

Sediment and Stormwater Regulatory Advisory Committee
 Meeting Notes
 4/6/16

RAC Members in attendance:

First	Last	Affiliation
Dirk	Durstein	Dept. of Justice
LaTonya	Gilliam	DeIDOT
Doug	Hokuf	New Castle County
Connie	Holland	Office of State Planning Coordination
Bobby	Horse	David G. Horse & Sons
Bruce	Jones	ACEC - DE
Frank	Kea	Secretary Designee - Land Development Consultant
Lew	Killmer	League of Local Governments
Phil	McGinnis	Delaware Association of Realtors
Hans	Medlarz	Sussex County
Michael	Riemann	Homebuilders Assn of Delaware
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
Jared	Adkins	Kent Conservation District
David	Athey	AECOM
David	Cahill	Kent Conservation District
Vince	Davis	DeIDOT
Jim	Elliott	Sussex Conservation District
Ron	Gray	State Rep 38th District
Grant	Gregor	Merestone Consultants
Roger	Gross	Merestone Consultants
Dean	Holden	Becker Morgan Group
Roger	Jones	
Harvey	Kenton	House of Representatives
Scott	Kidner	WRA
Stacy	McNatt	New Castle County Special Services
Shane	Minner	Blenheim Management Company
Trey	Paradee	DE House of Representatives
Alex	Schmidt	Century Engineering
Valerie	Thompson	Sussex Conservation District
Robert	Tunnell	Tunnell Co.
Stephen	Wright	DNREC

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Staff Members in attendance:

First	Last	Affiliation
Mike	Falkowski	DNREC
Randy	Greer	DNREC
Robert	Palmer	DNREC
Jamie	Rutherford	DNREC
David	Small	DNREC Secretary
Elaine	Webb	DNREC

The meeting was called to order at 1:10pm by Bob Palmer. The agenda was approved by vote of the RAC members.

Secretary Small provided remarks:

- A contract with Dean Holden, P.E. of Becker Morgan Group is being finalized to have him assist with technical issues, but not limited to technical issues. David Athey, P.E. of AECOM was introduced as a 3rd party facilitator.
- DNREC is willing to look at alternatives to compliance with the resource protection event when those alternatives do not burden downstream areas or have an adverse effect on water quality.
- House Joint Resolution 11 has been introduced but has not gone to committee or vote. DNREC believes HJR11 will move forward and the General Assembly will expect a report of the RAC by June 1, which is not a lot of time. The RAC discussed and believes a report on progress can be accomplished by June 1 but a final set of changes to the regulations and technical document should not be brought forward until they can be completely vetted with RAC members' constituency.
- The Senators Hocker and Lawson letter was discussed. DNREC has concerns with a 10-acre threshold for agricultural structures to be constructed under standard plan requirements because that amount of disturbance and associated impervious without designed stormwater management could have an effect on adjacent properties. The same holds true for some 1-acre development projects. A sliding scale based on curve number was discussed. Sec. Small indicated that the points of the Senators' letter should be addressed in the June 1 report to the General Assembly.

Elaine Webb provided an overview of the proposals from the March 2, 2016 RAC meeting and the comments received following the meeting. Comments on the plan review process and technical subcommittee recommendations will be considered and a proposal brought to the RAC at the next meeting. There has been a recommendation to lower the effective imperviousness reduction from 30% to 15% for redevelopment projects. It was questioned whether anyone had looked at the impact of 15% reduction. Others have suggested 0% effective impervious reduction for redevelopment. It was suggested that any impervious reduction exceeding 15% be considered as a credit in an offset program.

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Much redevelopment discussion centered on the possibility of varying requirements for redevelopment of projects that had been developed prior to stormwater management requirements than those that had been developed with stormwater management requirements. The redevelopment proposal was intended to prevent the need for runoff calculations, limit the cost associated with running those computations, and provide predictability.

Randy Greer provided an overview of how the Resource Protection Event (RPv) requirements were developed. The RAC members decided that the forum to further the discussion of the RPv was in the Technical Subcommittee. That group will also look at volume reduction.

David Athey led the discussion on the next steps for the RAC. RPv, alternate BMPs, offsets and fee-in-lieu, and economic impacts are major discussion items that remain. The report that will be a product of RAC discussions will be authored by David Athey with Dean Holden providing technical support. It was recommended that any proposed regulatory and technical document changes be sent out to RAC members at least three days in advance of the meeting to allow members time to review and respond with comments.

Connie Holland suggested charrettes to look at projects from all areas of the state and Secretary Small stated that consultants were hired prior to promulgation of the regulations to do just that, but that perhaps we need to expand upon those design examples. Rep. Gray requested that the RAC come back with common sense solutions to allow development to continue.

DelDOT provided comments that their agency's concern with the Sediment and Stormwater Regulations, in addition to their responsibilities as a delegated agency and MS4 permittee, is based on future impact to their roadway infrastructure as a result of watershed development.

Following discussion on when to have future Technical Subcommittee meetings, it was decided that David Athey would send out a link to a Doodle poll to the Technical subcommittee members in an attempt to schedule two meetings before the next RAC meeting. Upcoming RAC meetings have been scheduled for May 4, 2016, May 18, 2016, and June 1, 2016 and those dates will be emailed to RAC members.

Following no public comment the meeting was adjourned at 3:45pm.