

Delaware Sediment & Stormwater Regulatory Advisory Committee
Technical Subcommittee Meeting Agenda
April 8, 2009
10 AM – 12 PM
DeIDOT Smyrna-Clayton Room

1. Introductions – Bruce Jones
2. Discussion on “HSG-A Woods” Condition for Unit Discharge Approach – Randy Greer

Additional analysis since the last Technical Subcommittee Meeting indicated the unit discharges for the 100-YR storm as originally proposed results in a discharge-frequency curve that is not consistent with discharge-frequency curves for the DNREC and Sheppe examples used for the Alternatives Analysis. Using 2.25 cfs/ac for non-woods/non-meadow and 1.34 cfs/ac for woods/meadow would result in more consistent curves. It was suggested that the proposed 100-YR unit discharge be modified to 2.25 cfs/ac for non-woods/non-meadow and 1.25 cfs for woods/meadow. The group concurred.

During the last meeting, the Department solicited the members of the Technical Subcommittee to forward equivalent unit discharge data for actual projects that they had designed under current regulations, particularly those having extensive wooded areas under pre-developed conditions. For the most part, the proposed unit discharges were at or below the equivalent discharges from the actual projects. The one exception was a GMB project that was nearly 100% wooded with soils classified as HSG-A. The group agreed that this land use should be dealt with as a separate category if the unit discharge approach is used. Based on the GMB project, it was suggested that the unit discharge should be adjusted to 0 cfs/ac for the 10-YR event and 0.25 cfs/ac for the 100-YR event for all HSG-A woods/meadow areas. For sites having only a portion of the site in HSG-A woods/meadow, the unit discharge would be adjusted using a simple area-weighted methodology. The group concurred.

In summary, concurrence was reached on the following:

- The 100-YR unit discharge for woods/meadow HSG-B, HSG-C, or HSG-D is proposed as 1.25 cfs/ac.
- The 100-YR unit discharge for non-woods/non-meadow HSG-B, HSG-C, or HSG-D is proposed as 2.25 cfs/ac.

- The 10-YR unit discharge for woods/meadow HSG-A is proposed as 0 cfs/ac.
- The 100-YR unit discharge for woods/meadow HSG-A is proposed as 0.25 cfs/ac.

3. Re-Visit Background for Reg. Revisions – Randy Greer

A short presentation was given explaining the origins of the Governor’s Task Force on Surface Water Management as a result of the flooding that occurred in Glenville following Tropical Storm Henri. The report that came out of that Task Force contained many recommendations to improve how the State plans for and responds to such occurrences. Included were recommendations to better manage stormwater runoff volume and to improve the plan review and approval process to make it more efficient. The “Working Draft Sediment and Stormwater Regulations” represents the Department’s efforts to address those concerns and recommendations through the State’s regulatory authority. A copy of the Task Force report is available in the Revised Regulations section of the Sediment & Stormwater Program Web site:

<http://www.swc.dnrec.delaware.gov/Drainage/Documents/Sediment%20and%20Stormwater%20Program/Reg%20Revisions/SWMTF%20REPORT.pdf>

4. Explanation of difference between proposed regulations and guidance documents – Randy Greer

From a short presentation on this subject:

- Regulations
 - Plan for implementing the Law
 - “What”
- Technical Documents
 - Plan for implementing the Regulations
 - “How”
- Regulations & Technical Documents will be developed concurrently and presented at final Public Hearing as a package.

5. Explanation of Themes – Randy Greer

- Definitions –comment specifically related to the definitions section
- Terminology – comment related to unclear language in a particular section
- Guidance – comment will be addressed as guidance/policy is developed
- Law / Legal – comment related to S&S Law or requires a legal opinion
- Rationale – comment questions why a particular section is needed
- Process – comment related to the procedures set forth in the regulations

- Metrics – comment related to a numeric criteria
- Edits – comments related to changes that do not change the intent of the language
- Miscellaneous – other comments

6. Specific Items for Discussion (Group)

- Breakdown of Technical Comments by Theme

Guidance – 65 (55%)

Definition – 29 (25%)

Terminology – 13 (11%)

Miscellaneous – 5 (4%)

Rationale – 4 (3%)

Legal – 2 (2%)

- Strategy for Developing Technical Guidance Documents

Based on comments directed to the Technical Subcommittee, it was clear that the next area of focus should be the technical documents that would support the regulations. The group discussed the best strategy to develop these documents and agreed to use a process-based approach using the 3 plan review steps proposed in Section 3.0 of the draft regulations. The group also felt that a workshop should be held after the technical documents were developed for each of these steps. It was felt that each step would probably require at least 2 meetings.

7. Additional Items for Discussion

Several members of the Subcommittee expressed concerns regarding the impact that State-wide management of the 100-YR storm event would have on projects. It was explained that the objective would be “no adverse impact”, which does not necessarily imply that stormwater management ponds would have to be enlarged to accommodate the 100-yr storm event for all projects. The unit discharge approach is an option, not a requirement. If a downstream analysis indicates a project would not create an adverse impact downstream during the 100-yr event, the project would be in compliance. What constitutes “no adverse impact” will be determined as the technical documents are developed. However, members were also reminded that when this process first began it was pointed out that meeting the new stormwater management objectives would require thinking “outside the box”. The trend is away from the “collect and convey” approach of the past and toward more distributed systems that treat stormwater runoff closer to the source. Open space areas could serve as ancillary recharge and/or storage areas.

Commercial sites typically have large parking areas that could be used for storage of stormwater runoff, particularly for the infrequent, large magnitude events. The Department's goal is to address the legitimate public health, safety and welfare issues raised by the Governor's Task Force on Surface Water Management while allowing development to proceed as has been customary since the Sediment & Stormwater Law was first promulgated in 1991. Obviously, this is no small challenge and will require all participants working together to find suitable solutions.

8. Future meetings

Based on the discussion regarding the best strategy to begin developing the Technical Documents, the group felt it would be necessary to meet once a month. It was agreed that these meetings would be held on the first Wednesday of each month. Therefore, the meeting schedule breaks out as follows:

- May 6 – Technical Documents for Pre-Application Process
- June 3 – Technical Documents for Pre-Application Process
- TBA – Workshop on Pre-Application Process
- July 1 – Technical Documents for Preliminary Sed. & SWM Plan Process
- Aug 5 - Technical Documents for Preliminary Sed. & SWM Plan Process
- TBA – Workshop on Preliminary Sed. & SWM Plan Process
- Sep 2 – Technical Documents for Sed. & SWM Plan Process
- Oct 7 - Technical Documents for Sed. & SWM Plan Process
- TBA – Workshop on Sed. & SWM Plan Process

Meeting locations will be announced as they become available.