



NEW CASTLE COUNTY COUNCIL ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

July 23, 2024
4:00 PM

VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call To Order/Roll Call

B. Approval of Minutes - July 9, 2024

C. Review/Discussion of Resolution(s)

R24-157: ALLOCATING \$33,000 FROM THE NEW CASTLE COUNTY COUNCIL CONTINGENCY FUND TO THE NEW CASTLE COUNTY FIRE CHIEFS' ASSOCIATION TO FUND THE NEW CASTLE COUNTY COLLAPSE TEAM

Prime Sponsor(s): Mr. Cartier, Mr. Smiley

D. Review/Discussion of Ordinance(s)

°24-118: AMEND THE FY2025 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$5,000,000 IN FUNDING FROM THE REASSESSMENT RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REASSESSMENT 2024 CAPITAL PROJECT

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-119: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2025 APPROVED OPERATING BUDGET TO THE SENIOR HOME REPAIR PROGRAM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

Prime Sponsor(s): Mr. Smiley

°24-120: AMEND THE FY2025 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR NEW CASTLE COUNTY OPERATING PROGRAMS AND GRANTS

Prime Sponsor(s): Mr. Smiley

°24-121: AMEND THE FY2024 APPROVED OPERATING BUDGET: REALIGN \$375,000 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR SALARIES AND WAGES

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-122: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE

EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY
EMPLOYEE BENEFITS BUDGETARY LINE ITEM

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-123: TO AMEND NEW CASTLE COUNTY CODE, CHAPTER 38 ("UTILITIES")
REGARDING ARTICLE 2 ("SEWERS AND SEWAGE DISPOSAL") AND ARTICLE 3
("PROHIBITIONS, ENFORCEMENT, AND PENALTIES")

Prime Sponsor(s): Mr. Sheldon, Mr. Carter

E. New Castle County Grant Requests/Community Events

- 7/23/24 Grant Matrix

F. Expense and Revenue Round Table

G. Other

H. Public Comment

I. Adjournment

AGENDA POSTED: Tuesday, July 16, 2024

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccode.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor(s): Mr. Cartier, Mr. Smiley
Date of introduction: July 23, 2024

RESOLUTION NO. 24-157

**ALLOCATING \$33,000 FROM THE NEW CASTLE COUNTY COUNCIL
CONTINGENCY FUND TO THE NEW CASTLE COUNTY FIRE CHIEFS'
ASSOCIATION TO FUND THE NEW CASTLE COUNTY COLLAPSE TEAM**

1 **WHEREAS**, the New Castle County Collapse Team performs an incredibly
2 dangerous, but necessary, function when a building fails; and
3

4 **WHEREAS**, the Collapse Team is responsible for, among other roles, saving
5 persons who, often times, are stuck in rubble when a building has fallen; and
6

7 **WHEREAS**, the Collapse Team is in need of additional funding so that it is able to
8 purchase a necessary insurance policy.
9

10 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
11 County that County Council hereby allocates \$33,000 from the New Castle County Council
12 Contingency Fund to the New Castle County Fire Chiefs' Association to fund the New
13 Castle County Collapse Team.

Adopted by County Council
of New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This Resolution, if approved, will allocate \$33,000 from the New Castle County Council Contingency Fund to the New Castle County Fire Chiefs' Association to fund the New Castle County Collapse Team. The Administration will make a matching contribution of \$33,000.

FISCAL NOTE: This Resolution allocates \$33,000 from the New Castle County Council Contingency Fund to the New Castle County Fire Chiefs' Association to fund the New Castle County Collapse Team.

ORDINANCE NO. 24-118

AMEND THE FY2025 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$5,000,000 IN FUNDING FROM THE REASSESSMENT RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REASSESSMENT 2024 CAPITAL PROJECT

1 **WHEREAS**, New Castle County awarded a contract for a third-party vendor to conduct a
2 general reassessment to reflect revised assessments of real property for taxes levied in Fiscal
3 Year 2026; and
4

5 **WHEREAS**, based on the awarded vendor bid contract and other related project
6 activities, total general reassessment costs are estimated at \$20,000,000; and
7

8 **WHEREAS**, an original appropriation of \$8,000,000 from the Reassessment Reserve
9 Account to the Reassessment 2024 Capital Project was previously approved by County Council
10 via Ordinance 21-078; and
11

12 **WHEREAS**, appropriation of \$7,000,000 from the Reassessment Reserve Account to the
13 Reassessment 2024 Capital Project was previously approved by County Council via Ordinance
14 23-025; and
15

16 **WHEREAS**, authorization is being sought for the appropriation of an additional
17 \$5,000,000 from the Reassessment Reserve Account to the Reassessment 2024 Capital Project
18 to support the final expenditures for the current reassessment initiative, including costs
19 associated with appeals.
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2024 is
24 hereby amended by deleting the material stricken and adding the material underscored on the
25 attached Exhibit "A."
26

27 Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2024 is
28 hereby amended by deleting the material stricken and adding the material underscored on the
29 attached Exhibit "B."
30

31
32 Section 3. Reassessment Reserve funding in the amount of \$5,000,000 is appropriated
33 to the Department of Administration, Reassessment 2024 Capital Project to support the final
34 expenditures for the current reassessment initiative, including costs associated with appeals.
35

36 Section 4. This Ordinance shall become effective immediately upon its adoption by
37 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
38 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$5,000,000 in funding from the Reassessment Reserve Account to the Department of Administration, Reassessment 2024 Capital Project to support the final expenditures for the current reassessment initiative, including costs associated with appeals.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Capital Budget by appropriating \$5,000,000 from Reassessment Reserve Account to the Department of Administration, Reassessment 2024 Capital Project.

The revised FY2025 Capital Budget amount for the Reassessment 2024 Capital Project will be \$5,000,000.

The revised FY2025 New Castle County Capital Budget grand total will be \$39,207,715. There is no fiscal impact on the Operating Budget. The Reassessment Reserve balance upon passage of this Ordinance will be approximately \$2,000,000.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2025

24-118

DEPARTMENT OF ADMINISTRATION

Firewall Replacement		\$	425,000
<u>Reassessment 2024</u>	0		<u>5,000,000</u>

Subtotal	425,000	\$	<u>5,425,000</u>
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DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library		\$	54,482
Glasgow Library			150,000
Newark Library			4,700,000
Rockwood Museum			175,000
<u>Surratte Pool Renovations</u>			<u>50,000</u>

Subtotal		\$	5,129,482
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DEPARTMENT OF PUBLIC SAFETY

Public Safety Equipment		\$	136,000
Public Safety Vest Protection Program			<u>264,515</u>

Subtotal		\$	400,515
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DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Electric Vehicle Infrastructure		\$	2,019,708
Fleet Equipment 2022			(450,000)
Fleet Equipment 2023			(1,900,000)
Fleet Equipment 2024			49,590
<u>Fleet Equipment 2025</u>			<u>6,510,906</u>

Subtotal		\$	6,230,204
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EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2025

24-118

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,500,000
Bechtel Park Improvements	2,250,000
Game Court Improvements Pre-2021	(106,744)
Game Court Improvements 2021	181,744
General Parkland Improvements 2024-2025	750,000
Greenway Systems	1,000,000
Open Space Preservation	1,000,000
Southern Regional Park	4,400,000
Subtotal	\$ 10,975,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$ 2,500,000
Brandywine Hundred South Rehabilitation Phase I	(450,000)
Christiana Pump Station Upgrade	(500,000)
Christina River Force Main	1,000,000
Countywide Drainage Problems	(500,000)
Delaware City Industrial Sewer Expansion	(2,500,000)
Delaware City Treatment Plant Rehab	(500,000)
DelDOT Coordination Project 2021	(500,000)
General Sewer Improvements	1,000,000
Glasgow Area Sewer Improvements	(400,000)
Holloway Terrace Outfall Replace	(1,000,000)
Public Works Complex	400,000
Pump Station Rehab 2024-2025	500,000
Septage Receiving Station Upgrade	300,000
Sewer Fleet Equipment 2022	(3,051)
Sewer Fleet Equipment 2023	(764,800)
Sewer Fleet Equipment 2025	2,665,366
Sewer Repairs and Rehabilitation 2024-2025	2,000,000
Stormwater Basin Renovation II	1,500,000
Terminal Avenue System Rehabilitation	(500,000)
Water Farm #1 System Rehabilitation	300,000
Water Quality Improvement Plans	2,400,000
White Clay System Rehabilitation	4,100,000
Subtotal	\$ 11,047,515

CAPITAL BUDGET TOTAL

34,207,715

\$ 39,207,715

EXHIBIT B**PROJECT PROFILES
ADMINISTRATION (continued)**

Project Name (Number): Reassessment 2024 (C122101)					
Description: Conduct a general reassessment and implement a computer assisted mass appraisal system.			Council Districts: All		
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ 15,000,000	\$ 15,000,000
FY2025		-	-	-	-
				5,000,000	5,000,000
FY2026		-	-	-	-
FY2027		-	-	-	-
FY2028		-	-	-	-
FY2029		-	-	-	-
FY2030		-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ 15,000,000	\$ 15,000,000
			\$ -	\$ 20,000,000	\$ 20,000,000
Available Authorizations:		\$ 2,491,144			
Available Funding:		\$ 1,491,144			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 29, 2024, net of obligations.

