

**TITLE NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE**

- 5.1.6 Water quality and water quantity management shall be provided in accordance with the requirements set forth in this section unless the proposed project is limited to reconstruction of existing paved areas, re-grading and replacement of existing pervious areas, or rebuilding or repairing of structures damaged by fire, flood, wind, or other natural disaster and where the disturbed area will return to the original hydrologic condition and land cover at the conclusion of the project.
- 5.2 Resource Protection Event Criteria
 - 5.2.1 The Resource Protection Event criteria provide runoff management measures to reduce the volume of stormwater runoff generated on a site, recharge groundwater, minimize impacts to downstream channels from runoff leaving the site, and reduce pollutant loads discharged into receiving waters.
 - 5.2.2 The Resource Protection Event Volume (RPv) is the post-development annualized volume of runoff produced by the storm having a ninety-nine percent (99%) probability of occurrence, or the 1-year, 24-hour rainfall event.
 - 5.2.3 Compliance with this section shall be accomplished to the maximum extent practicable through the following provisions:
 - 5.2.3.1 Runoff from disturbed areas that were wooded or meadow in the pre-developed condition shall be reduced using runoff reduction practices to an equivalent wooded condition, ~~and:~~
 - 5.2.3.2 All remaining disturbed areas shall employ runoff reduction practices to achieve an equivalent 0% effective imperviousness, ~~or:~~
 - 5.2.3.3 ~~In cases where provisions will be made or exist for a non-erosive conveyance system to tidal waters, by either a closed drainage system or by open channel flow, that has adequate conveyance for the RPv; Compliance with this section can be achieved by implementation of Water Quality Treatment BMPs sufficient to provide treatment equal to infiltrating the RPv treatment volume onsite or sufficient to meet Total Maximum Daily Load (TMDL) requirements for the receiving water,~~
 - 5.2.3.4 ~~For those cases in which the minimum runoff reduction requirements, pursuant to 5.2.3.1 and 5.2.3.2, above, or water quality improvements, pursuant to 5.2.3.3 above, are not met:~~
 - 5.2.3.4.1 ~~The allowable discharge for the untreated volume shall be based on a 48-hour detention time, or:~~
 - 5.2.3.4.2 ~~An offset shall be provided for the portion of the RPv that does not meet the minimum reduction requirements.~~
 - 5.2.3.5 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.
 - 5.2.4 Projects that qualify for and meet standard plan criteria developed by the Department shall be considered in compliance with the Resource Protection Event criteria.
- 5.3 Conveyance Event Criteria
 - 5.3.1 The Conveyance Event criteria provide runoff management measures to minimize impacts to downstream properties, channels, and structures by optimizing watershed conveyance and hydrograph timing.
 - 5.3.2 The Conveyance Event Volume (Cv) is the volume of runoff produced by the post-development storm having a ten percent (10%) annual probability of occurrence, or the 10-year, 24-hour rainfall event, less any volume reduction achieved for the RPv in accordance with Section 5.2.
 - 5.3.3 Compliance with this section shall be accomplished through the following provisions:
 - 5.3.3.1 The Cv shall be reduced to the maximum extent practicable using runoff reduction practices. For any portion of the Cv that is not reduced, quantity management shall be provided using either a standards-based or performance-based approach such that there is no adverse impact; or
 - 5.3.3.2 Provisions will be made or exist for a non-erosive conveyance system to tidal waters by either a closed drainage system or by open channel flow that has adequate conveyance for the Cv; or
 - 5.3.3.3 Demonstration that the location of a project within a watershed would aggravate flooding or channel erosion by the imposition of peak control requirements, as evidenced by a downstream analysis approved by the Department or Delegated Agency; or
 - 5.3.3.4 The proposed project will generate only a de minimis discharge and will have no adverse impact on the receiving wetland, watercourse or downstream property as determined on a case-by-case basis.
 - 5.3.4 Projects that qualify for and meet standard plan criteria developed by the Department shall be considered in compliance with the Conveyance Event criteria.
- 5.4 Flooding Event Criteria

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