

Technical Subcommittee Comments

Theme

Subsection	Comment Received	Commenter	Comment
	2/9/2009	Jen Smith, DBF	What about discharges to DelDOT ROW when unit peak discharge approach is used? Will DelDOT accept or will analysis have to follow current methodology?
	2/13/2009	Ric Kautz, Sussex County Planning	minimize the use of pond-to-pipe in favor of using stormwater as a resource and not a waste product. I believe this is the direction this effort is headed, correct.
1.6.4.2.2	3/23/2009	Vince Davis, DelDOT	Does this account for water quality and quantity or just one? Who determines the fee structure and who determines whether there is full or partial compliance? And what is the difference between full and partial compliance?
5.2.2 and 5.3	2/9/2009	Neil Sander, Eastern States Engineering	100% probability of occurrence for 1-year storm is not accurate

Theme

Definition

Subsection	Comment Received	Commenter	Comment
1.1.1.3	3/11/2009	Anne Mundel, DWR Groundwater Protection Branch	The phrase "reduces groundwater discharge" – do you mean "reduces groundwater recharge"? Section 2.0 "Adverse Impact" does "reduced groundwater recharge" and Section 5.2.1 encourages ground-water recharge.
5.4.3.2	3/23/2009	Vince Davis, DelDOT	What is the definition of extended filtration?
Add Adequat	3/13/2009	NCCDLU	Adequate Capacity needs defined
Add Definition for "Receiving Waters"	3/11/2009	Anne Mundel, DWR Groundwater Protection Branch	Within the Working Draft, there are references to 'receiving waters'. The term "Receiving Water" is not defined. Would it be possible to define it to include ground water? The definition of State Waters does not explicitly include ground water.
Add Definition for	3/11/2009	Jenn Volk, DWR	Should you define "watershed plan" and/or "sub-watershed plan" since it is used several times throughout the regs?
Add Definition for "Watershed Plan"	3/11/2009	Jen Mihills, DNS	In addition to the terms to be defined by the Center for Watershed Protection as indicated in the draft document, consider adding the term "watershed plan" and an associated definition.
Add Extreme	3/13/2009	NCCDLU	Extreme Flooding Event needs defined

Add Minimal	3/13/2009	NCCDLU	Minimal Discharge needs defined
Adequate Conveyance	3/20/2009	John Garcia, Karins	Design storm event and free board should be defined in the definitions section.
Adequate Conveyance	3/13/2009	Jared Adkins, KCD	Adequate Conveyance – which design storm? Should this be worded as conveyance storm? Conveyance Event is defined later on, but design storm is not.
Adequate Conveyance	3/13/2009	ACEC	The "design stonn event" should be defined and criteria provided.
Adverse Impact	3/13/2009	ACEC	the definition is unnecessarily expansive. Specific criteria should be given to quantify what constitutes "degradation of water quality", "negative impacts on aquatic organisms", "negative impact on wildlife and other resources", and "threatens public health." More importantly, specific criteria should be given to detennine that a design does not cause an adverse impact.
Conveyance Event	3/3/2009	Ernie Sheppe, MRA	In the first sentence, insert "annual" so as to read, "...having an annual probability of..." And delete the second sentence in its entirety – the Cv should be defined elsewhere in the regulations or in a guidance manual.
Conveyance Event	3/13/2009	Kevin McBride, MRA	Delete entire sentence from "The Conveyance Event Volume (Cv)...occurance". This is explained later in regs.
Conveyance Event	3/13/2009	Kevin McBride, MRA	Substitute "a probability" with "an annual probability of occurrence"
Conveyance Event	3/20/2009	SCD	Suggest using control instead of manage as compared to managing the conveyance under "flooding event."
Extended Det	3/20/2009	John Garcia, Karins	Still needs to be reviewed
Extended Filtr	3/20/2009	John Garcia, Karins	Still needs to be reviewed
Flooding Event	3/3/2009	Ernie Sheppe, MRA	Similar to the conveyance event above, add the word "annual" and delete the second sentence.
Flooding Eve	3/13/2009	Kevin McBride, MRA	Include "annual" prior to probability of occurrence.
Infiltration	3/3/2009	Ernie Sheppe, MRA	This definition should mirror the well established scientific meaning of the term and should read as follows, "the passage of water through into the soil profile." [The movement of water "into" the soil is infiltration. The movement of water "through" the soil is percolation].
Infiltration	3/13/2009	Kevin McBride, MRA	means the passage or movement of water into the soil profile
Resource Protection Event	3/3/2009	Ernie Sheppe, MRA	Revise to read as follows, "...a storm having a an annual probability of occurrence of 100 99 percent." And delete the second sentence.
Resource Prot	3/13/2009	Kevin McBride, MRA	Same comment as above