FY2025 Activity:

The anticipated go-live date for the Tyler Enterprise Assessment system is 7/30/24. The "value" notices informing all parcel owners of their parcel's assessed value generated from the reassessment project are scheduled to be mailed in November, 2024. Property owners will be able to contest the assessed value from the reassessment project through an informal appeal process for three months after the value notices have been mailed. The BOAR will certify the values generated from the reassessment project in February, 2025. Assessment will accept formal appeals on the new assessed value from property owners through 3/14/25.

Future Activity:

No activity planned.

Prime Sponsor(s): Mr. Smiley
Requested by: County Council
Date of introduction: July 9, 2024

ORDINANCE NO. 24-119

AMEND THE GRANTS BUDGET:

**APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2025
APPROVED OPERATING BUDGET TO THE SENIOR HOME REPAIR PROGRAM GRANT,
WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

1 **WHEREAS**, the Senior Home Repair Program Grant is designed to provide minor
2 housing repair assistance to eligible senior homeowners age 60 and older with a maximum grant
3 amount of \$2,500.00; and
4

5 **WHEREAS**, the home must be located in New Castle County, outside the boundaries of
6 Wilmington and Newark; and
7

8 **WHEREAS**, there are currently over 129 seniors on the waiting list for this program; and
9

10 **WHEREAS**, New Castle County Council has determined that there will be unspent
11 funding available in the Grants and Fixed Charges Budget Line Item at the end of FY2025; and
12

13 **WHEREAS**, New Castle County Council wishes to provide \$5,000 to the Senior Home
14 Repair Program Grant from their Grants and Fixed Charges Budget Line Item within the FY2025
15 Approved Operating Budget; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
18 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
19 promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the
20 present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
25 by adding the material underscored and deleting the material bracketed and stricken on the
26 attached "Exhibit A."
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption by
29 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C. §*
30 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$5,000 from the County Council – Grants and Fixed Charges Budget Line Item within the FY2025 Approved Operating Budget to the Senior Home Repair Program Grant. In order to complete this transaction, **Ordinance No. 24-120 must be passed by County Council to complete this transaction.**

The Senior Home Repair Program Grant is designed to provide minor housing repair assistance to eligible senior homeowners age 60 and older, who own and reside in their home as their primary residence, have assets under the asset limit and have homeowners insurance. The maximum grant amount is \$2,500. The home must be located in New Castle County, outside the boundaries of Wilmington and Newark. There are currently over 129 seniors on the waiting list for this program. Funding for the program is from the Community Development Block Grant Program.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$5,000 in funding to the Senior Home Repair Program Grant, which is administered by the Department of Community Services. Partial funding for this program will be provided from the County Council – Grants and Fixed Charges Budget Line Item in the FY2025 Approved Operating Budget.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$5,000. This increase will affect FY2025 and beyond since this program is ongoing, without an expiration date, until all funds have been expended.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Senior Home Repair Program	Ordinance No.	24-119
PROGRAM TITLE:	Senior Home Repair Program		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ 646,569.51	\$ 5,000.00	\$ 651,569.51
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 646,569.51	\$ 5,000.00	\$ 651,569.51

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 60,205.50	\$ -	\$ 60,205.50
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ 586,364.01	\$ 5,000.00	\$ 591,364.01
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 646,569.51	\$ 5,000.00	\$ 651,569.51

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2012

Estimated Program Completion: ongoing

The Local Match: **Found in (ORG):**

Ordinance Passed:	Date Revised:
12-043 4/24/2012	21-106 9/30/2021
18-072 7/16/2018	22-068 5/24/2022
19-065 7/3/2019	23-064 5/23/2023
20-060 6/9/2020	<u>24-090 Sub 1</u> <u>6/11/2024</u>
21-075 Floor Amend 1 6/16/2021	

PROGRAM DESCRIPTION:

The Senior Home Repair Program is designed to provide minor housing repair assistance to eligible senior homeowners age 60 and older, who own and reside in their home as their primary residence, have assets under the asset limit and have homeowners insurance. The maximum grant amount is \$2,500. The home must be located in New Castle County, outside the boundaries of Wilmington and Newark. There are currently over 129 seniors on the waiting list for this program. Funding for the program is from the Sheriff's Office, Program Income and the General Fund.

5/28/2024

7/9/2024

ORDINANCE NO. 24-120

**AMEND THE FY2025 APPROVED OPERATING BUDGET:
REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY
COUNCIL TO PROVIDE FUNDING FOR NEW CASTLE COUNTY OPERATING
PROGRAMS AND GRANTS**

1 **WHEREAS**, County Council has budgeted funding available in the Grants and Fixed
2 Charges Budget Line Item; and

3
4 **WHEREAS**, the Department of Public Safety, Division of Communication provides New
5 Castle County with a computer aided emergency communications center that is easily
6 accessible to all residents and is responsive to all emergency 911 and non-emergency call
7 requests for police, fire, and emergency medical services, regardless of callers' location; and

8
9 **WHEREAS**, County Council would like to contribute \$5,000 to enable the Department of
10 Public Safety, Division of Emergency Communications to continue its successful community
11 outreach program by offering a training course and certification as an Emergency
12 Telecommunicator for up to twenty-five participants; and

13
14 **WHEREAS**, successful completion of the training program will assist future, interested
15 job applicants who apply for 911 system positions in meeting minimum and/or preferred
16 qualifications during the application process; and

17
18 **WHEREAS**, the Department of Community Services, Division of Community
19 Development and Housing provides Community Cleanup efforts to areas in need in New Castle
20 County; and

21
22 **WHEREAS**, County Council would like to contribute \$5,000 to enable the Department of
23 Community Services, Division of Community Development and Housing to continue its
24 successful Community Cleanup efforts to areas in need in New Castle County; and

25
26 **WHEREAS**, the Senior Home Repair Program Grant is designed to provide minor
27 housing repair assistance to eligible senior homeowners age 60 and older with a maximum grant
28 amount of \$2,500.00; and

29
30 **WHEREAS**, the home must be located in New Castle County, outside the boundaries of
31 Wilmington and Newark and there are currently over 129 seniors on the waiting list for this
32 program; and

33 **WHEREAS**, New Castle County Council wishes to provide \$5,000 to the Senior Home
34 Repair Program Grant from their Grants and Fixed Charges Budget Line Item within the FY2025
35 Approved Operating Budget; and

36
37 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in the
38 opinion of the County Executive, estimated to yield sums at least sufficient to balance the
39 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

40
41 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
42

43 Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1,
44 2024, is hereby amended by deleting the material that is stricken and adding the material that is
45 underscored on the attached Exhibit "A."

46
47 Section 2. The foregoing amendment shall be considered a part of the Annual Operating
48 Budget for the fiscal year beginning July 1, 2024 and shall be effective as though incorporated
49 initially in the Annual Operating Budget Ordinance.

