

Language as concurred by RAC at June 1, 2016 RAC meeting. Submitted to Register but pulled prior to publication due to SB253.

5.6 Redevelopment Criteria

5.6.1 The Department recognizes the benefits of redevelopment. The requirements under this section are intended to encourage redevelopment while establishing compliance criteria that meet the overall goals and intent of these regulations.

5.6.2 In the case of development of a contaminated ~~site~~ or Brownfield site, a remediation plan approved by the Department may meet the stormwater management goals and the intent of these regulations with prior consent and subsequent approval by the Department. Compliance with the Resource Protection Event as defined in 5.2 shall be accomplished to the maximum extent practicable for development of a contaminated or Brownfield site in instances where the Site Investigation and Remediation Section (SIRS) does not apply infiltration restrictions.

5.6.2.1 Redevelopment of a contaminated or Brownfield site resulting in a reduction of impervious surface where no known drainage issues exist or will be created shall be considered in compliance with these Regulations.

5.6.2.2 Redevelopment of a contaminated or Brownfield site resulting in an increase in impervious surface where no known drainage issues exist or will be created shall employ runoff reduction practices to achieve compliance with the R_{Pv} with a 30% reduction in the required volume of runoff to be treated.

5.6.3 Compliance with the Resource Protection Event as defined in 5.2.2 shall be accomplished to the maximum extent practicable for redevelopment projects through the following provisions:

~~5.6.3.1 Runoff from redeveloped areas within the project limit of disturbance that were wooded or meadow in the existing condition shall be reduced to an equivalent wooded condition using runoff reduction practices.~~

~~5.6.3.2 All remaining redeveloped areas within the project limit of disturbance shall employ runoff reduction practices to achieve a 30% reduction in the effective imperviousness based on the existing condition. For those cases in which the minimum runoff reduction requirements are not met:~~

~~5.6.3.2.1 The allowable discharge for any remaining runoff shall not exceed the equivalent 24-hr detention time of the R_{Pv}, and~~

~~5.6.3.2.2 An offset shall be provided for any portion of the R_{Pv} that does not meet the minimum runoff reduction requirements.~~

~~5.6.3.3 Additional water quality treatment BMPs may be provided if the runoff reduction requirements of this section are not sufficient to meet Total Maximum Daily Load (TMDL) requirements for the receiving water. Pollutant reductions achieved through the use of these treatment BMPs may be used to partially reduce a runoff reduction offset requirement provided in accordance with Section 5.6.3.2.2 above.~~

5.6.3.1 Redevelopment resulting in less than one acre of disturbed area shall adhere to Section 3.7 of these Regulations. Projects that cannot adhere to Section 3.7 shall comply with the applicable sections of 5.6.3.2 or 5.6.3.3.

5.6.3.2 Redevelopment on sites with stormwater management systems designed and functioning in accordance with the Delaware Sediment and Stormwater Regulations first promulgated on January 23, 1991:

5.6.3.2.1 Redevelopment resulting in a reduction of impervious surface where no known drainage issues exist or will be created and there are no outstanding stormwater-related maintenance issues to be resolved or addressed shall be considered in compliance with these Regulations.

5.6.3.2.2 Redevelopment resulting in an increase in impervious surface where no known drainage issues exist or will be created shall employ runoff reduction practices to achieve an equivalent open space in good condition for the increased impervious surface.

5.6.3.3 Redevelopment on sites without stormwater management systems designed and functioning in accordance with the Delaware Sediment and Stormwater Regulations first promulgated on January 23, 1991:

5.6.3.3.1 Redevelopment resulting in a reduction of 15% or greater in impervious surface shall be considered in compliance with these Regulations.

5.6.3.3.2 Redevelopment resulting in a reduction of less than 15% impervious surface where no known drainage issues exist or will be created shall employ runoff reduction practices to achieve an equivalent 15% reduction in effective imperviousness.

5.6.3.3.3 Redevelopment resulting in an increase in impervious surface shall employ runoff reduction practices to achieve an equivalent 15% reduction in effective imperviousness for existing impervious areas and an equivalent open space in good condition for an area equivalent to the increase in impervious surface.

5.6.4 For those cases in which the minimum runoff reduction requirements are not met an offset in accordance with Section 1.7 shall be provided for the portion of the Rpv that does not meet the minimum runoff reduction requirements in accordance with Section 5.2.3.2 and 5.2.3.3.

5.6.45 Any redevelopment project that increases the rate, volume or duration of flow to a new or existing point of discharge during the Conveyance Event shall comply with the requirements of Section 5.3.

5.6.56 Any redevelopment project that increases the rate, volume or duration of flow to a new or existing point of discharge during the Flooding Event shall comply with the requirements of Section 5.4.