

Sediment and Stormwater Regulatory Advisory Committee
 Meeting Notes, Page 1
 8/3/16 Tidewater Utilities

RAC Members in attendance:

SAN 2015		
First	Last	Affiliation
Dirk	Durstein	Dept. of Justice
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
Hans	Medlarz	Sussex County
Paul	Morrill	Committee of 100
Robert	Palmer	DNREC
Michael	Riemann	Homebuilders Assn of Delaware
Kristen	Travers	Delaware Nature Society

Interested Parties in attendance:

SAN 2015		
First	Last	Affiliation
Jared	Adkins	Kent Conservation District
David	Cahill	Kent Conservation District
Jacob	Dorman	Contech Engineered Solutions
Jim	Elliott	Sussex Conservation District
Sally	Ford	Land Design Inc.
Scott	Kidner	WRA
Chris	Pfeifer	GMB
Alison	Quimby	City of Wilmington - Public Works
Valerie	Thompson	Sussex Conservation District
Robert	Tunnell	Tunnell Co.
Jennifer	Walls	DNREC Watershed Stewardship

Staff Members in attendance:

SAN 2015		
First	Last	Affiliation
David	Athey	AECOM
Mike	Falkowski	DNREC
Randy	Greer	DNREC
Jamie	Rutherford	DNREC
David	Small	DNREC Secretary
Matt	Watkins	DNREC
Elaine	Webb	DNREC
Stephen	Wright	DNREC

The meeting was called to order at 1:05pm by Bob Palmer. The agenda was approved by the RAC members. Bob Palmer provided an update on SB253 and HB194.

Randy Greer provided an overview of the proposed residential standard plan and also presented proposed changes provided by Doug Hokuf and New Castle County. RAC members concurred on the version of the residential standard plan for disturbances of less than 1 acre as presented with the changes proposed by New Castle County. Dirk Durstein stated that this version of the standard plan could not be considered "effective" until it has been promulgated as a regulation; however, this standard plan is considered to be an interim measure that is being adopted to address compliance with SB253 so once finalized it can be used prior to being "effective".

The residential standard plan for disturbances of greater than 1 acre was presented along with proposed changes from New Castle County. There was discussion regarding the applicability criteria for maximum impervious. It is confusing that the impervious threshold is based upon lot size rather than disturbance and was suggested that the impervious threshold for lots from 1.0 to 2.0 acres in size be increased from 7,500sf to 15,000sf or 20,000sf. Additionally, the special conditions for forest clearing were discussed as being too restrictive on the forest retention numbers. Staff will further investigate the thresholds in the residential standard plan for disturbances greater than 1 acre and present at the next RAC meeting.

The revision to the minor linear utility disturbances standard plan addressing HB194 was reviewed. The proposed changes have been forwarded to one utility company and they have questioned the "pre-construction hydrologic condition" as it relates to clearing of wooded areas. The proposed revisions will be forwarded to other utilities and Bobby Horsey suggested it be sent to DEMAP for the proposed major overhead power project in Sussex County. Randy Greer also showed the proposed changes to the sidewalk and trail standard plan as proposed by Stacy McNatt of New Castle County Dept. of Special Services.

An update on the simplified approach to poultry house construction plans was provided. Staff has pre-calculated the sizing of the forebay and detention basin for poultry house sites to expedite plan design and approvals. DNREC is producing a set of charts and a standardized layout plan for each county and will share with the three conservation districts to get feedback prior to meeting with the Poultry Workgroup.

There was no update on road widening. It was discussed that Ring Lardner with DBF and Steve Sisson with DelDOT were going to set up a separate meeting for this topic and neither were in attendance at the meeting to report. DNREC staff will follow up and keep this item on the agenda for the next RAC meeting.

Grandfathering of lots included in an overall stormwater design such as a business or industrial park was discussed. According to the delegated agencies the majority of the regional stormwater management facilities in these cases are large wet ponds. Some jurisdictions have been requiring on-lot management

for water quality. The question is to what standard the lot needs to be designed for water quality. In addition, it was suggested that the grandfathering date of 2019 be extended, and potentially using a threshold such as >50% improvements would need to do a design to meet current stormwater management requirements. These policy issues will continue to be discussed by the RAC and if there are standards to be discussed the Technical subcommittee will be the forum.

Decoupling of water quality requirements affects all other aspects of the discussions. The RAC was asked to clarify the water quality objective and define treatment. SB253 says only the first inch of runoff needs to be treated with the BMPs in the Standards and Specifications or functional equivalents. Whether accomplished through the Sediment and Stormwater Regulations as recommended by the RAC or not, the Department will still be charged with meeting TMDLs. Extended detention wet ponds meet the channel protection portion of the RPv but only can get a maximum of 30% credit for nutrient reductions. Maryland allows wet ponds to meet the channel protection requirements but wet ponds do not meet water quality/TMDL goals. New loads that do not meet TMDLs will need to be offset. There is support among RAC members to allow 100% offset for water quality when it makes sense such as in highly urbanized areas. Bob Palmer suggested that this discussion continue so that a way to comply with TMDLs within the urban sector is developed. A challenging site should be evaluated as a test case to see if it complies with TMDLs.

With no resolution to the decoupling discussion, the meeting concluded at 4:09pm. The next RAC meeting will be September 7, 2016, from 1-4pm at the Tidewater Utilities Training Room.