50
51 Section 3. This Ordinance shall become effective immediately upon its adoption by
52 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
53 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer \$5,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Safety – Salaries and Wages, Employee Benefits and Materials and Supplies Budget Line Items to enable the Department of Public Safety, Division of Emergency Communications to reach out to the community by offering a training course and certification as an Emergency Telecommunicator for up to twenty-five participants. This Ordinance, if approved, will also transfer \$5,000 from the County Council –

Grants and Fixed Charges Budget Line Item to the Department of Community Services – Contractual Services Budget Line Item to enable the Department of Community Services, Division of Community Development and Housing to provide Community Cleanup efforts to areas in need in New Castle County. This Ordinance, if approved, will also transfer \$5,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Senior Home Repair Program Grant. **Ordinance No. 24-119 must first be passed by County Council to amend the existing grant.**

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by reducing the County Council – Grants and Fixed Charges Budget Line Item by \$15,000 and appropriating \$5,000 to the Department of Public Safety – Salaries and Wages, Employee Benefits and Materials and Supplies Budget Line Items, \$5,000 to the Department of Community Services – Contractual Services Budget Line Item and \$5,000 to the Senior Home Repair Program Grant.

This legislation will result in no increase to the FY2025 Approved Operating Budget as the legislation is a transfer of \$10,000 between departments and the transfer of \$5,000 of FY FY2025 Approved Operating Budget spending authority to the Grants Budget. There is no fiscal impact beyond FY2025.

COUNTY COUNCIL

Salaries and Wages		\$	2,552,351
Benefits			1,493,866
Training and Civic Affairs			70,388
Communication and Utilities			17,483
Materials and Supplies			62,776
Contractual Services			256,588
Equipment			1,600
Grants and Fixed Charges	440,233		<u>425,233</u>
Operating Transfer Charges			175,627
Total	5,070,912	\$	<u>5,055,912</u>
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,033,684
Benefits			1,190,296
Training and Civic Affairs			31,904
Communication and Utilities			16,798
Materials and Supplies			22,236
Contractual Services			148,565
Equipment			1,000
Grants and Fixed Charges			43,000
Contingency			55,000
Operating Transfer Charges			105,264
Total		\$	<u>3,647,747</u>
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,986,061
Benefits			7,506,461
Training and Civic Affairs			132,825
Communication and Utilities			8,258,220
Materials and Supplies			162,673
Contractual Services			6,855,976
Equipment			392,900
Grants and Fixed Charges			3,932,350
Operating Transfer Charges			1,142,324
Operating Transfer Credits			(12,812,422)
Total		\$	<u>28,557,368</u>
Total Authorized Full-Time Positions	168		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages		\$	27,135,440
Benefits			15,765,968
Training and Civic Affairs			45,445
Communication and Utilities			26,068,271
Materials and Supplies			4,565,701
Contractual Services			10,843,698
Equipment			483,333
Grants and Fixed Charges			1,192,757
Land and Structures			35,000
Operating Transfer Charges			4,574,405
Operating Transfer Credits			(7,722,122)
Total		\$	82,987,896
Total Authorized Full-Time Positions	389		

DEPARTMENT OF LAND USE

Salaries and Wages		\$	8,156,971
Benefits			4,742,077
Training and Civic Affairs			66,975
Communication and Utilities			111,242
Materials and Supplies			101,727
Contractual Services			1,447,909
Equipment			44,940
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,061,595
Total		\$	15,789,936
Total Authorized Full-Time Positions	112		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	12,519,168
Benefits			5,565,327
Training and Civic Affairs			18,560
Communication and Utilities			1,069,498
Materials and Supplies			1,429,039
Contractual Services	2,214,606		<u>2,219,606</u>
Equipment			18,900
Grants and Fixed Charges			3,235,149
Operating Transfer Charges			1,175,272
Operating Transfer Credits			(225,977)
Total	27,019,542	\$	<u>27,024,542</u>
Total Authorized Full-Time Positions	162		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	77,332,068	\$	77,334,401
Benefits	42,954,368		<u>42,955,735</u>
Training and Civic Affairs			206,456
Communication and Utilities			1,008,304
Materials and Supplies	1,069,526		<u>1,070,826</u>
Contractual Services			2,251,228
Equipment			1,660,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Total	142,671,110	\$	<u>142,676,110</u>
Total Authorized Full-Time Positions	728		

REGISTER OF WILLS

Salaries and Wages		\$	1,159,211
Benefits			660,186
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total		\$	<u>2,024,338</u>
Total Authorized Full-Time Positions	20		

RECORDER OF DEEDS

Salaries and Wages		\$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			33,689
Materials and Supplies			12,398
Contractual Services			82,718
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		\$	2,335,667
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages		\$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		\$	2,453,901
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		\$	845,382
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service		\$	45,778,427
Total		\$	45,778,427
Total Authorized Full-Time Positions			

ETHICS COMMISSION

Salaries and Wages	\$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	\$	301,836
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	250,000
Total	\$	250,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	600,000
Total	\$	600,000
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,164,693)
Personal Services - Employee Benefits	\$	(3,608,135)
Total	\$	(9,772,828)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	478,539
Total	\$	478,539

NEW CASTLE COUNTY

Salaries and Wages	140,871,235	\$	<u>140,873,568</u>
Benefits	78,085,378		<u>78,086,745</u>
Training and Civic Affairs			697,225
Communication and Utilities			36,618,089
Materials and Supplies	7,468,592		<u>7,469,892</u>
Contractual Services	24,474,017		<u>24,479,017</u>
Equipment			2,623,406
Grants and Fixed Charges	17,263,561		<u>17,248,561</u>
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,838,539
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
<i>Sub-Total New Castle County</i>	<i>351,494,773</i>	\$	<u>351,489,773</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,682</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 30, 2024

Tax Stabilization Reserve Account	63,193,549
Sewer Rate Stabilization Reserve Account	7,482,353
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
<i>Total Reserves:</i>	<u>134,140,624</u>

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: July 9, 2024

ORDINANCE NO. 24-121

**AMEND THE FY2024 APPROVED OPERATING BUDGET:
REALIGN \$375,000 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR
SALARIES AND WAGES**

1 **WHEREAS**, realignment of funds is required for the FY2024 County's salaries and
2 wages; and

3
4 **WHEREAS**, the Sewer Fund will require a realignment of \$375,000 from the Debt
5 Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of
6 Public Works; and

7
8 **WHEREAS**, the revenue measures heretofore adopted by the County Council, are, in
9 the opinion of the County Executive, estimated to yield sums at least sufficient to balance the
10 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

11
12 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

13
14 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2023 is
15 hereby amended by deleting the matter stricken and adding the matter underscored on the
16 attached Exhibit "A."

17
18 Section 2. The foregoing amendment shall be considered a part of the Annual
19 Operating Budget for the fiscal year beginning July 1, 2023 and shall be effective as though
20 incorporated initially in the Annual Operating Budget.

21
22 Section 3. This Ordinance shall become effective immediately upon its adoption by
23 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
24 1156.

25
26 Section 4. It is the intent of the County Council that the provisions of this Ordinance
27 shall be effective retroactive to June 30, 2024.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign \$375,000 within the Sewer Fund from the Debt Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of Public Works. This realignment of funds is necessary to cover FY2024 County's salaries and wages.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 2024.

FISCAL NOTE: This Ordinance, if approved, will realign \$375,000 within the Sewer Fund from the Debt Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of Public Works. This realignment of funds is necessary to cover FY2024 County's salaries and wages. This realignment of funding will result in no increase to the FY2024 Approved Operating Budget as the legislation is a transfer of funds between Departments and within the same fund.

