

03.01.1

Standard Plan Criteria

Background

Section 3.7 of the *Delaware Sediment and Stormwater Regulations* allows the Department to develop criteria for cases when a standardized Sediment and Stormwater Management Plan may satisfy the requirements in the place of a detailed Sediment and Stormwater Management Plan. When a project meets the Standard Plan applicability criteria for the project type, that project has the option to comply with the conditions of the Standard Plan for the project type in lieu of developing a detailed Sediment and Stormwater Management Plan.

Project types for which Standard Plan applicability criteria and compliance conditions have been developed are included as follows in this document:

- 3.01.1.1 Residential Construction
- 3.01.1.2 Non-residential Construction < 1.0 acre disturbed
- 3.01.1.3 Minor Linear Disturbances
- 3.01.1.4 Agricultural Structure Construction
- 3.01.1.5 Tax Ditch Maintenance
- 3.01.1.6 Stormwater Management Facility Maintenance
- 3.01.1.7 Demolition
- 3.01.1.8 BMP Construction and Retrofit
- 3.01.1.9 Minor Bridge and Culvert Construction
- 3.01.1.10 Sidewalk, Trail, or Other Linear Impervious Surfaces

A detailed plan may be necessary for the construction activity to be adequately managed for construction site stormwater runoff and/or post construction stormwater management. A detailed plan may be required for any site that may otherwise meet Standard Plan criteria if it is deemed appropriate by the approval agency. The approval agency may require a detailed plan prior to approval or at any time during construction.

Parcels that have previously received approval under a Standard Plan may not be eligible for a Standard Plan in the future, as determined by the approval agency on a case-by-case basis.

A project that does not meet all applicability criteria but does meet the intent of the regulations may be considered for approval under the standard plan as determined by the Department on a case-by-case basis.

An owner or owner's representative may submit to the Department for consideration of development of standard plan criteria and conditions for any project type that may be

submitted on a routine basis and which in the view of the Department would benefit from the development of Standard Plan criteria and conditions.

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3.01.1.1

Residential Construction

Definitions:

1. “Forest” means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater, and that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground and larger. Forest does not include orchards. To determine whether a site meets the definition of a forest at the baseline condition of 2007, the Department or its authorized Delegated Agency may use data from various sources, including but not limited to 2007 Land Use/Land Cover data, historic and recent aerial photography, field collected data, etc.
2. “Residential Construction” means single family residence and auxiliary structures such as detached garages, sheds, pole barns, and other structures that create additional imperviousness.

Applicability:

1. The proposed construction is for residential construction ~~is for one single family residence~~ on one individual residential parcel.
2. The total land disturbance will not exceed 5.0 acres.
3. ~~Within the disturbed area, the pre-development land use is not classified as “wooded” based on the 2007 Delaware Land Use/Land Cover data.~~
4. ~~3.~~ One or both ~~At least one~~ of the following is met:
 - a. ~~The total impervious area proposed~~ (roof, driveway, sidewalks, auxiliary structures, etc.) will not exceed:
 - i. 5,000 square feet for lots of 0.5 acre or less
 - ii. 7,500 square feet for lots between 0.51 acres and 2.0 acres
 - iii. 8% of the total parcel area for lots greater than 2.0 acres, not to exceed 20,000 square feet
 - i) ~~the lesser of 7,500 square feet or 15% of the total parcel area, OR~~
 - b. ~~Comparison of the existing parcel curve number (CN), based upon 2007 Delaware Land Use/Land Cover data to the proposed CN for the parcel after~~ The proposed residential construction results in less than one whole number change in the CN compared to the existing condition.
4. Runoff reduction practices in accordance with the Special Conditions for Additional Imperviousness are employed for any impervious areas above the thresholds of Applicability item 3a.
5. Clearing of forest areas will be done in accordance with the Special Conditions for Forested Areas.

Standard Conditions for All Residential Construction:

1. Standard nutrient management plan recommendations will be followed for the project, during construction and throughout the life of the project.
 - a. Application of lawn nutrients will be based upon the recommendations of a soil test.
 - b. Nutrients will be applied only to turf areas, not impervious surfaces.
 - c. Nutrients will not be applied directly before a runoff event.
2. Discharges from rooftops will be disconnected using one of the following methods or another method approved by the Department or Delegated Agency:
 - a. Individual downspouts will discharge to lawn, ~~or~~ landscape area, or preserved open space or forested area.
 - ~~b. Discharges from downspouts will be collected to discharge to a rain garden.~~
 - ~~c. b.~~ Discharges from downspouts will be collected in rain barrels or cisterns for reuse.
3. Driveways, sidewalks, patios, and other impervious surfaces will be graded to sheet flow to lawn or other pervious areas to the maximum extent practicable.
4. Construction site stormwater management best management practices will be used. Standard Detail and Specification DE-ESC-3.7.1 ESC For Minor Development will be followed during construction.
5. Construction projects exceeding 1.0 acre of total disturbance require submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.
6. Approval of this standard plan does not relieve the applicant from complying with any and all federal, state, county, or municipal laws and regulations.