Runoff Reduc	3/13/2009	NCCDLU	Runoff Reduction Practices needs defined
State Waters	3/13/2009	Kevin McBride, MRA	change "flow through" to "flow over"; through implies a groundwater connection which is not a nexus
Stormwater Impact Study	3/11/2009	Jen Mihills, DNS	The definition of "stormwater impact study" as documentation of existing site conditions appears narrower than the intended scope -□documentation of existing site conditions and analysis of watershed impact(s).
Watershed	3/13/2009	ACEC	should be clarified or to what order stream can the term be applied explained.
Watershed	3/20/2009	SCD	Since the term catchment or sub- catchment is often used, suggest adding a definition for it and referencing it to the watershed definition.

Theme	Guidance		Comment
Subsection	Date	Comment Received	Commenter
	3/11/2009	Anne Mundel, DWR, Groundwater Protection Branch	The regulations should somewhere mention the need for siting criteria even if it must refer to the criteria in one of the several guidance manuals. While we are specifically concerned with siting with respect to potable wells, other criteria must exist for property boundary, foundations, etc.
	3/11/2009	Anne Mundel, DWR, Groundwater Protection Branch	Section 10.3.15.6 of the Existing Regulations in part requires infiltration practices designed to handle runoff from impervious parking areas to be a minimum of 150 feet from any drinking water well. I was unable to find this clause in the Draft Regulations. You said that it might have been moved to the Guidance Document. We highly recommend that this be retained in either the regulations or the appropriate siting criteria section of the new guidance manual. [As an aside, may I participate in the development of the appropriate sections of the guidance manual?]□□The Delaware Regulations Governing the Construction and Use of Wells 4.01 (4) requires public wells to have a minimum of one hundred and fifty (150) feet from a potential source of contamination. We have tried to use your regulation (Section 10.3.15.6) to justify these types of infiltrations as a potential source of contamination.□If Section 10.3.15.6 is moved to the guidance manual, we may not be able to justify the isolation distance. Is it possible to retain it in your regulations?□
General Comment	3/18/2009	ACEC	Will there be performance criteria developed for Sediment and Erosion Control?
3.1.2	3/12/2009	Kevin Burdette, KNB Associates	The Stormwater Impact Study should ONLY include and be required to provide information that has already been published or available through compiling existing data. This work should NOT require the gathering of any new "Field Data" or information at this point in the process.