COUNTY COUNCIL

Salaries and Wages	\$	2,428,665
Benefits		1,428,590
Training and Civic Affairs		61,851
Communication and Utilities		19,219
Materials and Supplies		31,022
Contractual Services		280,991
Equipment		19,766
Grants and Fixed Charges		279,165
Operating Transfer Charges		162,739
Total	\$	4,712,008
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	1,777,524
Benefits		1,045,578
Training and Civic Affairs		34,379
Communication and Utilities		18,399
Materials and Supplies		15,535
Contractual Services		586,454
Equipment		1,000
Grants and Fixed Charges		1,140,000
Contingency		9,025
Operating Transfer Charges		82,016
Total	\$	4,709,910
Total Authorized Full-Time Positions	16	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	12,188,612
Benefits		8,338,475
Training and Civic Affairs		125,761
Communication and Utilities		8,323,497
Materials and Supplies		143,194
Contractual Services		6,974,962
Equipment		380,184
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,567
Operating Transfer Credits		(12,098,321)
Total	\$	27,710,648
Total Authorized Full-Time Positions	172	

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	24,597,539	\$	<u>24,972,539</u>
Benefits			14,348,323
Training and Civic Affairs			52,527
Communication and Utilities			27,191,724
Materials and Supplies			4,991,480
Contractual Services			10,503,388
Equipment			471,133
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,845,806
Operating Transfer Credits			(7,438,785)
Total	80,791,892	\$	<u>81,166,892</u>
Total Authorized Full-Time Positions	384		

DEPARTMENT OF LAND USE

Salaries and Wages		\$	8,375,178
Benefits			4,899,879
Training and Civic Affairs			52,615
Communication and Utilities			111,337
Materials and Supplies			88,807
Contractual Services			1,604,118
Equipment			71,090
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total		\$	<u>15,593,142</u>
Total Authorized Full-Time Positions	118		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	11,809,417
Benefits			5,323,852
Training and Civic Affairs			22,984
Communication and Utilities			1,242,364
Materials and Supplies			1,550,793
Contractual Services			4,288,362
Equipment			39,167
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,221,236
Operating Transfer Credits			(190,829)
Total		\$	<u>28,417,495</u>
Total Authorized Full-Time Positions	160		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	\$	67,293,955
Benefits		39,178,888
Training and Civic Affairs		185,941
Communication and Utilities		1,030,869
Materials and Supplies		1,061,793
Contractual Services		2,182,319
Equipment		1,445,272
Grants and Fixed Charges		6,791,770
Operating Transfer Charges		7,298,634
Total	\$	126,469,441
Total Authorized Full-Time Positions		711

REGISTER OF WILLS

Salaries and Wages	\$	1,111,172
Benefits		634,647
Training and Civic Affairs		39,075
Communication and Utilities		12,374
Materials and Supplies		9,230
Contractual Services		56,175
Equipment		6,038
Operating Transfer Charges		85,180
Total	\$	1,953,891
Total Authorized Full-Time Positions		20

RECORDER OF DEEDS

Salaries and Wages		\$	1,232,844
Benefits			712,707
Training and Civic Affairs			36,970
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			97,001
Equipment			1,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			148,002
Total		\$	2,287,316
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages		\$	1,260,692
Benefits			737,678
Training and Civic Affairs			29,452
Communication and Utilities			16,189
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			144,938
Total		\$	2,271,207
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	474,736
Benefits			279,250
Training and Civic Affairs			14,130
Communication and Utilities			5,168
Materials and Supplies			5,424
Contractual Services			30,043
Equipment Replacement			6,000
Operating Transfer Charges			31,776
Total		\$	846,527
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service	45,398,069	\$	<u>45,023,069</u>
Land and Structures			
Contingency			
Intragovernmental Service Charges			
Intragovernmental Service Credits			
Total	45,398,069	\$	<u>45,023,069</u>
Total Authorized Full-Time Positions			

ETHICS COMMISSION

Salaries and Wages	\$	38,000
Benefits		3,385
Training and Civic Affairs		10,500
Communication and Utilities		1,922
Materials and Supplies		2,450
Contractual Services		290,642
Equipment		500
Operating Transfer Charges		6,699
Total	\$	354,098
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	220,000
Total	\$	220,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	(60,089)
Total	\$	(60,089)
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(4,293,340)
Personal Services - Employee Benefits	\$	(2,525,429)
Total	\$	(6,818,769)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,139,722
Total	\$	1,139,722

NEW CASTLE COUNTY

Salaries and Wages	128,294,994	\$	<u>128,669,994</u>
Benefits			74,405,823
Training and Civic Affairs			666,185
Communication and Utilities			38,004,039
Materials and Supplies			7,930,302
Contractual Services			26,950,454
Equipment			2,446,300
Grants and Fixed Charges			16,515,041
Debt Service	45,398,069		<u>45,023,069</u>
Land and Structures			35,000
Contingency			1,763,658
Operating Transfer Charges			16,327,428
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>		\$	<u>338,206,141</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,667</i>		

RESERVE ACCOUNTS AS OF JUNE 11, 2024

Tax Stabilization Reserve Account (Unaudited)	80,059,107
Sewer Rate Stabilization Reserve Account (Unaudited)	6,261,142
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
<i>Total Reserves:</i>	<u>149,784,971</u>

ORDINANCE NO. 24-122

**AMEND THE FY2024 APPROVED OPERATING BUDGET:
APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE
COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF
PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM**

1 **WHEREAS**, New Castle County receives pension contributions from the State of
2 Delaware for the New Castle County Police Employee's Retirement System; and
3

4 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in the
5 opinion of the County Executive, estimated to yield sums at least sufficient to balance the
6 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.
7

8 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
9

10 Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1,
11 2023, is hereby amended by deleting the matter stricken and adding the matter underscored on
12 the attached Exhibit "A".
13

14 Section 2. The foregoing amendment shall be considered a part of the Annual Operating
15 Budget for the fiscal year beginning July 1, 2023 and shall be effective as though incorporated
16 initially in the FY2024 Annual Operating Budget Ordinance.
17

18 Section 3. This Ordinance shall become effective immediately upon its adoption by
19 County Council and signature of the County Executive, or as otherwise provided in 9 *Del. C.* §
20 1156.
21

22 Section 4. It is the intent of the County Council that the provisions of this Ordinance shall
23 be effective retroactive to June 30, 2024.

Adopted by County Council
of New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance will appropriate \$8,365,517.15 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item. New Castle County receives pension contributions from the State of Delaware for the New Castle County Police Employee's Retirement System.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 2024.

FISCAL NOTE: This Ordinance, if approved will appropriate \$8,365,517.15 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item.

Prior to 1996, New Castle County would deposit the revenue received from the State directly to the Pension Trust Fund. Upon the passage of Governmental Accounting Standards Board Statement # 24 (GASB 24), the County was required to record all on-behalf payments in the General Fund as revenue and expense the proceeds to the General Fund. The revenue is then recorded in the Pension Trust Fund.

The fiscal impact of this Ordinance, if approved, would increase the Employee Benefits line of the Department of Public Safety by \$8,365,517.15.

The fiscal impact in subsequent years will be contingent upon any change by the State of Delaware in regards to the police pension program.

Overview of the Police Pension Funding from the State:

Police Officers hired subsequent to January 31, 1993 become members of the State of Delaware's County and Municipal Police/Firefighter's Pension Plan (C/M Plan). The pension contribution rate is established annually by the C/M Plan's actuary.

Since at least 1990, the County receives distributions of tax proceeds from the State of Delaware for County police (*18 Del. C. 707*). The State of Delaware funds distributions through a special tax levied on gross insurance premiums. The tax proceeds are deposited into a special fund, managed by the State Board of Pension Trustees and distributed based on two components:

1. Under *18 Del. C. 708 (b)*, the State Board of Pension Trustees allocates the special fund deposits based on eligibility and proportionately distributes the funds on a per capita basis based on the total number of state, county and municipal police entitled to benefits from an annual registry in accordance with *18 Del. C. 709(a)*. Funds are distributed to the proper officers of the state, county or municipal police department or bureau. Distribution takes place twice annually, on or before June 30 and December 31.
2. Under *18 Del. C. 708 (c)*, the allocation of the special fund for "state police" provides post-retirement increases for retired county and municipal police and firefighters. The State Board of Pension Trustees allocates these funds on a per capita basis to the account of each eligible county or municipality upon the annual registry in accordance with *18 Del. C. 709(b)*. Any county or municipality wishing to grant a post-retirement increase from the special fund shall submit a proposal to the State Board of Pension Trustees. In addition, prior to the implementation of such increase, the County must deposit into the special fund sufficient funds to cover 25% of the total actuarial cost of such increase.

