

SAN 2015		
First	Last	Affiliation
Jared	Adkins	Kent Conservation District
David	Athey	AECOM
Zac	Crouch	ACEC
Terry	Deputy	Division of Watershed Stewardship
Steven	Fortunato	Becker Morgan Group
Bobby	Horse	David G. Horse & Sons
Phil	McGinnis	Delaware Association of Realtors
Hans	Medlarz	Sussex County
Robert	Palmer	DNREC
Jamie	Rutherford	DNREC
Elaine	Webb	DNREC

The meeting was called to order at 9:05 am by Bob Palmer. Attendance at the meeting was low due to winter weather conditions. The need for a quorum to continue was discussed; the RAC is an advisory committee and a quorum is not needed. The RAC members in attendance were Phil McGinnis, Bobby Horse, Hans Medlarz and Zac Crouch. They were joined by Steve Fortunato sitting in for Mike Riemann representing HBA-DE and Jared Adkins sitting in for Jessica Watson representing DACD.

The redevelopment legislation was discussed. A bill sponsored by Sen. Hocker is expected to be introduced this session. DNREC has reviewed the proposed bill and offered comments. Sen. Hocker is expected to meet with Sec. Garvin the week of March 26, 2018. The sponsors want the redevelopment legislation to include the three scenarios discussed by the RAC in 2016: (1) brownfield redevelopment, (2) redevelopment of sites approved prior to 1991 without stormwater management, and (3) redevelopment of sites approved after 1991 with stormwater management. Given the timing, Hans Medlarz questioned if it made sense to pull redevelopment out separately from the regulation revisions. Bobby Horse commented that the APA piece of the proposed redevelopment legislation was a critical piece of the bill and that there would be constituent pressure to include the APA piece within the bill to allow flexibility in implementation of the E&S Handbook and other guidance.

The summary checklist was reviewed. Some of the remaining items on the checklist have been included on the RAC agenda for further discussion. Bobby Horse stated that modification to the SAS checklist was necessary to include a requirement/request to show surrounding wells in the SAS. This item should be included on the summary checklist. DNREC will clean up the summary checklist prior to the April RAC meeting.

The baseline regulation for the RFA/RIS analysis was discussed. Bob Palmer stated that the baseline for the RFA/RIS is the 2014 regulations. Bobby Horsey stated that he thinks we should be looking at 2006. The previous RFA/RIS document recognized both the 2006 regulations and the 2014 regulations.

Due to the potential redevelopment legislation, DNREC is considering moving the proposed regulation publication date from July 1, 2018 to August 1, 2018. The RAC timeline will remain the same, but pushing back the publication date will allow DNREC to avoid withdrawing the regulations for revisions in response to any proposed legislation that may occur after June 15, 2018.

Hans Medlarz asked a question about implementation of Offsets as agreed upon by the RAC at the February RAC meeting. Offsets are in the current emergency regulations under 1.7 and included in the Technical Document and that would allow Sussex County to move forward with an offset district proposal but the 5101 Section 13 offset language would not be effective until the regulations had completed the public process with the expected effective date in January 2019. This led to a discussion of functional equivalencies and what is allowed to be effective at this time and what must wait until the effective date of January 2019. DNREC agreed to discuss internally and present the Department's position about what is effective when and the interim between publication and effective date at the April RAC meeting. Bobby Horsey suggested that a letter go out to all interested parties following the April RAC meeting discussion describing the functional equivalents. It was stated that Dirk Durstein needs to be at the April RAC meeting for this discussion. Jared Adkins asked on behalf of the delegated agencies that an official policy be prepared.

Bobby Horsey presented the recommendations of the Technical Subcommittee. The RAC concurred with the proposed 5101 language for Sheet Flow and Rooftop Disconnection. An update on the Setback section was provided. The Department is waiting for the constituent monitoring component to complete this appendix. The Setback 5101 language will be brought to the RAC for concurrence once the constituent monitoring section has been addressed.

An edited version of 5101 Section 1 was reviewed by DNREC. There has been previous discussion at the RAC level about grandfathering of regional stormwater management facilities. DNREC will look at the edits to Technical Document article 2.02 and pull the applicable language into Section 1.3.2.1 of the regulations to address this condition. Baseline mapping and inclusion of the 2012 baseline date was discussed for inclusion in Section 1 as well. RAC decided to table concurrence on this section until after the legislation and once the above have been addressed.

An edited version of 5101 Section 3 was reviewed by DNREC. There were some discussions on the plan checklist notes that have been included in 3.4.1 with no changes to that section proposed. The Standard Plan section for non-residential construction less than one acre disturbed (3.7.13.1.3.2) should have 2007 changed to 2012. The RAC concurred with 5101 Section 3 contingent on the change to 3.7.13.1.3.2.

An edited version of 5101 Section 4 was reviewed by DNREC. All changes shown were accepted by the RAC members however DNREC needs to look at Tech Doc Article 3.03 to confirm if anything from that article should be reflected in 5101 Section 4. Section 4 will be brought back to the RAC meeting in April for concurrence.

Other items discussed included having a separate meeting for review of 5101 Section 5. DNREC will prepare an edited draft of Section 5 for distribution prior to the scheduled April 12, 2018 meeting date. For the plan review checklists Jared Adkins suggested that a generic statement about plan legibility and minimal components be included in the regulatory language. This would likely be located in Section 3 of 5101, which gained concurrence earlier in the meeting. Bobby Horsey expressed concerns about operation and maintenance items from the specs being included on Operation and Maintenance Plans directly as written in the specs. The feeling is that the tables in the specs should be guidance and more flexible. The tables in the specs are not currently bold but this item will be added to the next Technical Subcommittee meeting agenda.

Additional items to be discussed and finalized at future RAC meetings include preamble language and RFA/RIS. DNREC will discuss the preamble language with Dirk Durstein and DNREC will redistribute the RFA/RIS to RAC members for discussion at the April RAC meeting.

Prior to the next RAC meeting DNREC will discuss internally the functional equivalency process and interim policy as well as the E&S Handbook and provide recommendations to the RAC at the April meeting. Additional agenda items for the April 25, 2018 RAC meeting are expected to include setbacks, detention practices, constructed wetlands, 5101 Sections 1 and 4, RFA/RIS, and preamble language. Secretary Garvin will be invited to attend the April RAC meeting.

The meeting adjourned at 12:00pm.