3.1.2	3/23/2009 Vince Davis, DeIDOT	Has the Stormwater Impact Study checklist been completed yet?
3.1.3	3/13/2009 NCCDLU	Stormwater Impact Study (SIS) - Will a checklist of information to be submitted as part of the SIS be developed?
3.1.5	3/13/2009 NCCDLU	"issuance of the SIS Findings report" - Will an example of an SIS Findings report be developed by DNREC or the individual delegated agency?
3.12	3/18/2009 ACEC	The as-built plan discussion never mentions a survey. Is the intent for the as-built documents to be based on a survey, or are they just to be based on a copy of the plan "red-lined" by the contractor? Inspector? Engineer? If there is a survey requirement, should it be by a Professional Land Surveyor?
3.12.2	3/3/2009 Ernie Sheppe, MRA	"As-Built Plans shall not be approved if they exhibit any changes from the approved...Plan. As-Built Plan approval will not be granted until a revised plan...is approved." (Emphasis added). Perfection is not a standard. What is important is to ensure that the facility was constructed in substantial compliance with the approved plans and specifications. Minor departures from the approved plans that do not significantly alter the performance of the facility should not be cause for rejection of the As-Built. And such minor deviations from the approved plan should not be cause to revise and resubmit the plan for reauthorization.
3.12.2	3/13/2009 Sally Ford, Land Design	As-builts are never perfect. This section has no tolerance, it should be limited to 'an acceptable integrity of the approved plans. 'Any' change should be replaced with 'any substantial change'. It also appears that if there is a change that an entire new Stormwater Management set of plans need to be resubmitted again for approval - post facto, before the As-builts are reviewed (two steps which should be combined into one). <input type="checkbox"/> When is 'Final' inspection, again stormwater management is installed early in the development process. The owner should be entitled to partial release of guarantees once stormwater practices are built and approved. "Final" inspection could be years later when the project is built out. This section needs to reference section 1.6.3 which allows for partial releases
3.12.2	3/13/2009 NCCDLU	Request that a range of acceptable tolerances to the stormwater as-built plan be defined.
4.4.2.2	3/11/2009 Anne Mundel, DWR Groundwater Protection Branch	In the workshop I attended on December 1, 2008 in the Pricilla Building, Randy mentioned regulations limiting the types of infiltration practices in source water protection areas were going to be included in the new regulations. I did not see this in the Working Draft. Are they in the Guidance? <input type="checkbox"/> <input type="checkbox"/> If Section 4.4.2.2., is meant to cover excellent recharge or wellheads it is unfortunate. Though these are natural features, they are not regulated by the State and many of the municipalities and counties did not adopt ordinances that are protective with respect to stormwater facilities. In most cases, they have deferred to the State's Storm Regulations to provide protection in the management of stormwater. <input type="checkbox"/>

5.1.1	3/13/2009	NCCDLU	Guidelines need included for the exercising of discretion.
5.1.10	3/13/2009	New Castle County Special Services	Our suggestion is that this kind of the investigation also needs to be performed for all the applicants who are proposing a design of Wet Ponds. □(This is the result of our investigations and current experience with some of the existing wet ponds in NCC which cannot maintain their permanent pool elevation due to infiltration into the ground.)
5.1.10	3/13/2009	NCCDLU	Soil investigations should be performed by licensed soil scientists.
5.1.10	3/20/2009	SCD	Can the statement be elaborated so that the soil investigation performed is to be performed in accordance with Department guidance; however, a Delegated agency may require additional/more restrictive testing.
5.1.4	3/18/2009	ACEC	What are the standards to be developed by the Department?
5.1.4	3/18/2009	ACEC	Will the "Standards approved by the Department" be a part of this document?
5.1.5	3/18/2009	ACEC	What are the Department-approved design guidelines and policies?
5.1.5	3/18/2009	ACEC	This section refers to the "latest version of the Department-approved design guidelines and policies." Are such guidelines and policies available?
5.1.7	3/20/2009	SCD	States that "all permanent stormwater management systems, shall not be discharged onto adjacent property without adequate conveyance in accordance with Department guidance." The definition of adequate conveyance states that it "does not adversely impact the upstream or receiving property", however, - this can be argued by a farmer whose farm field may be the receiving property. We have many developments that discharge at a non-erosive velocity to a farm field. Will section 5.1.7 prevent these projects from going forward? The definition of "Adverse Impact" states that a "negative impact includes increased risk of flooding", which is always a possibility for large storm events. 2.1 – Adequate Conveyance states "does not adversely impact". Suggest adding examples and a degree of that impact. In some cases, the adverse impact may be subjective and may be approved by some higher authority if justified or warranted or mitigated. This deals with safe conveyance and mentions Department guidance. This guidance should be included in this section or as a subsection.
5.2	3/13/2009	Jared Adkins, KCD	Entire Section - Seems like big pieces are missing here. What if site can not reduce entire post-development Rpv or be limited to existing paved and turfgrass areas?
5.2	3/20/2009	John Garcia, Karins	I understand the intent but it is not spelled out or clear on how and how much of the Resource Protection Event Volume is to be recharged or reduced.

