

In attendance:

SAN 2015			
First	Last	Affiliation	RAC, Staff, Interested Party
Jared	Adkins	Kent Conservation District	Interested Party
David	Athey	AECOM	Consultant
Jeff	Bross	Water Infrastructure Advisory Council	RAC
Zac	Crouch	ACEC	RAC
Vince	Davis	DeIDOT	RAC
Terry	Deputy	Division of Watershed Stewardship	RAC
Dirk	Durstein	Dept. of Justice	RAC
Steven	Fortunato	Becker Morgan Group	Interested Party
Matthew	Grabowski	DNREC	Staff
Doug	Hokuf	New Castle County	RAC
Bobby	Horsey	David G. Horsey & Sons	RAC
Sarah	Keifer	Kent County	RAC
Lew	Killmer	League of Local Governments	RAC
Phil	McGinnis	Delaware Association of Realtors	RAC
Hans	Medlarz	Sussex County	RAC
Robert	Palmer	DNREC	Staff
Michael	Riemann	Homebuilders Assn of Delaware	RAC
Jamie	Rutherford	DNREC	Staff
David	Small	Duffield Associates	Interested Party
Mark	Strickland	Century Engineering	Interested Party
Jessica	Verchick	Kent Conservation District	Interested Party
Jessica	Watson	Delaware Assn of Conservation Districts	RAC
Elaine	Webb	DNREC	Staff

The meeting was called to order at 9:05 am by Bob Palmer. The meeting agenda was approved. An update on SB204 was provided. The bill is currently awaiting consideration by the Senate Environmental, Natural Resources & Energy Committee. The summary checklist showing progress of regulation revisions was reviewed.

Section 4.4 Limits on Land Disturbance was edited by staff with input of the Delegated Agencies following the previous RAC meeting. The RAC members in attendance concurred with the edited language as distributed prior to the current RAC meeting.

Bobby Horsey provided the Technical Subcommittee report. Constructed Wetlands 5101 language has been provided as a conservative placeholder, offering 0% Rpv credit for Traditional Constructed Wetlands until such time that the experts have offered design criteria for receiving Rpv credit. Mike Riemann agreed to gain the input of the experts based upon the language provided. Input will be provided to the Department by close of business on Friday, June 1, 2018. At that time, DNREC will take the experts' recommendations to in-house wetland experts for concurrence. A discussion about whether constructed wetlands would ever be considered jurisdictional wetlands occurred. Hans Medlarz suggested that proximity to existing wetlands should be considered in the function and crediting of constructed wetlands. Bobby Horsey recommended concurrence with the placeholder language for 5101 11.12 Constructed Wetlands and the RAC members in attendance agreed. Any future changes based on expert input to the 5101 language for 11.12 prior to publication will be emailed out to RAC members for concurrence.

RAC members in attendance concurred with the 5101 language for Proprietary Practices which requires all proprietary practices to receive and approval for use by the Department.

Setbacks appendix, specifically well setbacks, were discussed. The alternate method of compliance (AMC) was explained. The SAS checklist will be updated to request identification of existing wells on adjacent properties. Concurrence was gained on 5101 Section 12.2 Setbacks.

The Delaware Erosion and Sediment Control Handbook (ESC Handbook) will be adopted as regulation by link at the end of the regulation. The current handbook will be modified to remove Sections 1, 2 and the Design Guides. Section 3 – Specifications and Standard Details and the Appendices will remain. Comments on the ESC Handbook have been submitted by DeIDOT, Lennar Homes, New Castle County, and Bobby Horsey will be providing written comments. References to proprietary products in the ESC Handbook were discussed. The Department agreed to remove all reference to proprietary products in the handbook with the exception of proprietary practices referenced as sources of details.

Approved equivalents to practices in the ESC Handbook were discussed as well. Delegated agencies want the option of utilizing alternative practices as they are developed but also want the Department to review and approve those practices. This situation is why SB204 is important to allow flexibility in the implementation of the ESC Handbook. Mike Riemann stated that he would like the RAC to provide a letter of support to SB204 to the Secretary. Doug Hokuf stated that New Castle County could not support the redevelopment portion of SB204.

The RFA-RIS as distributed was reviewed. The starting point of 2014 version of the regulations was questioned and clarified by Dirk Durstein. The 2014 regulations are the last regulations in effect and he directed the Department staff to use those regulations as the starting point. Hans Medlarz questioned whether Dirk Durstein was satisfied with the RFA-RIS response and Dirk replied that he was comfortable with the format of the response if the form were moved to the beginning of the document.

The next steps for the regulations were plotted out. August 1, 2018 is the intended publication date of the revised regulations. A public hearing will be scheduled in early September 2018. The intended publication date of the final regulations is January 1, 2019 with an effective date of January 11, 2019.

Following no public comment the meeting adjourned at 11:35am.