COUNTY COUNCIL

Salaries and Wages	\$	2,428,665
Benefits		1,428,590
Training and Civic Affairs		61,851
Communication and Utilities		19,219
Materials and Supplies		31,022
Contractual Services		280,991
Equipment		19,766
Grants and Fixed Charges		279,165
Operating Transfer Charges		162,739
Total	\$	4,712,008
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	1,777,524
Benefits		1,045,578
Training and Civic Affairs		34,379
Communication and Utilities		18,399
Materials and Supplies		15,535
Contractual Services		586,454
Equipment		1,000
Grants and Fixed Charges		1,140,000
Contingency		9,025
Operating Transfer Charges		82,016
Total	\$	4,709,910
Total Authorized Full-Time Positions	16	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	12,188,612
Benefits		8,338,475
Training and Civic Affairs		125,761
Communication and Utilities		8,323,497
Materials and Supplies		143,194
Contractual Services		6,974,962
Equipment		380,184
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,567
Operating Transfer Credits		(12,098,321)
Total	\$	27,710,648
Total Authorized Full-Time Positions	172	

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,597,539
Benefits		14,348,323
Training and Civic Affairs		52,527
Communication and Utilities		27,191,724
Materials and Supplies		4,991,480
Contractual Services		10,503,388
Equipment		471,133
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,845,806
Operating Transfer Credits		(7,438,785)
Total	\$	80,791,892
Total Authorized Full-Time Positions		384

DEPARTMENT OF LAND USE

Salaries and Wages	\$	8,375,178
Benefits		4,899,879
Training and Civic Affairs		52,615
Communication and Utilities		111,337
Materials and Supplies		88,807
Contractual Services		1,604,118
Equipment		71,090
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,136,835
Operating Transfer Credits		(803,217)
Total	\$	15,593,142
Total Authorized Full-Time Positions		118

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,809,417
Benefits		5,323,852
Training and Civic Affairs		22,984
Communication and Utilities		1,242,364
Materials and Supplies		1,550,793
Contractual Services		4,288,362
Equipment		39,167
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,221,236
Operating Transfer Credits		(190,829)
Total	\$	28,417,495
Total Authorized Full-Time Positions		160

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		\$	67,293,955
Benefits	39,178,888		<u>47,544,405</u>
Training and Civic Affairs			185,941
Communication and Utilities			1,030,869
Materials and Supplies			1,061,793
Contractual Services			2,182,319
Equipment			1,445,272
Grants and Fixed Charges			6,791,770
Operating Transfer Charges			7,298,634
Total	126,469,441	\$	<u>134,834,958</u>
Total Authorized Full-Time Positions	711		

REGISTER OF WILLS

Salaries and Wages		\$	1,111,172
Benefits			634,647
Training and Civic Affairs			39,075
Communication and Utilities			12,374
Materials and Supplies			9,230
Contractual Services			56,175
Equipment			6,038
Operating Transfer Charges			85,180
Total		\$	<u>1,953,891</u>
Total Authorized Full-Time Positions	20		

RECORDER OF DEEDS

Salaries and Wages	\$	1,232,844
Benefits		712,707
Training and Civic Affairs		36,970
Communication and Utilities		30,977
Materials and Supplies		9,315
Contractual Services		97,001
Equipment		1,150
Grants and Fixed Charges		18,350
Operating Transfer Charges		148,002
Total	\$	2,287,316
Total Authorized Full-Time Positions	23	

SHERIFF

Salaries and Wages	\$	1,260,692
Benefits		737,678
Training and Civic Affairs		29,452
Communication and Utilities		16,189
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		144,938
Total	\$	2,271,207
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Salaries and Wages	\$	474,736
Benefits		279,250
Training and Civic Affairs		14,130
Communication and Utilities		5,168
Materials and Supplies		5,424
Contractual Services		30,043
Equipment Replacement		6,000
Operating Transfer Charges		31,776
Total	\$	846,527
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Debt Service	\$	45,398,069
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
Total	\$	45,398,069
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	38,000
Benefits		3,385
Training and Civic Affairs		10,500
Communication and Utilities		1,922
Materials and Supplies		2,450
Contractual Services		290,642
Equipment		500
Operating Transfer Charges		6,699
Total	\$	354,098
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	220,000
Total	\$	220,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	(60,089)
Total	\$	(60,089)
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(4,293,340)
Personal Services - Employee Benefits	\$	(2,525,429)
Total	\$	(6,818,769)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,139,722
Total	\$	1,139,722

NEW CASTLE COUNTY

Salaries and Wages		\$	128,294,994
Benefits	74,405,823		<u>82,771,340</u>
Training and Civic Affairs			666,185
Communication and Utilities			38,004,039
Materials and Supplies			7,930,302
Contractual Services			26,950,454
Equipment			2,446,300
Grants and Fixed Charges			16,515,041
Debt Service			45,398,069
Land and Structures			35,000
Contingency			1,763,658
Operating Transfer Charges			16,327,428
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>	<i>338,206,141</i>	\$	<u>346,571,658</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,667</i>		

RESERVE ACCOUNTS AS OF JUNE 11, 2024

Tax Stabilization Reserve Account (Unaudited)	80,059,107
Sewer Rate Stabilization Reserve Account (Unaudited)	6,261,142
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
<i>Total Reserves:</i>	<u>149,784,971</u>

ORDINANCE NO. 24-123

**TO AMEND *NEW CASTLE COUNTY CODE*,
CHAPTER 38 (“UTILITIES”) REGARDING
ARTICLE 2 (“SEWERS AND SEWAGE DISPOSAL”) AND
ARTICLE 3 (“PROHIBITIONS, ENFORCEMENT, AND PENALTIES”)**

1 **WHEREAS**, *New Castle County Code*, Chapter 38 regulates discharges to the sanitary
2 sewer system and includes the U. S. Environmental Protection Agency’s (“EPA”) approved local
3 limits for the discharge of certain constituents into wastewater (“Local Limits”); and
4

5 **WHEREAS**, Local Limits are set to ensure that wastewater discharged into the sanitary
6 sewer system does not contain pollutants at levels that could pass through, interfere with, or be
7 otherwise incompatible with Publicly Owned Treatment Works (“POTW”); and
8

9 **WHEREAS**, as the County is a jurisdiction that contributes wastewater to the Wilmington
10 Wastewater Treatment Plant (“WWTP”), the County must update Chapter 38 to reflect any
11 revisions by EPA to the Local Limits that govern discharges to the WWTP; and
12

13 **WHEREAS**, earlier this year, EPA reviewed and approved modifications to the Local
14 Limits, necessitating revisions to Chapter 38 to reflect the County’s share of those Local Limits;
15 and
16

17 **WHEREAS**, in addition to revising the Local Limits, the County wishes to update certain
18 other pretreatment provisions found in Chapter 38 to reflect EPA model language and best
19 practices; and
20

21 **WHEREAS**, County Council has determined that the provisions of this Ordinance
22 substantially advance and are reasonably and rationally related to legitimate governmental
23 interests, including promoting the public health, safety, welfare and quality of life of present and
24 future in habitants of New Castle County.
25

26 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
27

28 Section 1. *New Castle County Code* Chapter 38 (“Utilities”), Article 2 (“Sewers and
29 Sewage Disposal”), Division 38.02.700 (“Regulation of non-domestic wastewater discharges into
30 the public sewer system”) is hereby amended by adding the material that is underlined and
31 deleting the material with strikethroughs, as set forth below:
32

33 **Sec. 38.02.701. Definitions.**
34

35 The following words, terms and phrases, when used in this Division, shall have the
36 meanings ascribed to them in this Section, except where the context clearly indicates a
37 different meaning:
38

...

39 Authorized or duly authorized representative means the following: shall be defined as
40 under Code of Federal Regulations (CFR), 40 CFR 403.12(k)(1)(1)-(3).

41 A. If the user is a corporation:

- 42 1. The president, secretary, treasurer, or a vice-president of the corporation in
43 charge of a principal business function, or any other person who performs similar
44 policy or decision-making functions for the corporation; or
- 45 2. The manager of one or more manufacturing, production, or operating facilities,
46 provided the manager is authorized to make management decisions that govern
47 the operation of the regulated facility including having the explicit or implicit duty
48 of making major capital investment recommendations, and initiate and direct other
49 comprehensive measures to assure long-term environmental compliance with
50 environmental laws and regulations; can ensure that the necessary systems are
51 established or actions taken to gather complete and accurate information for
52 individual wastewater discharge permit requirements; and where authority to sign
53 documents has been assigned or delegated to the manager in accordance with
54 corporate procedures.

