

Frequently Asked Questions: Regulatory Requirements

- 1. Pertaining to grandfathering, does the deadline date submittal include any land development application such as an Exploratory Sketch Plan in New Castle County, or is it strictly for a project-specific Sediment and Stormwater plan?**

The Interim Guidance Policy provides an explanation of the trigger for each delegated agency for when a project may be considered grandfathered.

- 2. How will sites which are developed and have functioning and previously approved stormwater management facilities be handled if those sites are redeveloped?**

A site that was developed under the previous regulations will need to meet the redevelopment criteria for the R_{Pv} to achieve a 30% reduction in the effective imperviousness of the site. If the site reduces imperviousness due to redevelopment, that impervious reduction will be factored into the 30% reduction in effective impervious. If 30% reduction in effective impervious is not met by removing impervious, other runoff reduction BMPs would need to be employed to meet that requirement.

DURMMv2 can factor impervious removal into the analysis. As a trial, input an existing impervious area on the LOD sheet and then input a post-developed condition with a 30% reduction in imperviousness. (Note that changes in impervious areas must be consistent within the same Hydrologic Soil Group.) The LOD sheet will show that the site meets the R_{Pv} without any additional BMPs (notwithstanding some rounding errors). A combination of impervious area reduction and BMPs can be used to meet the necessary runoff reduction. However, if there is a net increase in impervious area, the additional impervious must be managed the same as new development.

- 3. When is the Operation and Maintenance Plan submitted?**

The Operation and Maintenance Plan for each post construction stormwater management BMP will be drafted from the BMP plan sheet(s) that is prepared with the Sediment and Stormwater Management Plan prior to construction. The BMP plan sheet will be amended with the post construction verification document information as well as the remaining items of the Operation and Maintenance Plan Review Checklist located in Article 5.01.2 of the Technical Document. The final Operation and Maintenance Plan must be submitted prior to issuance of a Notice of Completion for a project (*Delaware Sediment and Stormwater Regulations* 6.5.6.3).

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- 4. Are the total volume control requirements of the Mill Creek, Little Mill Creek, Red Clay Creek, White Clay Creek, Persimmon Creek and Shellpot Creek areas in NCC still in effect?**

The volume control requirements for the watersheds listed were written into the Sediment and Stormwater Law under an amendment sponsored by Sen. Karen Peterson. The runoff reduction requirements and “no adverse impact” criteria under the revisions to the Delaware Sediment & Stormwater Regulations (DSSR) fulfill the volume control requirements in those specific watersheds, as well as all the others throughout the State.

- 5. Are TMDL requirements still going to be enforced in watersheds where there are already requirements in place and enforced?**

The Department views TMDL goals on a watershed-wide basis, taking all sectors (ie. agriculture, wastewater, stormwater, etc.) into account. It is hoped that the new runoff reduction requirements will meet the goals established for new development. These runoff reduction goals will initially replace any specific nutrient or pollutant reduction criteria for all watersheds in the State, including the Inland Bays and Chesapeake Bay. If the Department determines the runoff reduction approach is not meeting TMDL goals for the new development sector, the Department will take an adaptive management approach and assess the need for imposing such criteria. If that becomes necessary, a formal regulation revision process would be required, however.