



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

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RESOURCE
PROTECTION SECTION

Certified Mail 7019 0160 0000 3491 3022

Compliance & Enforcement Branch

NOTICE OF VIOLATION
W-25-RPS-07

October 7, 2025

Board of Public Works, City of Lewes
Robin Davis, General Manager
Lewes Wastewater Treatment Plant (WWTP)
107 Franklin Avenue
Lewes, DE 19958

Dear Mr. Davis,

Pursuant to the authority in 7 *Del. C.* § 6019, the Delaware Department of Natural Resources and Environmental Control, Division of Water, Resource Protection Section, Compliance and Enforcement Branch (Department) is pursuing compliance by way of this **Notice of Violation** (NOV). This NOV is being issued to Lewes Board of Public Works (Permittee) for violating 7 *Del. C.* Chapter 60, 7 DE Admin. Code 7201 - State of Delaware *Regulations Governing the Control of Water Pollution* (Regulations), and National Pollutant Discharge Elimination System (NPDES) Permit No. DE0021512 (Permit).

BACKGROUND

On November 1, 2018, Lewes Board of Public Works was issued the current NPDES permit for their Wastewater Treatment Plant (the Facility) located at 116 American Legion Road, Lewes, Delaware authorizing the discharge of effluent through Outfall 001 which discharges to the Lewes segment of the Lewes-Rehoboth Canal.

On March 8, 2025, the Department was notified by the Facility of an active spill due to Programmable Logic Controller (PLC) failure that resulted in the shutdown of their membrane system. A compliance inspector from the Department was sent onsite to provide compliance assistance and observe the situation. The system failure resulted in an overflow from the aeration ditches of approximately 12,000 gallons. An onsite operator halted process system flow to prevent further overflow and notified all essential parties of the incident. CES was contacted,

arrived on site for containment and cleanup, and was able to recapture the spill. Voluntary sampling was conducted by the facility upstream and downstream of the event, the results of which demonstrated no exceedances from the spill.

VIOLATIONS

Violation No. 1 – Unpermitted Discharge

Law: 7 DE Admin. Code 7201, 3.2.3

“No person shall discharge any pollutant from a point source into surface or ground water, directly or indirectly, except as authorized pursuant to a permit granted under these regulations, unless such discharge is specifically exempted from such permit regulations.”

Law: 7 DE Admin. Code 7201, 3.2.4

“No person shall discharge liquid waste from an existing septic tank or other system where such liquid waste flows to the surface of the ground or into surface water.”

ACTIONS REQUIRED

The Facility took appropriate steps in reporting the spill, contacting the Department, providing a 5-day Letter, and spill cleanup. Additionally, the Facility conducted voluntary sampling both up and downstream of the impacted area which demonstrated no evidence of untreated wastewater entering the Lewes Canal. No further action is needed at this time.

NOTICE

This letter shall serve as official Notice of the above violations of 7 Del. C. Chapter 60, 7 DE Admin. Code 7201 - State of Delaware *Regulations Governing the Control of Water Pollution* as well as NPDES Permit No. DE0021512.

The Department, to the extent necessary, reserves the right to take enforcement regarding these and other violations by the Permittee, including but not limited to one or more of the following: an action under 7 Del. C. §6005(b)(1) seeking penalties for past violations, an action under 7 Del. C. §6005(b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 Del. C. §6005(b)(2) seeking a temporary restraining order or an injunction, a Cease and Desist Order pursuant to 7 Del. C. §6018, and the imposition of civil penalties and recovery of the Department's costs and attorney's fees pursuant to 7 Del. C. §§6005(b)(3) & (c)(1). Nothing in this NOV shall be deemed to estop, or in any way preclude any additional enforcement action for these or any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

Should you have any questions regarding this Notice, please feel free to contact Colleen Slater at (302) 739-9945 or email at Colleen.Slater@delaware.gov.

Sincerely,

A handwritten signature in black ink that reads "Colleen Slater". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Colleen Slater
Program Manager
Compliance & Enforcement Branch
Resource Protection Section
DNREC – Division of Water

CC: Jennifer Roushey – DNREC, Division of Water
Scott Figurski – DNREC, Division of Water
Jessica Collins – DNREC, Division of Water