55 B. If the user is a partnership or sole proprietorship: a general partner or proprietor,
56 respectively.

57 C. If the user is a Federal, State, or local governmental facility: a director or highest
58 official appointed or designated to oversee the operation and performance of the
59 activities of the government facility, or his or her designee.

60 D. The individuals described in paragraphs A through C, above, may designate a duly
61 authorized representative if the authorization is in writing, the authorization specifies
62 the individual or position responsible for the overall operation of the facility from which
63 the discharge originates or having overall responsibility for environmental matters for
64 the company, and the written authorization is submitted to the General Manager.

65 ...

66 Categorical industrial user means an industrial user subject to a categorical pretreatment
67 standard or categorical standard.

68 Categorical pretreatment standard or categorical standard means standards specifying the
69 quantity, concentration, or pollutant properties of pollutants that may be discharged to POTWs.
70 EPA promulgates pretreatment standards for specific industry categories in accordance with
71 CWA section 307. These standards are codified in 40 CFR Chapter I, Subchapter N, Parts
72 405-471.

73 ...

74 Discharge or indirect discharge means the introduction of pollutants into a POTW from any
75 non-domestic source as regulated under the Act. includes deposit, conduct, drain, emit, throw,
76 run, allow, seep or otherwise release or dispose of or allow, permit or suffer any of these acts
77 or omissions.

78 ...

79 Interference means a discharge which, alone or in conjunction with a discharge or
80 discharges from other sources, inhibits or disrupts the POTW, its treatment processes or
81 operations or its sludge processes, use or disposal and hence causes a violation of the
82 County's POTW's NPDES permit or prevents sewage sludge use or disposal in compliance
83 with any federal, State or local statutory/regulatory provisions or permits.

84 ...

85 New source means:

86 A. Any any-building, structure, facility or installation from which there is (or may be) a
87 discharge of pollutants, the construction of which is commenced after the publication of

proposed national pretreatment standards under Section 307(c) of the federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with ~~Section 307(c) of the Act.~~ that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (A)(2) or (A)(3) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

...

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the ~~County's~~ POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

...

Publicly owned treatment works or *POTW* means any devices or systems owned by a municipality (as defined by section 502(4) of the Act) used in the storage, conveyance, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

...

Significant industrial user means:

- (1) any industrial user (IU) subject to ~~Environmental Protection Agency~~ categorical pretreatment standards; or
- (2) any ~~noncategorical~~ industrial user that:

- a. discharges twenty-five thousand (25,000) gallons per day or more of process wastewater to the ~~sewer~~ POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or any user
- b. that contributes a process waste stream which makes up five (5) percent or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant; or
- c. ~~any user~~ is designated as significant by the General Manager on the basis that the user has a reasonable potential for adversely affecting the POTW's treatment plant's operation or for violating any pretreatment standard or requirement.

Significant noncompliance means any one (1) or more of the following:

- A. Chronic violations of wastewater discharge limits in which sixty-six (66) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period ~~equal or exceed~~ (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous permit limits for the same pollutant parameter.
...
- E. Failure to meet, within ninety (90) calendar days after a schedule date, a compliance schedule milestone contained in the wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide within forty-five (45) calendar days after the due date, any required reports such as baseline monitoring reports, ninety (90) day compliance reports, compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.
...

Slug load or *slug* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 38.02.702 of this Code or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
...

Sec. 38.02.702. Prohibited discharges.

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. It shall also be unlawful for any person to discharge or permit the discharge or infiltration into any public sewer any of the following:

- C. Any water or wastes that contain more than ten (10) mg/l of hydrogen sulfides; in the liquid phase. The County reserves the right to require installation of either vapor phase and or liquid phase on-line monitoring equipment if a hydrogen sulfide or other vapor phase constituent source is suspected.
...
- J. Any liquid having a pH lower than 6.0 or higher than 9.0 or having any property capable of causing damage or hazard to structures, equipment ~~and or~~ personnel of the ~~sewer works~~ POTW. pH deviations between 5.0 and 11.0 shall be permitted for a total of ten (10) percent of the time in an eight (8) hour work shift, provided the user

installs and operates a pH-monitoring device to continuously monitor and record the pH of the discharge.

...

- L. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- M. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- N. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the County or City of Wilmington's NPDES permit.
- O. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- P. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- Q. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- R. Detergents, surface-active agents, or other substances in quantities that cause excessive foaming in the POTW.
- S. Wastewater causing two readings on an explosion hazard meter more than five percent or any single reading over ten percent of the lower explosive limit of the meter at the point of discharge into the POTW, or at any point in the POTW. The County reserves the right to require installation of either vapor phase and or liquid phase on-line monitoring equipment if a hydrogen sulfide or other vapor phase constituents source is suspected.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 38.02.703. Maximum constituents.

- A. Limitations of concentrations and maximum allowable industrial loadings. The thirty (30) day average concentration in wastewater of any of the following ~~below~~ constituents shall be limited to the ~~following concentrations~~ listed below for dischargers in the Middletown-Odessa-Townsend service area. The maximum allowable industrial loadings for the Wilmington service area below are established to protect against pass through and interference. Maximum allowable industrial loadings may be allocated on a mass- or concentration-basis through individual wastewater discharge permits or other control mechanisms (see also Section 38.02.704):

Constituent	Industrial Point Source		
	<u>Local</u> Middletown-Odessa-Townsend (30-Day Average, mg/l)	<u>Limit</u> Service Area	<u>In</u> Maximum Allowable Industrial Loading In Wilmington Service Area (30 Day Average, mg/l) (lb/day)

Arsenic	1.00	0.09 <u>2.69</u>
Cadmium	0.015	0.07 <u>2.53</u>
Chromium, Total	1.50	4.00 <u>175.63</u>
Chromium, VI	0.50	—
Copper	1.0	0.91 <u>37.29</u>
Lead	3.00	1.94 <u>22.07</u>
Mercury	0.001	0.0057 <u>0.33</u>
<u>Molybdenum</u>	—	<u>18.42</u>
Nickel	1.00	1.00 <u>24.78</u>
Selenium	—	0.65 <u>6.29</u>
Silver	0.015	—
Zinc	1.00	3.49 <u>64.99</u>
Ammonia as Nitrogen	35.00	35.00 <u>26,000</u>
TKN	15	—
Phosphorus	45	—
Cyanide, Total	—	0.49 <u>31.73</u>
PCBs	Non-Detectable	—
Phenolics	10.00	10.00 <u>4,520</u>
BODs	350	500 <u>120,667</u>
<u>CBODs</u>		<u>88,667</u>
Total Suspended solids (TSS)	500	500 <u>110,000</u>

- ...
- G. *General requirements.*
1. All industrial users shall:

...

c. Notify the County and POTW immediately of any slugs or slug loadings in accordance with 40 CFR 403.12.

i. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

ii. Within five business days following such discharge, the user shall, unless waived by the POTW, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

iii. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (i). Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

iv. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

2. All users to which the National Pretreatment Standards apply shall submit BMRs in accordance with 40 CFR § 403.12.

H. The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of Section 38.02.702.

Sec. 38.02.704. Wastewater discharge permits.

...

D. *Permit conditions.* Wastewater discharge permits shall be expressly subject to all sections of this Division and all other regulations, user charges and fees established by the County. The conditions of wastewater discharge permits shall be uniformly enforced by the General Manager. The General Manager may deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit. Wastewater discharge permits shall contain the following:

1. A statement of duration including issuance date, effective date, and expiration date.
2. Effluent limits, including ~~I~~limits on the average and maximum wastewater constituents and characteristics, consistent with the applicable discharge standards in Section 38.02.703 and the monitoring frequency established for the discharge.
3. Limits on rate and time of discharge or requirements for flow regulation.
4. Requirements for installation of inspection and sampling facilities.
5. Pretreatment requirements, including national pretreatment standards.

