

DNREC Sediment & Stormwater Listserve Update: July 2016

This month's topics:

1. **Regulatory Advisory Committee (RAC) Update**
2. **Legislative Actions Related to Title 7, Ch. 40**
3. **Blue Card Course Dates for 2016: September 15, December 8**
4. **CCR Recertification: October 5, 2016**
5. **Link of the Month: Functionally Equivalent Post-Construction Stormwater BMPs**

1. Regulatory Advisory Committee (RAC) Update

The Department is continuing the stakeholder and public input process in support of proposed revisions to both the Delaware Sediment & Stormwater Regulations as well as the Technical Document. The next full RAC meeting is scheduled for **Wednesday, July 13, 2016** from **1:00pm until 4:00pm** Tidewater Utilities Training Room, 1101 S. Little Creek Rd., Dover, DE 19901.

All RAC meetings are open to the public. To be included on the interested parties list to receive notification of upcoming meetings directly, please submit your contact information, including name and email address to elaine.webb@state.de.us.

2. Legislative Actions Related to Title 7, Ch. 40

The 148th General Assembly took several legislative actions related to **Title 7, Ch. 40** (the Delaware Sediment & Stormwater Law). The most significant of these was **Senate Bill 253**, signed into law by Gov. Markell on June 24, 2016, which includes the following provisions:

- Exempts residential land disturbing activity less than 1 acre from the stormwater management requirements of the regulations.
- Directs the Department to develop standard plans for Ag Structures that disturb 10 acres or less and precludes them from having to complete a detailed plan.
- Stormwater discharges into tidal areas/waters that are non-erosive are not subject to the quantity management provisions of the regulation, including volume reduction. They will continue to be subject to the water quality provisions.
- Allows alternative method to calculate the R_{Pv} volume based on 1" of runoff.
- Allows applicants to use the modified language or continue under the 2016 Emergency Regulations, at the discretion of the applicant.
- Allows applicants to use additional BMPs that are deemed to be functionally equivalent to the Post-Construction Stormwater BMP Standards & Specifications that were published with the 2016 Emergency Regulations.
- Extends the approval period for Sediment and Stormwater Plans from 3 years to 5 years.
- Extends the re-delegation period from 3 years to 5 years.

- Allows additional time for the RAC to thoroughly discuss all of the necessary amendments to the Sediment and Stormwater Regulations by eliminating the 180 day expiration of the Emergency Regulations.

As a result of SB 253, Secretary Small issued **Secretary's Order No. 2016-WS-0029**, available at the following link:

<http://www.dnrec.delaware.gov/Info/Documents/Secretarys-Order-No-2016-WS-0029.pdf>

The second legislative action was taken under **House Bill 194**, which exempts linear utility projects with a maximum disturbed width of 30 feet and maximum disturbed area of 1 acre from post-construction stormwater management requirements.

The Sediment & Stormwater Program is currently evaluating the implications of these legislative actions on the 2016 Emergency Regulations, supporting Technical Document and internal policies and procedures with the goal of providing more definitive guidance by the end of July. The Program will continue to use the Sediment & Stormwater Listserve as the main vehicle for disseminating such information.

3. Blue Card Course Dates for 2016: September 15, December 8

The next DNREC Contractor's Certification Course will be held on **September 15th**. One additional course is scheduled for **December 8th**. The Contractor's Certification Course, also known as the "Blue Card Course", is a ½-day course that gives an overview of the Sediment and Stormwater Program, its regulations, and required erosion and sediment control measures in the State of Delaware. Under the Delaware Sediment & Stormwater Regulations, at least one person in responsible charge of a construction site must have successfully completed the Contractor's Certification Course. **Registration forms are available on the Sediment & Stormwater Program website at the following link:**

<http://www.dnrec.delaware.gov/swc/Drainage/Pages/BlueCard.aspx>

4. CCR Recertification: October 5, 2016

Individuals who have a CCR Certification date that expires in 2016 are advised to hold the date of **October 5, 2016** for the 1-day CCR Recertification Course. CCRs needing to re-certify in 2016 will be notified directly with registration information in late August.

5. Link of the Month: Functionally Equivalent Post-Construction Stormwater BMPs

As noted in Item 2 above, one of the provisions included in the changes to **Title 7, Ch. 40** under **SB 253** is an allowance for applicants to use practices that are deemed to be "functionally equivalent" to the Post-Construction Stormwater BMP Standards & Specifications that were published with the April 2016 Emergency Regulations. Those practices that have been vetted through the Regulatory Advisory Committee and proposed for adoption have already been determined to meet the functional equivalency criteria. The Sediment & Stormwater Program will maintain a list of the functionally equivalent practices at the following link while the RAC continues to meet and finalize their recommendations for formal revisions to the Sediment & Stormwater Regulations and Technical Document:

<http://www.dnrec.delaware.gov/swc/Pages/Functional-Equivalents.aspx>