Special Conditions for Residential Construction for Additional Imperviousness above the thresholds of Applicability item 3a:

1. Rooftop runoff will discharge to in-situ bioretention areas (rain gardens) having a depth of 6 inches and a surface area equal to 1/3 of the contributing roof area, constructed and maintained in accordance with Department guidance.
2. Sidewalks, driveways, patios, and other similar impervious surfaces shall be constructed of permeable pavement, constructed and maintained in accordance with Department guidance.

Special Conditions for Residential Construction with Forest Clearing:

1. Forested area on the parcel will be retained as follows:
 - a. For forest clearing of less than 1.0 acre, a minimum of 25% of the forested area on the parcel will remain undisturbed
 - b. For forest clearing of 1.0 acre or greater, a forested area equivalent to the forested area cleared will remain undisturbed on the parcel

4.2. When special condition 1 cannot be met, afforestation in accordance with the Department's specification will occur to bring the total forested area on the parcel into compliance with forest retention requirement of special condition 1.

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3.01.1.2

Non-residential Construction <1.0 acre Disturbed

Applicability:

1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
2. Within the disturbed area, the pre-development land use is not classified as “wooded” based on the 2007 Delaware Land Use/Land Cover data.
3. One of the following is met:
 - a. Project site location is within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, AND the post construction condition meets the original stormwater design criteria, OR
 - b. Comparison of the existing parcel curve number (CN), based upon 2007 Delaware Land Use/Land Cover data to the proposed CN for the parcel after non-residential construction results in less than one whole number change in the CN, OR
 - c. No new impervious area is proposed as a result of construction.

Conditions:

1. Discharges from rooftops will be disconnected using one of the following methods or another method approved by the Department or Delegated Agency:
 - a. Individual downspouts will discharge to lawn or landscape area.
 - b. Discharges from downspouts will be collected to discharge to a rain garden.
 - c. Discharges from downspouts will be collected in rain barrels or cisterns for reuse.
2. Driveways, sidewalks, patios, and other impervious surfaces will be graded to sheet flow to lawn or other pervious areas to the maximum extent practicable.
3. Construction site stormwater management best management practices will be used.

3.01.1.3

Minor Linear Disturbances

Applicability:

1. Disturbance will be linear, as in utility construction, having a maximum width of disturbance of 20 feet, and a maximum length of 2.0 miles.
2. No greater than 1.0 acre will be disturbed at any one time throughout the course of construction.
3. Within the disturbed area, the pre-development land use is not classified as "wooded" based on the 2007 Delaware Land Use/Land Cover data.
4. Land cover will be restored to the pre-construction hydrologic condition. Pre-construction grading and surface cover will remain after construction. No new impervious surfaces will be created as part of the construction.

Conditions:

1. Stabilization with seed and mulch or seed and stabilization matting will occur daily so that no greater than one acre will be disturbed at any one time.
2. Construction site stormwater management best management practices will be used.
3. Construction through sensitive areas, including stream and wetland crossings, will be accomplished through directional drilling, with land disturbance happening outside of the sensitive area.
4. Construction projects exceeding 1.0 acre of total disturbance require submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.

3.01.1.4

Agricultural Structure Construction

Applicability:

1. Construction is for an agricultural structure which is defined as a structure on a farm used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock. Structures used for human habitation, public use, or a place of employment where agricultural products are processed, treated, or packaged are not considered agricultural structures.
2. The total land disturbance will not exceed 5.0 acres.
3. The pre-construction land use at the location of the agricultural structure is historically agricultural use (farmstead, crop field, pasture). Within the disturbed area, the pre-development land use is not classified as "wooded" based on the 2007 Delaware Land Use/Land Cover data. If any portion of the pre-construction land use is a wooded condition, a detailed plan is required.
4. The proposed impervious area as a result of construction of an agricultural structure is less than 10% of the watershed area to the point of discharge from the parcel.

Conditions:

1. Nutrient management plan recommendations will be followed for the project, during construction and throughout the life of the project.
2. Discharges from rooftops will be disconnected from impervious surfaces. Downspouts, if applicable, will discharge to a stabilized area, such as grass or gravel.
3. Impervious surfaces, including compacted gravel roadways, will be graded to sheet flow to pervious areas to the maximum extent practicable.
4. Construction site stormwater management best management practices will be used.
5. Construction projects exceeding 1.0 acre of total disturbance required submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.