6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
7. A statement of applicable civil and criminal pPenalties for violation(s) of the permit as specified in Section 38.03.003 and the pretreatment program enforcement response plan.
8. Requirements for maintaining plant records relating to wastewater discharge and for providing access to the records for inspecting and copying.
9. Where appropriate, cCompliance schedules containing increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or other means required for the discharger to meet the applicable discharge standards (e.g., hiring an engineer, completing preliminary plans, executing contracts, etc.). Increments of progress shall not exceed nine (9) months.
10. The requirement to notify the County in advance of any planned significant change in the volume or character of pollutants in the discharge, or to notify the County immediately after discovery of any unplanned significant change.
11. A statement of nontransferability of the permit.
12. The requirement that all users shall notify the General Manager of any significant changes to the user's operations or system that may affect the potential for slug discharges at least ninety (90) days before the change.
13. The requirement to develop and implement a slug control plan if required by the General Manager.
14. Best Management Practices, when applicable.
15. The requirement to notify the County in the event sampling performed by the user indicates a violation.
156. Other conditions as deemed appropriate by the General Manager to ensure compliance.

E. *Reporting requirements.*

- ...
3. ~~Filing of periodic discharge/compliance progress reports.~~ The discharge report may include, but not be limited to wastewater volume rates of flow, constituent concentrations and mass emission rates, compliance with Best Management Practices, hours of operation, number of employees, or other information which relates to the wastewater discharge to the sewers. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the General Manager a report containing the information described in Subsection B. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), periodic reports on continued compliance shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the actual average production rate for the appropriate sampling period. The IU shall sign and certify all compliance reports in accordance with Subsection B.9; and, not later than fourteen (14) days following each date in the schedule and the final date for compliance, the IU shall submit its progress reports on the compliance schedules in accordance with

Subsections B.10, D.9 and this Subsection. Periodic Compliance Reports. All significant industrial users must, at a frequency determined by the General Manager, submit no fewer than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the General Manager or the pretreatment standard necessary to determine the compliance status of the user.

...

5. Baseline Monitoring Reports. Within either one hundred eighty (180) calendar days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed below. At least ninety (90) calendar days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the General Manager a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described above shall submit the information set forth below (as described in 40 CFR 403.12(b)).
- a. All information required in 38.02.704.B paragraphs 1-8 and 12.
 - b. Measurement of pollutants.
 - i. The user shall identify the pretreatment standards applicable to each regulated process; in addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or General Manager) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the General Manager or the applicable standards to determine compliance with the standard.
 - ii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the General Manager.
 - iv. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136

377 does not contain sampling or analytical techniques for the pollutant in question, or
378 where the Administrator determines that the part 136 sampling and analytical
379 techniques are inappropriate for the pollutant in question, sampling and analysis
380 shall be performed by using validated analytical methods or any other applicable
381 sampling and analytical procedures, including procedures suggested by the
382 POTW or other parties, approved by the EPA.

383 v. The General Manager may allow the submission of a baseline report which
384 utilizes only historical data so long as the data provides information sufficient to
385 determine the need for industrial pretreatment measures.

386 vi. The baseline report shall indicate the time, date and place of sampling and
387 methods of analysis, and shall certify that such sampling and analysis is
388 representative of normal work cycles and expected pollutant discharges to the
389 POTW.

390 c. *Compliance Certification.* A statement, reviewed by the user's authorized
391 representative as defined in Section 38.02.701 and certified by a qualified
392 professional, indicating whether pretreatment standards are being met on a
393 consistent basis, and, if not, whether additional operation and maintenance
394 (O&M) and/or additional pretreatment is required to meet the pretreatment
395 standards and requirements.

396 d. *Compliance Schedule.* If additional pretreatment and/or O&M will be required to
397 meet the pretreatment standards, the shortest schedule by which the user will
398 provide such additional pretreatment and/or O&M must be provided. The
399 completion date in this schedule shall not be later than the compliance date
400 established for the applicable pretreatment standard. A compliance schedule
401 pursuant to this Section must meet the requirements set out in subsection 6
402 below.

403 e. *Signature and Report Certification.* All baseline monitoring reports must be
404 certified with the statement in Section 38.02.704.E.1. of this ordinance and signed
405 by an authorized representative as defined in Section 38.02.701.

406 6. *Compliance Schedule Progress Reports.* The following conditions shall apply to the
407 compliance schedule required by Section 38.02.704.E.5.d. of this ordinance:

408 a. *The schedule shall contain progress increments in the form of dates for the*
409 *commencement and completion of major events leading to the construction and*
410 *operation of additional pretreatment required for the user to meet the applicable*
411 *pretreatment standards (such events include, but are not limited to, hiring an*
412 *engineer, completing preliminary and final plans, executing contracts for major*
413 *components, commencing and completing construction, and beginning and*
414 *conducting routine operation);*

415 b. *No increment referred to above shall exceed nine (9) months;*

416 c. *The user shall submit a progress report to the General Manager no later than*
417 *fourteen (14) calendar days following each date in the schedule and the final date*
418 *of compliance including, as a minimum, whether or not it complied with the*
419 *increment of progress, the reason for any delay, and, if appropriate, the steps*
420 *being taken by the user to return to the established schedule; and*

421 d. *In no event shall more than nine (9) months elapse between such progress*
422 *reports to the General Manager.*

423 7. *Reports on Compliance with Categorical Pretreatment Standard Deadline.* Within
424 ninety (90) calendar days following the date for final compliance with applicable
425 categorical pretreatment standards, or in the case of a new source following

commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the General Manager a report containing the information described in paragraphs 5.a, 5.b, and 5.c. of this subsection. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified. All sampling will be done in conformance with Section 38.02.706.C.

- F. *Duration of permit.* All wastewater permits shall contain a statement of duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit shall be issued for a period of not less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modifications and change by the General Manager during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least ninety (90) calendar days prior to the effective date of change. Every user shall be allowed a comment period relating to any of the proposed changes in his or her permit and which shall be the first forty-five (45) calendar days of the ninety (90) calendar day period prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- ...
J. *Permit reissuance.* A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application a minimum of 120 calendar days prior to the expiration of the user's existing individual wastewater discharge permit.

Sec. 38.02.706. Compliance monitoring.

At all times and at his or her discretion, the General Manager shall have the power to take samples or require sampling of any user's discharge to the public sewers in accordance with the following:

- A. *Inspections.* The General Manager and other duly authorized employees of the County, bearing proper credentials and identification, shall be permitted to enter all premises at a reasonable hour for the purpose of inspection, observation, measurement, sampling and testing in accordance with this Division. The user shall not be held liable for any unsafe acts performed by the General Manager or his or her representative while on the user's premises, and any loss to the user as a direct result of any unsafe acts performed by the General Manager or his or her representative while on the user's premises shall be the responsibility of the General Manager. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager or his or her representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. *Sampling points.* ~~Samples shall be taken and flow measurements made, whenever possible, at a common manhole into which all flows from such premises are combined. Such manhole shall be constructed by the owner of such premises, at his~~

or her own expense, when directed by order of the General Manager. Whenever the installation of a common manhole is impossible or impractical, the owner of such premises shall construct and maintain at his or her own expense, in lieu of the common manhole, two (2) or more manholes as required by order of the General Manager for accurate measurement of all flows discharged from such premises into the sewer system; if no special manhole has been required, the control sample shall be taken at a point to be mutually selected by representatives of the General Manager and the user.

1. The General Manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

2. The General Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually or as otherwise agreed upon by the General Manager to ensure their accuracy.

3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be born by the user.

C. *Sample collection.* With the exception of samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds which must be obtained by grab collection techniques, the user must collect wastewater samples using twenty-four (24) hour flow-proportioned composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four hour (24) period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; and for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized as appropriate. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by paragraph 38.02.704.E.3, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

D. *Method of analysis.* ~~All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Division shall be determined in accordance with 40 CFR 136 to reflect the composition of the user's discharge to the public sewers.~~ All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the General Manager or other parties, approved by EPA. All analysis shall be conducted either using a lab certified by either a national or other state accreditation program or the lab must be able to provide documentation that sufficient quality control/quality assurance procedures are in place to ensure verifiable results. At such time the State implements a statewide laboratory accreditation program, then analysis shall be conducted using the requirements of that program.

