATION DATASET (NED) 1/9 ARC SECOND; <http://ned.usgs.gov>
 - EXISTING BASE FEATURES SHOWN TAKEN FROM RAMESH C. BATTIA ASSOCIATES, P.A., DATED MARCH 15, 2006
 - HORIZONTAL CONTROL: DE NAD83
 - DATUM: NAVD 88
 - 100-YEAR FLOOD ZONE DIGITIZED FROM HARD COPY OF FEMA FLOOD INSURANCE RATE MAP NUMBER 10003C0157L, NATIONAL FLOOD INSURANCE PROGRAM OF NEW CASTLE COUNTY, DELAWARE, REVISED JANUARY 22, 2020.
 - EXISTING GROUNDWATER MONITORING WELLS SURVEYED BY VARGO ASSOCIATES, NOVEMBER 13, 2017.
 - WETLANDS DELINEATED BY AMY GREENE ENVIRONMENTAL ON MARCH 18, 2020 AND SURVEYED BY VARGO ASSOCIATES ON MARCH 30, 2020 (17162 - C3D.DWG). WETLAND E WAS MODIFIED ON SEPTEMBER 25, 2020.
 - STUDY AREA PROVIDED BY AMY GREENE ENVIRONMENTAL (4580 AGE STUDY AREA.DWG).
 - LIMITS OF SHELLPOT CREEK DIGITIZED FROM AERIAL PHOTOGRAPHY (2020 MICROSOFT CORPORATION).

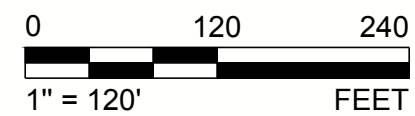
REV.	YYYY-MM-DD	DESCRIPTION	DESIGNED	PREPARED	REVIEWED	APPROVED
4	2020-11-30	CLOSED BOUNDARY OF WETLAND A BETWEEN A-31 AND A-32	JPG	CHC	JPG	PAW
3	2020-11-16	REVISED LOD AT WETLAND F; ADDED DELINEATED WATERS TABLE	JPG	CHC	JPG	PAW
2	2020-10-08	REMOVED WSP WETLANDS; MODIFIED WETLAND E	JPG	CHC	JPG	PAW
1	2020-08-21	ADDED WETLAND POINTS - WSP; UPDATED ADJACENT PARCEL NUMBER	JPG	CHC	JPG	PAW
0	2020-07-24		JPG	AM	JPG	PAW

CLIENT
DELMARVA POWER & LIGHT COMPANY AND
CONNECTIV PROPERTIES AND INVESTMENTS, INC.
CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE

CONSULTANT	YYYY-MM-DD	2020-07-24
DESIGNED	JPG	
PREPARED	AM	
REVIEWED	JPG	
APPROVED	PAW	



Enclosure 2



PROJECT
EDGE MOOR SITE II ASH LANDFILL CLOSURE
SEDIMENT & STORMWATER MANAGEMENT PLAN

TITLE
OVERALL WETLANDS DELINEATION MAP

PROJECT NO.	CONTROL	REV.	DRAWING
19129265	B009	4	W-1