

Procedural Issue – Cost

- Cost inhibits true redevelopment
- Since you hit the brakes are you now doing economic impact study
- Relative cost of nitrogen and phosphorus removal and choosing most cost efficient method
- concerned about cost of eng. & cost of const. & effect on the DE economy
- Considering the cost to construct, design, and maintain the BMPS is the current fee in lieu sufficient? (Is DNREC /State going to need more money?)
- Construction cost, engineer cost, maintenance cost
- Cost of doing retrofits & repairs w/out dedicated source of funding
- Property values and lost opportunities for projects that will not work - and fee is too high; State economy
- Design effort has tripled in cost; review fees will need to also increase to cover this cost
- Xtra cost to developers for BMP's in a difficult environment to survive as entrepreneurs
- all these xtra costs on developers & HOA may reduce property values & may slow down an already fragile economy
- Xtra cost to HOA's thru O/M & replacement
- Lost revenue to the state/counties on inability to charge lot premiums for pond views. Lots of \$
- How many projects were abandoned due to cost
- Cost of construction; cost of maintenance; cost of replacement upon failure; cost of design; cost of approval process; lost revenue due to lost lot premiums or negative impact of allowed BMPs

Procedural Issue – Offsets / Fee-in-lieu

- NCCo "guidance" on offsets
- We should discuss the \$\$ amount - more research
- Banking/credits on a Basin (whole) wide Level (HUC 12 too difficult)
- Stream Restoration / Nutrient Trading as options
- Needing ways to create incentives to manage, process, use & facilitate funds collected
- Fee in lieu - there must be different, separated requirements for redevelopment in urban setting
- Fee-in-lieu is the only real feasible offset because there are no guidelines development for any other offset listed
- Fees collected for projects that do not comply
- Develop more detail on the offset process and utilization of in lieu fees
- DNREC has way of knowing number of apps not submitted due to cost of fee; fee should go to Gen Fund & expenses put in budget
- Small to Medium church sites (adding to existing or new sites) can't afford fee in lieu

Procedural Issue – Plan Review Process

- Better define how TD specs are applied to enforce the regs in terms of practices that are "functionally equivalent" to TD
- Less process for simple sites
- Not all projects need a 3-step submittal process; condense checklists; modifications to SAS/SAR; more flexibility for Del. Agencies on 3-step review process
- SAS ineffective in City of Newark
- 3-Step plan review cost efficiency
- Develop more varied & possibly less expensive offset opportunities ie Banking
- Flexibility to deal with varying sites

Procedural Issue – Training

- Create Programs to inform the public regarding how they impact clean water in Delaware's Bay, Ocean, Streams

Procedural Issue – Standard Plans

- Add a standard plan for projects that include no or little impervious areas, either existing or proposed (e.g. stream restoration, pond-new or existing w/ retrofits for rain water harvesting/reuse)

Procedural Issues – Parking Lot

- Why this code at all? It is inappropriate for Delaware w/ 40"+ rain/year; why not allow use of new & old with a bias toward infiltration?
- What's the hurry w/ re-approval / adoption?
- Sediment and Stormwater Regs must recognize that requirements cannot be "one size fits all" and should develop appropriate regs for URBAN settings

Technical Issues – RPv

- Clear Cutting of Lots - Requirements to Reestablish & Maintain Landscaping
- RPv Event: 2" to 2.7" & increase in CN has a significant increase in amount of water that needs treatment

Technical Issues – Drainage Concerns

- City of Newark Drainage Problems
- Stormwater Management and Flood Damage Prevention
- Would like to know time frame for Tax Ditch Easement Process
- When is groundwater mounding need to be considered?

Technical Issues – Maintenance

- Long term maintenance responsibility of HOA's paying for and doing SWM facility maintenance.
- Long term maintenance of BMP's by City of Newark
- Biosoil Spec: Has any testing been done on the longevity or effectiveness of the current mixture?
- continued..... Economic impact of compost material having to be imported since as of April 2016, no active compost facilities will meet the spec.
- Couple maintenance with performance monitoring
- Concerns w/ whether HOA's/developments can maintain BMP's & cost associated.
- continued..... Many unknowns as to how long BMP's will function before having to be replaced.
- Long term viability & lack of maintenance training

Technical Issues – Redevelopment

- Reduction of 30% problematic/costly on many sites
- Reduction is too difficult. Why can't a simple reduction in pavement be enough?
- Redevelopment need to be encouraged & get credit for existing impervious
- Re-calculate benefits of encouraging redevelopment vs. new sites
- Redevelopment; permitted coverage; grandfathered capacity
- Requirements for redevelopment need to be different for urban settings, rather than one size fits all

Technical Issues – Challenging Sites

- Need more options to address challenging sites. Go back to old SWM (wet/dry)?? (illegible) of offset options to address. More credit to fee-in-lieu
- New BMPs
- Concerns - high groundwater/water table; poor soils; high % of woodlands (illegible) not an option for wet ponds
- Design or areas with high water "seasonal"; If site can meet "quality" control similar to previous regulation then infiltration and fee-in-lieu should not be needed
- Concern - Sites with limiting zone close to surface but have low static water table
- Build flexibility into process
- How to incentivize non-residential to do retrofits to meet WQIP

Technical Issues – BMP Standards and Specs

- Continued work to address inconsistencies between and within DSSR, Tech Doc, and W. S. plans
- Need additional BMPs for challenging sites w/high water tables and low permeability; Flexibility in compliance w/BMPs which allow for more design options
- Easier BMP compliance and/or more BMP options
- Constructability of BMPs in residential housing communities; Burden of O&M on HOAs extra cost; Burden of replacement costs on HOAs / eventually will be seeking political support for these
- Soil investigations key to BMP success; Investigation standards are critical

Technical Issues – Parking Lot

- Ramifications of Long Term fate of nitrogen and phosphorus on groundwater and cycling back to streams
- What is the primary goal of this regulation? N&P reduction?
- If technical docs become law - what type of flexibility will there be in design/construction
- Providing Delegate Agencies w/ greater flexibility to oversee construction (CCR Program Rqmts)
- Re-evaluate adherence to plan set criteria to simplify