

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
Steven	Fortunato	Becker Morgan Group	RAC representing HBADE
Matthew	Grabowski	DNREC	Staff
Ting	Guo	DeIDOT	RAC representing DeIDOT
Doug	Hokuf	New Castle County	RAC
Bobby	Horsey	David G. Horsey & Sons	RAC
Lew	Killmer	League of Local Governments	RAC
Angela	McFadden	EPA	Interested Party
Phil	McGinnis	Delaware Association of Realtors	RAC
Paul	Morrill	Committee of 100	RAC
Robert	Palmer	DNREC	Staff
Jamie	Rutherford	DNREC	Staff
Jessica	Watson	Delaware Assn of Conservation Districts	RAC
Elaine	Webb	DNREC	Staff

The meeting was called to order at 9:05 am by Bob Palmer. Jessica Watson requested an addition to the agenda to discuss 5101 Section 4.4. The status of redevelopment legislation was discussed. The bill was introduced on May 8, 2018 and will be heard in committee on 5/9/18 at 1pm. The RAC needs to ensure that the regulatory language for redevelopment is workable because the redevelopment language in the legislation will sunset when revised regulations become effective.

Section 5 of the regulations was reviewed with concurrence from the RAC.

Comments and edits on Section 6 of the regulations were discussed. Edits to Section 6 were made during the meeting on the screen for all in attendance to review. Notable changes include:

- removal of the 20-ac threshold for requiring CCRs,
- moving the CCR responsibilities from under the “owner responsibilities” heading and including it with the “CCR requirements” section,
- keeping the requirement for owners to notify if a CCR is ceasing reporting but including it as a responsibility of the CCR to notify the Department or Delegated Agency as well,
- combining the Contractor Training Program and Responsible Personnel requirements sections

- removing the code of ethics requirement section from the P.E. responsibilities as this does not need to be stated, and
- photographic documentation of construction of all stormwater management systems will be required.

Section 4.4 of the regulations dealing with limits on land disturbance was discussed. Jessica Watson suggested that exceeding 20 acres of land disturbance should not be a “by right” option but instead require approval of the Department or Delegated Agency. In addition, heightened controls for dust should be included in the plan. Best Available Technology (BAT) is defined in the regulations and may apply in this section. Elaine Webb will review usage of BAT elsewhere in the regulation and work with Jessica Watson, Jared Adkins, and Doug Hokuf to revise the wording of Section 4.4.

During the discussion of Section 6 and Section 4.4, a concern over the use of the term “stormwater management system” was voiced and tabled to later discussion during the Maintenance and Definitions sections of the agenda. Concurrence on Section 6 was conditioned based on later discussion on the “stormwater management system” term.

Bobby Horsey reviewed the portions of Section 11 that had been reviewed and recommended by the RAC. Concurrence was reached on 11.6 Restoration Practices, 11.11 Stormwater Filtering Systems, 11.14 Soil Amendments, and 11.16 Source Controls. The Sediment and Stormwater Program received comments from Jacob Dorman from Contech regarding the regulatory language for stormwater filtering systems and proprietary practices. The Stormwater Filtering Systems comment was related to the pollutant reduction credit. Bob Palmer agreed to talk to Dirk Durstein about language that may be used to state that the numbers in the regulations for pollutant reduction credit are minimum numbers. The comments received on proprietary practices are significant enough that they will be taken back to the Technical Subcommittee.

Section 7 regarding Maintenance was reviewed by Matt Grabowski. The definition of “stormwater management system” was discussed. In the definitions section, Section 2 of the regulations, the definition of “stormwater management system” was amended to include “as defined in Section 11” referring to stormwater management BMPs as part of the stormwater management system, not including conveyance systems. The definition of “stormwater management system” was edited on screen during the meeting and concurred by the RAC members.

After discussion regarding the owner’s maintenance responsibilities, all of section 7.2.1 was deleted. In addition all of 7.4.1 within minimum maintenance requirements was deleted. All changes to Section 7 were reviewed on the screen and concurrence to Section 7 as edited was agreed upon by the RAC members.

The new definitions added to Section 2 Definitions were reviewed. The definitions for “pretreatment” and “third party CCR” were edited on the screen in addition to the definition for “stormwater

management system” which was edited earlier in the meeting. The RAC concurred on Section 2 as edited during the meeting.

Section 8 Enforcement of the regulations was reviewed with concurrence from the RAC. Following full discussion of Section 6, including the edits to the definition for stormwater management system, prior to the conclusion of the meeting concurrence was reached on Section 6.

The next meetings and their topics were reviewed. The next Technical Subcommittee meeting will be on May 16 and will include topics of constructed wetlands, setbacks, proprietary practices, and the Delaware Erosion and Sediment Control Handbook. The final RAC meeting will be on May 23 and will include a request for concurrence on the items of the 5/16 Technical Subcommittee meeting as well as the edits to Section 4.4. The RFA/RIS will be reviewed at the final RAC meeting.

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