- F. *Disputed constituent concentration.* If the constituent concentration of the wastes discharged from an industrial user to the POTW as determined under this Section is disputed by the IU, the following procedure shall be instituted:
1. Within five (5) business days of receipt of the analysis in question, the IU shall submit a request for review setting forth the nature of the dispute and reasons for the request.

- ...
- G. *Noncompliance notification.* If a discharge does not comply with any effluent limitations specified in this Division or within the industrial user's permit, the industrial user shall inform the County via telephone within twenty-four (24) hours of becoming aware of the violation and in writing within five (5) working business days of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results to the General Manager within thirty (30) calendar days of becoming aware of the violation. Resampling by the industrial user is not required if the County performs sampling at the user's facility at least once a month, or if the County performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the County receives the results of this sampling, or if the County has performed the sampling and analysis in lieu of the industrial user.

Sec. 38.02.708. Accidental discharges, slug, and spill notification.

- A. *Notification of discharge.* All users shall notify the General Manager within twenty-four (24) hours by telephone upon accidentally discharging wastes in violation of this Division, upon discharging wastes which exceed the prohibitions in 40 CFR Section 403(5)(b), including any slug loadings, or upon discharging wastes which could potentially harm the POTW to enable countermeasures to be taken to minimize damage to the public sewer, treatment facility, treatment processes and the receiving waters. Such notification shall be followed, within five (5) working business days of the date of occurrence, by a detailed written statement to the General Manager describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

- ...
- C. *Preventive measures.* All users shall notify the General Manager of any significant changes to the user's operations or system that may affect the potential for slug discharges at least ninety (90) calendar days before the change. The General Manager may require users to develop spill prevention plans where there is a potential for adverse input

573 **Sec. 38.02.709. Public notification.**

574 The General Manager shall annually publish in the newspapers(s) of general circulation
575 that provide meaningful public notice within the jurisdiction a list of the industrial users which
576 were in significant noncompliance with any pretreatment requirements or standards during the
577 previous calendar year. The notification shall also summarize any enforcement actions taken
578 against the users during the same twelve (12) months.

579
580 **Sec. 38.02.710. Confidentiality.**

581 Information and data on an industrial user from reports, questionnaires, permit
582 applications, permits and monitoring programs and from inspections shall be available to the
583 public or other governmental agency without restriction unless the user specifically requests
584 and is able to demonstrate to the satisfaction of the General Manager that the release would
585 divulge information, processes or methods of production entitled to protection as trade secrets
586 of the user. Any such request must be asserted at the time of submission of the information or
587 data. When requested and demonstrated by the user furnishing a report that such information
588 should be held confidential, the portions of a report which might disclose trade secrets or secret
589 processes shall not be made available for inspection by the public, but shall be made available
590 immediately upon request to governmental agencies for uses related to the NPDES program or
591 pretreatment program, and in enforcement proceedings involving the person furnishing the
592 report. Wastewater constituents and characteristics will not be recognized as confidential
593 information. The County shall make all records and files pertaining to permitted facilities
594 available to the U.S. Environmental Protection Agency and Delaware Department of Natural
595 Resources and Environmental Control, unless otherwise prohibited by law.

596
597 Section 2. *New Castle County Code* Chapter 38 (“Utilities”), Article 3 (“Prohibitions,
598 Enforcement, and Penalties”) is hereby amended by adding the material that is underlined and
599 deleting the material with strikethroughs, as set forth below:

600
601 **Sec. 38.03.002. Enforcement.**

602 ...

- 603
604
- 605 B. *Right of entry.* The General Manager of the Department of Public Works or his or her
606 representatives, or an authorized representative of the POTW, if not the County, may go
607 upon any land for the purpose of making surveys for sewers, sewer systems, sewage
608 disposal plants or pumping plants, or for rights-of-way or other property rights, or periodic
609 inspections and monitoring to determine compliance required for the sewers, sewer
610 systems, sewage disposal plants and pumping plants.
- 611 ...
- 612 C. *Notice of violation.* When the General Manager of the Department of Public Works has
613 reasonable cause to believe that any person has violated or is violating this Chapter or a
614 permit or an order issued under this Chapter, the General Manager of the Department of
615 Public Works or his or her agent may serve upon such person a written notice of violation.
616 Within ten (10) working business days of receipt of this notice, the person shall submit to
617 the General Manager of the Department of Public Works an explanation of the violation and
618 a plan for satisfactory correction and prevention of potential future violations, including
619 specific required actions. Submission of this plan shall not relieve the person of liability for
620 any violation occurring before or after the receipt of the notice of violation.

621
622 D. *Show cause hearing.* The General Manager of the Department of Public Works may order
623 any person who contributes to violation of this Chapter or permit or order issued under this
624 Chapter to show cause why a proposed enforcement action should not be taken. Notice
625 shall be served on the person specifying the time and place for the meeting, the proposed
626 enforcement action and the reasons for such action and requesting that the person show
627 cause why the proposed enforcement action should not be taken. The notice of the meeting
628 shall be served personally or by registered or certified mail, return receipt requested, at least
629 ten (10) ~~working~~ business days prior to the scheduled hearing, except in an emergency as
630 determined by the General Manager of the Department of Public Works. Such notice shall
631 be served to any ~~principal executive, general partner or corporate officer~~ authorized
632 representative. Whether or not a duly notified person appears as noticed, additional
633 enforcement action may be pursued.

634 ...
635 G. *Notification of proposed termination of service or revocation of discharge permit.*
636 ...

- 637
638 3. Continuing noncompliance. The General Manager may, upon thirty (30) calendar days'
639 notice to the permittee, revoke the permit and/or terminate service to the permittee
640 unless, at the expiration of such period, the General Manager is satisfied that the
641 permittee is making satisfactory progress to eliminate or correct the conditions which
642 caused such notice.

643 ...

644 **Sec. 38.03.004. - Means of appeal.**
645

646 A. Fines. Persons disputing fines shall send within ten (10) ~~working~~ business days of
647 receipt of notification of the fine a written request to the General Manager for
648 reconsideration. Where the General Manager believes the dispute has merit, he or she
649 shall convene a show cause hearing on the matter within thirty (30) working days of
650 receiving the request.

651
652 B. Appeals. Any person aggrieved by any decision, action or determination made by the
653 General Manager of the Department of Public Works interpreting or implementing this
654 Chapter or in any permit issued in this Chapter may file with the General Manager of
655 the Department of Public Works a written request for reconsideration within ten (10)
656 working business days of receipt of such decision, action or determination, setting forth
657 in detail the facts supporting the request for reconsideration. The General Manager of
658 the Department of Public Works decision, action or determination shall remain in effect
659 during such period of reconsideration. Any person or entity aggrieved by a decision of
660 the General Manager of the Department of ~~Special Services~~ Public Works may appeal
661 such decision in any manner provided by law.

662
663 Section 3. This Ordinance shall become effective upon passage by New Castle County
664 Council and approval of the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance revises Chapter 38 to reflect recent EPA approved changes to the Local Limits. As the County is a jurisdiction that contributes wastewater to the Wilmington Wastewater Treatment Plant (“WWTP”), the County must update Chapter 38 to reflect any revisions by EPA to the Local Limits that govern discharges from the WWTP. This Ordinance also updates certain other pretreatment provisions found in Chapter 38 to reflect EPA model language and best practices

FISCAL IMPACT: There will be no discernible fiscal impact from the passage of this Ordinance.

Grant Matrix

7/23/24

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
St. Daniel's Community Church of Iron Hill	\$1339/\$1339	Funds will be used to help complete their gate project and to replace vandalized church windows.	Yes/No	No	George
Safe United Neighborhood	\$2000/\$2000	Funds will be used to provide weekly events for the youth including summer activities/programs and to purchase supplies and food for those in need.	Yes/Yes	No	Hollins
Catalyst For Change, Inc./Girls with Pearls	\$2500/\$2500	Funds will be used for their 12 th Annual Girls with Pearls Gala.	Yes/Yes	No	Hollins
Duffy's Hope, Inc.	\$2500/\$	Funds will be used to support their 20 th Annual Celebrity Fundraiser Basketball game taking place 76ers Chase Field House.	Yes/Yes	No	Hartley-Nagle