5.2	3/23/2009 Vince Davis, DeIDOT	What if infiltration cannot be accomplished for the Rv? There does not appear to be anything in these regulations about filtration for the Rv.
5.2, 5.3, 5.4	3/13/2009 NCCDLU	All of these sections are very poorly written and are not understood. None of the compliance sections require anything as the term "may" is utilized not "shall". Furthermore, it is not clear if all compliance items are to be demonstrated or if just compliance with a single item is sufficient. Lastly, without the inclusion of "Department guidance" the review of these standards is not possible.
5.2.3.1	3/3/2009 Ernie Sheppe, MRA	"The entire post-development Rpv shall be reduced using runoff reduction practices listed in [unnamed checklist]." (Emphasis added).As mentioned in Section 2 above, we need to know what these "runoff reduction practices" are. We cannot provide a complete review of an incomplete standard.
5.2.3.1	3/13/2009 Amy Reed, Landmark Engineering	"The entire Rpv shall be reduced..." - I think it is probably a good idea to try to mimic predeveloped hydrology and release a hydrograph that is as close as possible to the pre discharge for the RP event. However, I don't think it should be required to put the entire volume into the ground. I am familiar with other regulations that require the difference between pre and post of the WQ or 2-yr volume to be put into the ground.
5.2.3.1	3/13/2009 NCCDLU	The entire post-development Rpv shall be reduced using runoff reduction practices listed in [unnamed checklist] - What is a runoff reduction practice? How much reduction will be needed for compliance? How will reduction be computed?
5.2.3.1	3/13/2009 Kevin McBride, MRA	Need to see this list
5.2.3.1	3/13/2009 Sally Ford, Land Design	It is difficult to fully comment on this section without the checklist.
5.2.3.1	3/18/2009 ACEC	What does "reducing" the Resource Protection Event Volume entail?
5.2.3.1	3/20/2009 John Garcia, Karins	Checklist?
5.2.3.1, 5.3.3.1, &5.4.3.1	3/11/2009 City of Newark Public Works	When will the checklists and guidelines by DNREC be developed with relation to the adoption and implementation of these regulations? Will the checklist incorporate other options for volume reductions other than infiltration to deal with the high clay content found in many areas within the City?
5.2.3.2	3/13/2009 NCCDLU	Would you please clarify the intent for this paragraph.
5.3	3/18/2009 ACEC	When is it necessary to control the Conveyance Event Volume? What are the "runoff reduction practices provided in accordance with Department guidance"?
5.3	3/20/2009 John Garcia, Karins	Again I understand the intent, but again it is not spelled out or clear on how or how much of the Conveyance Event Volume is to be managed.

