



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF SOIL AND WATER CONSERVATION
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MEMORANDUM

TO: Delaware Sediment and Stormwater Program
Regulatory Advisory Committee Members

FROM: Elaine Z. Webb, P.E. *EW*
DNREC Sediment and Stormwater Program

DATE: September 11, 2009

SUBJECT: Delaware Sediment and Stormwater Regulation Revision
Status Update

CC: Interested Parties

It has been several months since the last meeting of the full Regulatory Advisory Committee. Please let me take this opportunity to update you on the status of the revisions to the Delaware Sediment and Stormwater Regulations. Following receipt of more than 400 comments on the February 2009 working draft of the proposed regulation revisions, the subcommittees each met to discuss the comments pertinent to their subcommittees.

The Technical Subcommittee has continued to meet monthly to work through the technical requirements of the regulations as well as the process. The Technical Subcommittee spent three months working through the pre-application meeting step, reviewing submittal requirements, developing a pre-application meeting format, and determining when in the planning process the pre-application meeting should be held. The Technical Subcommittee is currently working through the Preliminary Sediment and Stormwater Plan step of the plan review and approval process. The background for this step was presented at the August subcommittee meeting. The next item for the Technical Subcommittee to review and discuss is runoff reduction methodology.

Many of the comments related to both the Policies and Procedures and Maintenance Subcommittees require a legal review in order to address those comments. DNREC Sediment and Stormwater Program staff has been in contact with our attorneys to provide legal interpretation and guidance on such items as a variance appeal process and a legal agreement to transfer responsibility for maintenance of permanent stormwater management systems.

Delaware's good nature depends on you!

Requirements for financial guarantees, easements, and maintenance are coming together. We have a meeting scheduled with a limited group of planning officials from counties and municipalities to discuss integration of our requirements and recommendations under the Sediment and Stormwater Program with existing codes and ordinances. Criteria for stormwater management of redevelopment sites will be developed once the runoff reduction methodology has been finalized.

The greatest portion of the more than 400 comments received last spring was related to how the regulations would be implemented. In order to answer some of those questions and respond to comments, Sediment and Stormwater Program staff undertook the task of drafting the technical document to accompany the regulations. An outline of items to be included in the technical document was developed in June and staff has spent the summer filling in the outline with text, checklists, examples, etc. While writing the technical document we have discovered many areas of the draft regulations that need to be modified.

The Regulatory Advisory Committee should expect to see a second draft of the revised regulations and a first draft of the technical document to accompany the regulations in the first quarter of 2010. A full RAC meeting will be scheduled when these drafts have been completed. Subcommittees will continue to meet as needed; you will be notified of any upcoming subcommittees via e-mail and public notice.

If you should have any questions, please contact me at (302) 739-9921 or Elaine.Webb@state.de.us.