3.01.1.5

Tax Ditch Maintenance

Applicability:

1. Land disturbance is for maintenance of a recorded tax ditch having a design on file with DNREC.

Conditions:

1. Construction will follow “Principles and Guidelines for Planning, Constructing, and Maintaining Drainage Ditches in the State of Delaware”, DNREC Division of Soil and Water Conservation, June 1995.
2. Following maintenance the tax ditch elevations will be returned to design elevations.
3. Construction site stormwater management best management practices will be used.
4. Construction projects exceeding 1.0 acre of total disturbance required submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.

3.01.1.6

Stormwater Management Facility Maintenance

Applicability:

1. Land disturbance is for maintenance of a stormwater management facility having a design on file with DNREC or a Delegated Agency of the DNREC Sediment and Stormwater Program.

Conditions:

1. Construction will follow an Operation and Maintenance Plan in place for the stormwater management facility if one exists.
2. Following maintenance the stormwater management facility elevations will be returned to design elevations.
3. Construction site stormwater management best management practices will be used.
4. Construction projects exceeding 1.0 acre of total disturbance required submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.

3.01.1.7

Demolition

Applicability:

1. Land disturbance is for demolition and removal of a structure, building foundation, building slab, roadway, driveway, parking lot, sidewalk, or other amenity resulting in exposed soil, including access and staging for demolition activities.
2. The total land disturbance will not exceed 1.0 acre.
3. Disturbed land will be restored to a stabilized, vegetated open space condition. No new impervious surfaces will be created as part of the demolition project.

Conditions:

1. Stabilization with seed and mulch or seed and stabilization matting will occur within 14 days of completion of demolition.
2. Construction site stormwater management best management practices will be used.

3.01.1.8

BMP Construction and Retrofit

Applicability:

1. The construction will provide either:
 - a. R_{Pv}, C_v or F_v reduction by implementing Post Construction Stormwater BMP, retrofitting a degraded BMP, or creating a floodplain;
 - b. Stabilization of an eroding area.
2. The total land disturbance will not exceed 5.0 acres.
3. Within the disturbed area, the pre-development land use is not classified as “wooded” based on the 2007 Delaware Land Use/Land Cover data.
4. The total impervious area proposed (roof, driveway, sidewalks, auxiliary structures, etc.) will not exceed the lesser of 7,500 square feet or 15% of the disturbed area.

Conditions:

1. The area must be returned grassed or vegetated condition (excluding permeable pavement installation and the allowable impervious areas), after construction and throughout the life of the project.
2. Discharges from added impervious areas will be disconnected using one of the following methods or another method approved by the Department or Delegated Agency:
 - a. Impervious areas will discharge to grassed or vegetated area.
 - b. Discharges from impervious area will be collected to discharge to a rain garden.
 - c. Discharges from impervious areas will be collected in rain barrels or cisterns for reuse.
3. Construction site stormwater management best management practices will be used.
4. Construction projects exceeding 1.0 acre of total disturbance require submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.

3.01.1.9

Minor Bridge and Culvert Construction

Applicability:

1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
2. The net increase in impervious area will not exceed 5,000 square feet.
3. Land cover will be restored to the pre-construction hydrologic condition or better.

Conditions:

1. Impervious surfaces will be graded to sheet flow to pervious areas to the maximum extent practicable.
2. All non-impervious disturbed area will be vegetated to original or better condition.
3. Construction site stormwater management best management practices will be used.

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3.01.1.10

Sidewalk, Trail, or Other Linear Impervious Surfaces

Applicability:

1. Disturbance will be for construction of a sidewalk, trail or other linear impervious surface with total disturbance not to exceed 5.0 acres.
2. No greater than 1.0 acre disturbed at any one time throughout the course of construction.
3. Within the disturbed area, the pre-development land use is not classified as “wooded” based on the 2007 Delaware Land Use/Land Cover data.
4. One of the following is met:
 - a. Project site location is within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, AND the post construction condition meets the original stormwater design criteria, or
 - b. Comparison of the existing curve number (CN) to the point of discharge as agreed upon with the approval agency, based upon 2007 Delaware Land Use/Land Cover data to the proposed CN to the same point of discharge after sidewalk / trail construction results in less than one whole number change in the CN, or
 - c. No new impervious area is proposed as a result of construction.

Conditions:

1. Impervious surfaces will be graded to sheet flow to lawn or other pervious areas to the maximum extent practicable.
2. Stabilization of exposed soil areas with seed and mulch or seed and stabilization matting will occur daily so that no greater than one acre will be disturbed at any one time.
3. Construction site stormwater management best management practices will be used.
4. Construction projects exceeding 1.0 acre of total disturbance require submittal of a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. A plan fulfilling Stormwater Pollution Prevention Plan (SWPPP) requirements must be developed to obtain general permit coverage for Stormwater Discharges Associated with Construction Activity.