

Sediment and Stormwater Regulatory Advisory Committee  
 Meeting Notes  
 March 2, 2016

RAC Members in Attendance

First	Last	Affiliation
Chuck	Adams	Delaware Assn of Surveyors
Dirk	Durstein	Dept. of Justice
LaTonya	Gilliam	DelDOT
Doug	Hokuf	New Castle County
Bobby	Horsey	David G. Horsey & Sons
Bruce	Jones	ACEC - DE
Frank	Kea	Secretary Designee - Land Development Consultant
Sarah	Keifer	Kent County
Lew	Killmer	League of Local Governments
Phil	McGinnis	Delaware Association of Realtors
Hans	Medlarz	Sussex County
Frank	Piorko	DNREC Secretary's Office
Preston	Schell	Secretary Designee - Land Developer
Kristen	Travers	Delaware Nature Society
Jessica	Watson	Delaware Assn of Conservation Districts

Interested Parties in Attendance

First	Last	Affiliation
Ted	Bobola	Bobola Farms
David	Cahill	Kent Conservation District
Tom	Coleman	City of Newark
Joe	Csoltko	Formation Geosciences
Tom	deLorimier	Artesian Water
Laf	Erickson	Atlantic Resource Management, Inc.
Tom	Ford	Land Design, Inc.
Leah	Gaffney	Black + Veatch / CoW
Huddy	Grandy	City of Wilmington
Harvey	Kenton	House of Representatives
Dean	Holden	Becker Morgan Group
Kitty	Holtz	Delaware Farm Bureau
Scott	Kidner	WRA
Ring	Lardner	Davis, Bowen & Friedel, Inc.
Stacy	McNatt	New Castle County Special Services
Valerie	Thompson	Sussex Conservation District
Robert	Tunnell	Tunnell Co.
Dwight	Walters	Duffield

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DNREC Staff Members in Attendance

First	Last	Affiliation
Randy	Greer	DNREC
Jamie	Rutherford	DNREC
David	Small	DNREC Secretary
Elaine	Webb	DNREC
Stephen	Wright	DNREC

Meeting was called to order at 1:10pm. Introductions were made for all in attendance. Subcommittee reports were provided.

Jessica Watson provided a report on the ad hoc group of the Policies and Procedures Subcommittee made up of Frank Kea, Alex Schmidt, Jared Adkins and Jessica Watson that looked at simplifying the SAS submittal and project application meeting step. The group recommends eliminating the SAR except for sites that may be pursuing compliance through the unit discharge approach. The talking points from the SAR would be retained for discussion during the project application meeting. Rather than using the project application meeting discussion and agreement items, the consultant would be responsible for preparing meeting minutes following the meeting.

Dean Holden provided a report from the Technical Subcommittee meetings. A non-DURMM computational approach has been proposed for surface recharge practices. Dean Holden committed to working with DNREC on changes to the Technical Document to incorporate this approach. Other topics brought forth by the Technical Subcommittee included a BMP for sites with high water table that could be given R<sub>Pv</sub> credit, an ephemeral wet pond with extended detention. Finally, alternative compliance for sites having a tidal discharge was discussed.

Frank Piorko gave a report on the Urban Considerations Subcommittee meeting. Representatives from the Cities of Wilmington, Newark, Dover, and Seaford attended the meeting and provided feedback regarding the MS4 permit obligations, how the current redevelopment approach may be a dis-incentive to redevelopment, and the need for a redevelopment / urban standard plan.

Full RAC committee discussed how subcommittee recommendations will become RAC recommendations, including the timeline for changes to the Technical document and regulations. DNREC's legal counsel, Dirk Durstein, stated that oral arguments in the Supreme Court have been scheduled for April 13, and ultimately the Supreme Court decision will tell us more about how to change the Technical Document. The committee will get to a draft of the Regulations and/or Technical Document changes and then wait to see what the Court says.

Secretary Small said that DNREC is willing to take the time needed to come as close to consensus among the RAC members as possible as long as the RAC members are willing to continue to meet and work

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through changes. DNREC is considering contracting with a 3<sup>rd</sup> party to serve as a facilitator in this RAC – Reg/Tech Doc Revision process.

The focus of the RAC meeting was redevelopment. Dean Holden introduced a redevelopment proposal developed in conjunction with RAC members Jeff Bross and Mike Riemann who were not in attendance at the meeting. The proposal contains different criteria for redevelopment of parcels that had previously been developed prior to stormwater regulation or project that have existing stormwater management. There is a lot of uncertainty in Brownfield development which extends the timeline for plan design, review and approval which needs to be improved. A 30% reduction in effective impervious is challenging on sites of less than one acre.

At the close of the meeting it was decided that the three proposals reviewed during the meeting: (1) SAS process improvement, (2) alternative computational approach, and (3) redevelopment proposal would be distributed to the RAC members and interested parties for review. Comments on the proposals should be directed to Elaine Webb for compilation and DNREC will make a proposed modification to regulatory and/or Technical Document language, through the 3<sup>rd</sup> party contractor, for review at the next RAC meeting. Frank Piorko suggested the next big issue for the RAC to consider is the Rpv.

The next RAC meeting will be scheduled for the afternoon of April 6, 2016 with the location to be determined.

Following public comment on poultry house construction, meeting adjourned at 3:45pm.