



REGISTER NOTICE

SAN # 2020-02

1. TITLE OF THE REGULATIONS:

7 **DE Admin. Code** 7201 subsection 9.2 Regulations Governing the Control of Water Pollution, Part 2 - Special Conditions for Stormwater Discharges from Construction Activities.

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Delaware Construction General Permit (CGP) under the National Pollutant Discharge Elimination System (NPDES) program is being converted from a permit by regulation, which currently falls under 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3, to a stand-alone general permit authorizing discharges from construction. As the Delaware CGP becomes effective, the conflicts between the language in 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3 and the Delaware CGP will be removed with the adoption of these proposed regulation revisions.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

There is no sunset date for these regulations. The Delaware CGP expires five years from the effective date of the permit at which time the permit will be re-authorized.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** §6010

40 CFR §123.1

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT:

The Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship will conduct a virtual public hearing (Docket #2020-R-W-0012) on proposed revisions to 7 **DE Admin. Code** 7201 subsections 9.2-9.2.7.2.3 Regulations Governing the Control of Water Pollution, Part 2 - Special Conditions for Stormwater Discharges from Construction Activities.

Concurrently a virtual public hearing will be conducted for proposed NPDES Permit Number DE 0051268 “General Permit Authorization for Discharges from Construction Activities Under the National Pollutant Discharge Elimination System and the Laws of the State of Delaware”, also referenced as the Delaware Construction General Permit (Delaware CGP).

The virtual public hearing will be held on **Tuesday, December 1, 2020, beginning at 6:00 PM.**

Virtual Meeting Information

A web link to the virtual meetings will be posted on the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>.

To access the audio-only portion of the virtual hearing, dial in at 408-418-9388 and enter event code 173 792 2277. If prompted for a password, please use WaterPollAmend.

The proposed regulation revisions and the proposed permit may be inspected in the *Delaware Register of Regulations* after November 1, 2020 at https://regulations.delaware.gov/register/current_issue.shtml

The proposed regulation revisions and proposed permit may also be inspected on the DNREC Division of Watershed Stewardship’s Sediment and Stormwater Program website:
<http://www.dnrec.delaware.gov/swc/pages/sedimentstormwater.aspx>

For additional information contact Elaine Webb, 285 Beiser Boulevard, Suite 102, Dover, DE 19904; by phone at 302-739-9921; or by email at elaine.webb@delaware.gov.

For more information about the virtual hearing, visit <https://dnrec.alpha.delaware.gov/public-hearings/>

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register using the form at <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>.

Written comments may be submitted to the Hearing Officer via the online comment form at <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>, via email to DNRECHearingComments@delaware.gov, or via USPS to the below address. The Department will accept public comment through the close of business on Wednesday, December 16, 2020.

Lisa Vest, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

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