

Sediment and Stormwater Regulatory Advisory Committee
 Meeting Notes, Page 1
 10/12/16 Tidewater Utilities

RAC Members in attendance:

SAN 2015		
First	Last	Affiliation
Jeff	Bross	Water Infrastructure Advisory Council
LaTonya	Gilliam	DeIDOT
Doug	Hokuf	New Castle County
Bobby	Horsey	David G. Horsey & Sons
Bruce	Jones	ACEC - DE
Sarah	Keifer	Kent County
Phil	McGinnis	Delaware Association of Realtors
Paul	Morrill	Committee of 100
Robert	Palmer	DNREC
Jessica	Watson	Delaware Assn of Conservation Districts

Interested Parties in attendance:

SAN 2015		
First	Last	Affiliation
Jared	Adkins	Kent Conservation District
David	Cahill	Kent Conservation District
Zac	Crouch	Davis, Bowen & Friedel, Inc.
Sally	Ford	Land Design Inc.
Pat	Gleason	EPA
Adam	Gould	Artesian Water
Kitty	Holtz	Delaware Farm Bureau
Harvey	Kenton	House of Representatives
Daniel	Konstanski	Artesian Water
Alison	Quimby	City of Wilmington - Public Works
Amy	Reed	Landmark Science & Engineering
Ethan	Robinson	City of Newark
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
Matt	Watkins	DNREC
Elaine	Webb	DNREC

The meeting was called to order at 1:10pm by Acting Division Director Bob Palmer.

In the Division Director comments, Bob Palmer shared that in Dirk Durstein's legal review of the redevelopment proposal, there is no option to pursue implementation of the redevelopment proposal other than a regulatory change. Redevelopment proposals could be reviewed on a case-by-case basis using a variance process. Alternately, a legislative action could be proposed. The delegated agencies could review to the standards of the redevelopment proposal and just not approve the Sediment and Stormwater plan until such time that the regulatory revision has taken place, but everyone would need to understand the risk in taking that approach.

The 10/19/16 Offset Subcommittee meeting will be postponed until early November 2016 when Jen Walls and Bob Palmer will lead a larger group in the offset discussion that extends beyond just the Sediment and Stormwater Program.

The RAC members concurred on the Residential Standard Plan for disturbances less than 1.0ac. Concurrence was reached on the criteria and conditions and the application form. On the Residential Standard Plan for disturbances greater than 1.0ac, the term "single family" was added back into the definition of residential construction along with including "accessory dwelling units". The term "on any individual lot" was added to applicability criteria item 3. Condition 2 was revised to list disconnection types as examples. Changes were made on the screen at the meeting and RAC members in attendance concurred with the changes. The application form for Residential Standard Plan >1.0 ac disturbed will be updated to reflect the changed criteria and conditions and sent out to RAC members as final.

In discussions regarding the Minor Linear Utility Disturbances Standard Plan, the condition regarding directional drilling will be broadened to state that disturbances in sensitive areas will be in accordance with local, state and federal requirements. Widening the disturbance width to 40 feet to address New Castle County's easement width requirement was discussed, including the 24-foot forestry lane requirement that the County has with the easement. Restoration to "stabilized" versus a "pre hydrologic condition" was discussed. It was suggested that restoration be to a "meadow" condition

regardless of the pre-development condition. DNREC will revise the draft standard plan based on discussion items and further input from Artesian and New Castle County and the new draft will be sent out to RAC members.

DelDOT cannot support a standard plan for road widening activities because it will put the DelDOT MS4 permit in jeopardy. It was noted that a standard plan for road widening is still needed for subdivision streets in Sussex County.

DNREC reviewed proposals for revisions to the sunset and grandfathering language in the regulations and technical document. RAC members concurred on a sunset date 5 years from the promulgation date of revised regulations for plans approved under pre-2014 regulations that had not commenced construction. This will result in changes to Section 1.3 of the regulations and Article 2.02 in the Technical Document. Article 2.02 and 2.02.1 of the Technical Document will be revised to clarify that individual pad sites within master planned projects which included those future building pad sites where the regional SWM facility is completed and is confirmed to function properly will not sunset.

RAC members concurred to delete section 3.5.6 regarding review of plans submitted to comply with previous regulations since this condition no longer exists. Technical Document Article 2.02 will be revised to reflect this deletion as well.

In the technical document article 2.02.1 "Scenarios for Plans Approved Under Previous Regulations", re-approval of a plan that had complied with previous regulations through implementation of a 24-hour detention wet pond was discussed. Prior to SB253 and 48-hour wet ponds being considered a functionally equivalent method for compliance with Rpv, a plan containing a wet pond with no green technology BMPs would not be recommended for approval through the variance process. Now a 24-hour detention wet pond may be able to be converted to a 48-hour wet pond and achieve compliance. It was discussed that a policy for review and approval of such plans should be developed to ensure consistent review statewide.

Options for the pre development baseline for review were discussed. RAC members suggested looking at other jurisdictions that use an assumed land use condition as baseline. This item will be researched by staff and more discussion will take place at the November RAC meeting.

In upcoming RAC meetings road widening in Sussex County will be discussed along with the baseline pre development condition. The task list chart will be updated and sent out to RAC members prior to the next RAC meeting. Upcoming Technical Subcommittee meetings are scheduled for 10/26/16, 11/16/16 and 11/30/16. Upcoming RAC meetings are scheduled for 11/9/16 and 12/14/16. The Offset subcommittee meeting will be scheduled for early November 2016.

The meeting concluded at 3:30pm.