5.3	3/20/2009	SCD	Will safe conveyance be based totally on volume and not peak?
5.3 & 5.4	3/13/2009	Jared Adkins, KCD	Both sections are very vague in terms of what will be actually required to control the conveyance and flooding events.
5.3.3.1	3/13/2009	NCCDLU	The Cv shall be reduced using runoff reduction practices as listed in Department guidance - Are these the same runoff reduction practices used in the RPv?
5.3.3.1	3/13/2009	Kevin McBride, MRA	Need to see Department guidance
5.3.3.1	3/20/2009	John Garcia, Karins	Where is the Department guidance that is referenced
5.3.3.1 & 5.3.3.2 and 5.4.3.1 &	3/3/2009	Ernie Sheppe, MRA	Note reference to "Department guidance." As stated above, we will need to review this "guidance" before we can fully understand and comment on these regulations.
5.3.3.2	3/23/2009	Vince Davis, DeIDOT	What is the definition of extended filtration? Has the 'Department Guidance' been finalized?
5.3.3.3	3/13/2009	Kevin McBride, MRA	This provision is currently not applied the same in all districts. Some clarification would be helpful this go round.
5.3.3.3	3/23/2009	Vince Davis, DeIDOT	Just a reminder that as per 3.11.5, an easement shall be required to the outfall point.
5.3.3.5	3/3/2009	Ernie Sheppe, MRA	The phrase "minimal discharge" will need to be better defined. My concern here is related to varying interpretations by different agencies. As written, it is ambiguous and therefore prone to misinterpretation and abuse.
5.3.3.5	3/11/2009	City of Newark Public Works	How will minimal discharge be defined?
5.3.3.5	3/13/2009	NCCDLU	Please define minimal discharge
5.3.3.5	3/20/2009	John Garcia, Karins	Define minimal discharge (it is open to interpretation).
5.3.3.5	3/23/2009	Vince Davis, DeIDOT	What is the definition of minimal discharge?
5.4	3/18/2009	ACEC	When is it necessary to control the Flooding Event Volume? What are the "runoff reduction practices and associated credits listed in Department guidance"?
5.4	3/20/2009	John Garcia, Karins	Flooding Event Criteria - It is not spelled out or clear on how or how much of the flooding event criteria is to be managed?
5.4.3.1	3/23/2009	Vince Davis, DeIDOT	"...and associated credits listed in Department guidance." Where?
5.4.3.3	3/11/2009	Sally Ford, Land Design	If Runoff is limited to matching existing conditions, then there needs to be a limit on the responsibility of improvements downstream, all contributing properties need to be assessed for these type of improvements.

5.4.3.3	3/23/2009 Vince Davis, DeIDOT	Just a reminder that as per 3.11.5, an easement shall be required to the outfall point.
5.5.1	3/23/2009 Vince Davis, DeIDOT	Who is going to review and approve this aspect?
5.6.1	3/3/2009 Ernie Sheppe, MRA	"Compliance with this section shall be accomplished through compliance with guidance and procedures...established by the Department. The approach selected must be...based on the results of the Stormwater Impact Study." (Emphasis added).First, I repeat that we cannot provide a complete review without the "guidance and procedures." In addition, requiring a "Stormwater Impact Study" (SIS) places an unnecessary burden on small sites and on redevelopment projects and should not be required on such projects except in unusual circumstances.Nor should a SIS be necessary when the developer chooses a design that maintains the pre-development discharges for a wide spectrum of storm events. Under such circumstances, and regardless of the size of the project, if there is a downstream drainage problem, then the project will not exacerbate this problem. And if there are no downstream problems, then the developer has simply chosen a very conservative design approach. Either way, a SIS would serve no useful purpose.
BAT	3/13/2009 ACEC	DNREC should publish and maintain a list and standards for such practices. The tenn "very best" is very limiting and implies there is only one acceptable technology, and there is no option for compromise. In addition, the term "capable of being developed" implies we may need to wait for new technologies to be developed before we can complete a design.
BMP	3/13/2009 ACEC	DNREC should continue to maintain a list and standards for BMP's.
General Comment	3/11/2009 Jen Mihills, DNW	The stormwater impact study and associated findings report are positive additions to the pre-application meeting process. These elements will help better inform the PLUS process.
General Comment	3/18/2009 ACEC	The performance criteria in this section are especially sketchy. It is also unclear if there will be requirements for stormwater quality control or peak rate control.

General Comment 3/20/2009 SCD

There is a major discussion as to whether the existing condition needs to be evaluated or if this is just a design regulation that ignores what is present and concentrates on the safety of the design feature applying hydrology and hydraulic principles only to the proposed design feature. The document should address existing conditions so that the impacts of the design can be evaluated. That is the only way to assess the impacts on flow and on water quality. It needs to be explicit in giving the beginning point. There are arguments that the beginning point should be in the natural condition which is the un-drained condition for Sussex County but this is not realistic. For instance, 5.1.1 states "reduce runoff and mimic natural watershed hydrologic processes." I would argue that this means existing conditions and means to evaluate the existing condition but others may take this to mean as it was 400 plus years ago which is the other extreme while others may take it to mean using natural like features to manage stormwater.

