

**Performance Criteria for Construction Site Stormwater Management**

- 4.1 ~~The Technical Document may be utilized as a reference for the design and preparation of construction site stormwater management plans. Alternative measures that provide functional equivalency may be considered on a case-by-case basis in accordance with Section 1.14 of these Regulations.~~ All construction site stormwater management practices shall be consistent with the current version of the Delaware Erosion and Sediment Control (ESC) Handbook. A proposal to use temporary control measures that are not included in the current version of the Delaware ESC Handbook shall be submitted to the Department for approval. The proposal shall be accompanied by supporting documentation as necessary to determine appropriateness of the proposed temporary control measure for the proposed use.
- 4.2 A sequence of construction shall be provided on plans describing the relationship between the implementation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction.
- 4.3 Best available technology (BAT) shall be employed to manage turbid discharges in accordance with requirements of 7 Del.C. Ch. 60, ~~Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities, and Department policies, procedures, and guidance and the current Delaware Construction General Permit (CGP).~~
- 4.4 Limits on Land Disturbance
  - 4.4.1 Use of standard details from the Delaware Erosion and Sediment Control Handbook for design of construction site stormwater management BMPs is limited to sites where no more than 20 acres draining to a common discharge point will be disturbed at one time. Grading of subsequent sections within that drainage area shall not proceed unless temporary or permanent stabilization has been accomplished such that the 20 acre limit of disturbance is maintained
  - 4.4.2 Construction site stormwater management BMPs intended to manage areas greater than 20 acres shall have supporting design computations, including but not limited to storage, conveyance, stability, and treatment capabilities based on the 2-year storm event with bare earth conditions.
    - 4.4.2.1 Conveyance measures shall be designed to have adequate capacity for conveyance of flow in a non-erosive manner.
    - 4.4.1.1 ~~Storage practices shall be designed to adequately contain the volume of the design storm event.~~
    - 4.4.1.2 ~~4.4.2.2 In no case shall the area of disturbance draining to a common discharge point exceed 20 acres. Grading of subsequent sections within that drainage area shall not proceed unless temporary or permanent stabilization has been accomplished such that the 20 acre limit of disturbance is maintained.~~
  - 4.4.3 All plans shall include a limit of disturbance line (L.O.D.) establishing the maximum necessary extent of land disturbance required to implement and accomplish the permitted site construction for land disturbing activities subject to these Regulations.
- 4.5 Stabilization
  - 4.5.1 Following soil disturbance or re-disturbance, Permanent or Temporary Stabilization shall be completed for perimeter sediment controls, topsoil stockpiles, and all other disturbed or graded areas on the project site within 14 calendar days unless more restrictive Federal requirements apply.
  - 4.5.2 Documentation of soil testing and materials used for temporary or permanent stabilization including but not limited to soil test results, seed tags, soil amendment tags, etc. shall be provided to the Department or Delegated Agency to verify that

the permanent or temporary stabilization has been completed in accordance with the approved plan.

- 4.5.3 The Department or Delegated Agency may require additional soil testing and reapplication of permanent or temporary stabilization in accordance with the specifications in the Delaware Erosion and Sediment Control Handbook, or alternative measures that provide functional equivalency.
- 4.5.4 Release of either a financial guarantee or issuance of Notice of Completion or both shall not occur until final stabilization of exposed areas is achieved.