

Sediment and Stormwater Regulatory Advisory Committee
 Meeting Notes, Page 1
 4/25/18 Tidewater Utilities

In attendance:

SAN 2015			
First	Last	Affiliation	RAC, Staff, Interested Party
Jared	Adkins	Kent Conservation District	Interested Party
David	Athey	AECOM	Consultant
Zac	Crouch	ACEC	RAC
Vince	Davis	DeIDOT	RAC
Matthew	Grabowski	DNREC	Staff
Randy	Greer	DNREC	Staff
Doug	Hokuf	New Castle County	RAC
Bobby	Horse	David G. Horsey & Sons	RAC
Bruce	Jones	RK&K	Interested Party
Sarah	Keifer	Kent County	RAC
Lew	Killmer	League of Local Governments	RAC
Phil	McGinnis	Delaware Association of Realtors	RAC
Hans	Medlarz	Sussex County	RAC
Paul	Morrill	Committee of 100	RAC
Robert	Palmer	DNREC	Staff
Michael	Riemann	Homebuilders Assn of Delaware	RAC
Jamie	Rutherford	DNREC	Staff
Jessica	Watson	Delaware Assn of Conservation Districts	RAC
Elaine	Webb	DNREC	Staff

The meeting was called to order at 9:06 am by Bob Palmer and the agenda approved without modification. The status of redevelopment legislation was discussed. The bill has not been introduced and through future meetings the RAC and staff will operate as though the bill will not be passed.

The preambles to the regulations and to the BMP Standards and Specifications document were concurred by the RAC conditioned upon the formatting updates as discussed in the meeting to be addressed. If RAC members have any additional comments on the preambles they should send those comments to DNREC staff as soon as possible.

As follow-up to the 3/21/18 RAC meeting, regulatory interpretation and variances were discussed. The policy for looking at regulatory interpretation and variance requests has been distributed through the monthly list serve.

Bobby Horsey reported on the Technical Subcommittee. A recommendation for concurrence on the 5101 language for detention practices was made and concurrence achieved by the RAC for this section of the regulations.

There was a lengthy discussion about the timeline for editing the remaining portions of the Technical Document and the ability of the RAC to continue to proposed edits after June 1 or after publication in the Register of Regulations. It was suggested that the RAC should assess the progress made at the May 23 RAC meeting and decide then if additional time to review further edits is warranted.

Section 1 was reviewed. Section 1.3.2.1 had been edited since the 3/21/18 RAC meeting to address a previous RAC recommendation from November 2016; however, the RAC has decided not to use the November 2016 language and keep 12/31/19 as a sunset date for plans approved to comply with regulations in place prior to January 1, 2014 that have not commenced construction.

Other portions of Section 1 that were added from the Technical Document were reviewed. Proposed Sections 1.3.2.2.1 and 1.6.2.1.2 were deleted and 1.6.2.1.3 combined with 1.6.2.1.4. RAC members concurred with the Section 1 conditioned on these changes.

Section 3 reached consensus at the 3/21/18 meeting however there was a proposed edit based on further review of the Technical Document. The RAC concurred with the change to Section 3 as proposed.

Section 4 as edited based upon a review of the Technical Document was reviewed by the RAC. The RAC decided to delete proposed Section 4.4.4. The RAC concurred on Section 4 conditioned on the edit as discussed.

Section 5 as reviewed by the ad hoc subcommittee that met on April 12 was reviewed. The redevelopment language of 5.6 was not reviewed in great detail at this meeting due to the potential redevelopment legislation. Randy Greer has a proposal that would pare down Section 5.6 regarding redevelopment. This pared-down Section 5 will be discussed at the May 2 Technical Subcommittee meeting and brought back to the RAC on May 9.

Edits to Section 9 on Delegation was reviewed and concurred by the RAC. No edits are proposed to Section 10 on Stormwater Utilities and the RAC concurred on that as well.

Section 6 regarding Construction Review had been edited to incorporate Technical Document items. The CCR program was discussed at length. The RAC agreed to requiring third-party CCRs. "Third Party CCR" does need to be defined. Delegated agencies requested stronger language related to revocation of CCR certification and would like the mandate for use of CCRs for projects over 20 acres removed. DNREC will talk to attorney Dirk Durstein about these items as well as a separate discussion with the Delegated Agencies. Edits to other portions of Section 6, including 6.3.2, 6.1.8 and 6.4.1 were made on

the document during the meeting. DNREC staff will clean up Section 6 and bring it back to the May 9th meeting of the RAC for review.

A separate meeting for review of Section 7 Maintenance will be scheduled for the afternoon of May 2. Redevelopment will be added to the Technical Subcommittee meeting agenda for the morning of May 2. At the May 9 RAC meeting the edits to Section 6 will be discussed and edits to Sections 7 and 8 proposed.

Following no public comment the meeting adjourned at 12:00pm.