Runoff Reduction Practices 3/3/2009 Ernie Sheppe, MRA

Note that "CWP to provide definition." With the focus of these new rules on volume control rather than peak control this will be a very important term. We can't properly review an incomplete document.

Runoff Reduc 3/20/2009 John Garcia, Karins

Still needs to be reviewed

Theme	Law/Legal
Subsection	te Comment Received Commenter
5.1.7	3/13/2009 NCCDLU
5.5	3/11/2009 Jenn Volk, DWR

Comment

What conditions would need to be present to require an off-site drainage easement?

The Division of Water Resources would like the Sediment and Stormwater Program and the Regulatory Advisory Committee to consider incorporating stormwater pollution control strategy (PCS) components, similar to those developed in the Inland Bays Watershed, directly into the Sediment and Stormwater Regulations. By doing so, new development activities within watersheds with established Total Maximum Daily Loads will be designed to minimize nutrient contributions and protect waters already classified as impaired. The stormwater management procedures established in the Inland Bays Watershed may be applied state-wide and in doing so through these regulations, improves the efficiency of the PCS development process and protection of Delaware's water resources.

Theme	Misc.
Subsection	te Comment Received Commenter

Comment

1.6.4.2.2	3/13/2009	Kevin McBride, MRA	Approved watershed plan - How many are approved and ready to go now? When will this process be completed and what is the cost to taxpayer and or the developer. Should these costs be prohibitive then the entire fee in lieu will never be used. I think this is a good idea but difficult to institute and administer.
1.6.4.2.2	3/23/2009	Vince Davis, DelDOT	Does this account for water quality and quantity or just one? Who determines the fee structure and who determines whether there is full or partial compliance? And what is the difference between full and partial compliance?
5.3.3.4 & 5.4.3.4	3/11/2009	City of Newark Public Works	Public Works thought DNREC was going to decide whether or not projects within certain watersheds would require peak controls not the delegated agencies. Due to Newark's location in the Christina Basin, the City does not agree with the use of the imposition of peak control studies and would like wording that says that this use is at the discretion of the Delegated Agencies?
6.0	3/11/2009	Steve Sisson, DelDOT	Being consistent with new EPA rules on construction site controls
Rest of document	3/13/2009	Rich Collins, PGA	We will allow those who are professionally qualified to comment on the more technical aspects. It is our understanding, however, that stormwater ponds would have to be vastly larger in Sussex County in order to meet increased retention requirements due to high water tables.

Theme	Rationale		Comment
Subsection	Date	Comment Received	Commenter
	3/13/2009	Kevin McBride, MRA	I suppose the thing I would emphasize most is WHY are we doing this NOW? The governor is telling us one thing while your group is trying to tweek what is at best a subjective engineering concept that has evolved over the past 30 years. This evolution has often contradicted with what in the past has been adhered to as "Gospel". Until we are sure that the practices we are currently employing are not working effectively then we should slow down and try to get this economy back on tract. Let's see how we can streamline the current regs and review time frames. We should coordinate between the districts to brainstorm with the consultants and developer/owners to identify areas of inefficiency. We could agree to voluntarily adopt as many green principles as possible and start emphasizing the clustering, open space and buffers where appropriate, approach outlined in the PCS. Even though we are at odds about the way the PCS was pushed through there were many good concepts that can be implemented immediately. We can start with a voluntary meeting to review the concept without all the formality of the proposed regs.

5.0	3/13/2009	Chuck Adams, PLS	The criteria for Post-Construction Stormwater management in the flatter areas Of Sussex and Kent Counties seems to be sufficient as it is written (Amended Title 7 Code as of Oct 11, 2006).
5.1	3/13/2009	Sally Ford, Land Design	Why should Stormwater Management reduce runoff, it should manage runoff? The quality of the runoff should be the emphasis, with safe conveyance of larger storms.
5.4	3/11/2009	Sally Ford, Land Design	The change proposed in these regulations from the existing regulations have a large impact on Sussex County. Having an Owner go from managing the 10 year storm to managing the 100 year storm has huge impacts. Where the seasonal high watertable is the limiting feature, the size of stormwater practices will double, (they can only expand horizontally). Also, when these stormwater features are located in the flood plains or near tidal waters, ie. Bethany Beach, the tides will flood the land making it impossible to achieve the storage required.

Theme	Terminology		Comment
Subsection	Date	Comment Received	Commenter
3.12.2	3/12/2009	Kevin Burdette, KNB Associates	Modify Verbiage – As-Built Plans shall not be approved if they exhibit any [functionality] changes from the approved Sediment and Stormwater Management Plan. It is impossible to generate a Construction Site to the EXACT grading shown on any plan. There are always some slight differences.
3.12.2	3/13/2009	Jared Adkins, KCD	This paragraph is awkward. First paragraph states "...shall be approved when those plans comply with the ...checklist..." Second paragraph states "...shall not be approved if they exhibit any changes..." As-built drawings can do both. Should simplify and just say as-builts shall be approved when they demonstrate the constructed stormwater facilities meet the plan requirements.
3.12.2	3/13/2009	Kevin McBride, MRA	Change "any changes" to "any significant changes". Add "resulting in a reduction of performance"
4.3.2	3/3/2009	Ernie Sheppe, MRA	"A site specific plan of construction site stormwater management BMPs must be submitted for projects proposing a disturbance exceeding 20 acres that drains to a common discharge point at any one time. The site specific plan shall include supporting design computations for all conveyance, storage, and treatment practices completed in accordance with Department guidance." (Emphasis added).First, it is my understanding that all SWPPPs are "site specific" plans that are prepared using "Department guidance." In addition, if the Department anticipates publishing new guidance specific to sites having LOD > 20 acres, then we will need to review this new guidance before commenting on this section.

5.1.1	3/13/2009 Kevin McBride, MRA	Substitute "may" for "shall". Substitute "prioritization" for optimization which implies a somewhat unattainable level and thus a requirement to save and preserve all flow paths and vegetative cover etc. Substitute "conserving" for preserving.
5.1.6	3/13/2009 Jared Adkins, KCD	Why does this paragraph specifically include only buildings and related structures and exclude roadways and property damage?
5.1.6	3/13/2009 NCCDLU	Does this section include protection of both existing and proposed buildings from the flooding event. If so, it may need to be clarified.
5.1.6	3/20/2009 SCD	"The design of permanent stormwater management systems shall not cause or increase flooding of buildings or related structures for regulatory storm events up to and including the 100-year, 24-hours storm." Does this include roadways? Also, what if the area currently floods? The proposed regulation says "shall not cause or increase", but what if it was pre-existing?
5.2.2	3/3/2009 Ernie Sheppe, MRA	I suggest the following changes, "...having a 100 99 percent annual probability of occurrence..."
5.3.2 & 5.4.2	3/3/2009 Ernie Sheppe, MRA	I am having difficulty understanding the hydrologic basis for the standard described in this section. The criteria that I remember discussing at the last Technical Subcommittee meeting was the unit discharge alternative. And it was the unit discharge method that was discussed at the RAC meeting on Feb. 9, 2009. The language provided here needs to be clarified.
5.5	3/11/2009 Jen Mihills, DNS	The regulations are quite vague regarding "approved watershed plans" - are these Pollution Control Strategies developed as part of the TMDL process? The regulations should provide greater detail regarding plan requirements and criteria, development and implementation responsibilities, and opportunities for public review and comment. While 5.5.2 specifically refers to "a receiving water body ... identified as impaired, or designated with a specific pollutant reduction target necessary to meet State of Delaware water quality regulations," consideration should also be given to the application of alternative criteria for waterways designated as ERES and/or those that support rare, threatened, or endangered species.
5.5.2	3/13/2009 Kevin McBride, MRA	This provision seems very open ended and undefined. Shouldn't all these water bodies be clearly identified at this point and specifically listed. Owners need to know this before beginning design work.
5.5.3	3/13/2009 Kevin McBride, MRA	"...from a specific source" - Again, these should be identified now and not be left open to debate. If they are not known then the criteria for designating them should be included in these regulations.