

**SURFACE WATER MANAGEMENT TASK FORCE**

**JANUARY 21, 2005 MEETING MINUTES**

**FELTON/FARMINGTON CONFERENCE ROOM**

**KENT CONSERVATION DISTRICT – DOVER, DELAWARE**

The Task Force was established by Governor Ruth Ann Minner on December 17, 2004 by Executive Order Number 62.

Task Force Members Present:

John Hughes (chair)	Secretary, DNREC
Senator David McBride	Chair, Senate Natural Resources Committee
Representative Roger Roy	Co-chair, Bond Bill Committee
Lori Rigby (for Robert Venables)	Staff Member, House of Representatives
David Singleton	Chief Administrative Officer, New Castle County
Charles Baker	General Manager of Land Use, New Castle County
David Burriss (for Robert McLeod)	President, Kent County Levy Court
Gary Stabley	President, Lewes Board of Public Works
Kash Srinivasan	Commissioner of Public Works, Wilmington
Paul Morrill	Town Manager, Delaware City
Scott Koenig	Director of Public Works, Dover
Larry Irelan	New Castle Conservation District
Jared Adkins	Kent Conservation District
Jeff Bross	Duffield Associates
Jeff Seemans	Blenheim Homes
Rick Woodin	Homebuilders Association of Delaware
Stephanie Hansen	Richards Layton and Finger
John Talley	State Geologist, Delaware Geologic Survey
Paul Petrichenko	Natural Resources Conservation Service (Dover)
Drew Boyce (for Ralph Reeb)	Subdivision Engineer, DelDOT
Eileen Butler	Delaware Nature Society

Task Force Members Absent:

Representative Joseph Booth	Chair, House Natural Resources Committee
Robert Stickels	County Administrator, Sussex County
Ed Bender	Sussex Conservation District

Non Task Force members also in attendance included Lee Ann Walling from Governor Minner's office; Janet Kilpatrick from the House of Representatives staff, Kevin Donnelly and Laura Herr from DNREC Division of Water Resources; and Robert Baldwin, Frank Piorko, Randy Greer, David Twing, Mike Brown, and Kathy Osterhout from DNREC Division of Soil and Water Conservation. Members of the public were also present.

Secretary Hughes gave a brief overview of how and why the Task Force was formed. Information included in each member's notebook was summarized. Meetings will be limited to a maximum of two hours unless there is consensus to extend for a specific topic. The public will be afforded the opportunity to comment at the end of each meeting. However, members of the public may request to speak anytime during meetings if they have valuable information. It was decided to hold meetings every other Thursday at 9:00 in the Felton/Farmington Conference Room at the Kent Conservation District.

The URS Corporation was introduced as the firm that will assist DNREC staff in supporting the Task Force. Representing URS were David Athey, P.E., Project Manager; Bryan Pariseault, Project Engineer; and Debbie Vandenbraak, Senior Administrative Assistant. They will attend each meeting, record and distribute meeting minutes, conduct follow-up interviews as needed, and collate this information into the final report.

Mr. Piorko gave a PowerPoint presentation to provide background. He described DNREC's Sediment and Stormwater Program, Drainage and Water Management Program, Tax Ditch Program Support, and others as well as the Federal NPDES MS4 Program. Stormwater management issues were identified including outdated regulations, strategies being site based as opposed to regional, level of development overwhelming funding and program staffing, and lack of adequate maintenance. Drainage issues included more support needed for tax ditch organizations, additional coordination between counties and municipalities, and evaluation of local codes and requirements. He also gave a brief primer on stormwater utilities and noted the numerous Federal, State, and local agencies involved in surface water management. Finally, he summarized data associated with Hurricane Floyd in 1999, Tropical Storm Henri in 2003, and Hurricane Jeanne in 2004.

Mr. Baker also gave a PowerPoint presentation which focused more on New Castle County. He noted a gradual increase in annual rainfall amounts over the last 55 years with the last two years having the highest single year amounts in that time period. Issues in New Castle County include over 5,500 structures located in flood plains, lack of stream and existing drainage system maintenance, lack of systems in some areas, and incomplete flood plain mapping. He also documented that only three of the County's 21 watersheds experienced greater than a 50-year storm event in the storms of 1999, 2003 and 2004 but others, such as the Red Clay Creek, experienced a 500-year event. Thus flood damages tend to be localized. Earlier this month County Council passed Ordinance 04-176 which authorized \$17 million for multiple flooding projects. Issues include the need for comprehensive watershed-based solutions, a dedicated funding stream, and establishing clearer lines of responsibility and coordination.

Secretary Hughes summarized the presentations and observed the differences between the three counties in that New Castle and Kent Counties have drainage codes but Sussex County has a much briefer drainage ordinance. It was also thought that coastal flooding problems are much more contained than non-coastal problems. Since coastal flooding is typically the result of wind and wave action as opposed to surface water, flooding in these areas would probably not be addressed by this Task Force. Mr. Bross noted that two watershed studies were recently completed in New Castle County, Naamans and Shellpot Creeks, and these could be used as models for future work.

Senator McBride asked who was the lead agency on these issues and was told that there basically is no one lead agency but many who periodically have overlapping responsibilities. The Senator stated that figuring this out should be the primary focus of the group.

Discussions were held on the need and potential make up of Task Force subcommittees. Ms. Walling thought four subcommittees would be appropriate: Governance, Financing, Land Use, and Buyout Protocol because a clearer picture was needed on many topics. Mr. Woodin thought an approach was needed to analyze conditions on a watershed basis and funding options including a surface water utility and tax increases should be looked at. Representative Roy stated that solutions will fall into two general categories: those that can be implemented in the short term and those dealing more on a watershed level that will need to be addressed in the long term.

Mr. Morrill said that it was too early to make assumptions about potential Task Force outcomes such as a surface water utility and more talk was needed before subcommittees could be established. He also thought that remediation and maintenance should be added to a Buyout subcommittee if it is formed. Secretary Hughes agreed that it was too early to establish subcommittees but said it would be an agenda item at the next meeting. No more than four subcommittees will be formed. There was general agreement to this approach.

Mr. Singleton asked if staff could assemble and present at a future meeting what others are doing to address these issues. Secretary Hughes committed to this but also noted the difficulties keeping abreast of the moving target of county and municipal efforts.

Mr. Srinivasan stated that projecting rainfall amounts involves probability and a representative from risk management was absent from the Task Force. Mr. Burris felt that outcomes will need to recognize the differences in the three counties. Senator McBride and Mr. Singleton thought that governance and finance were the two most important factors to consider. Many agreed that some topics, such as a surface water utility, will transcend individual subcommittees. Secretary Hughes reiterated that subcommittees will be decided upon next meeting.

Representative Roy said he needed more education on buyouts and questioned politically where they fall.

Mr. Ireland agreed with an earlier comment that coastal flooding is not really a surface water issue. Representative Roy agreed but noted that it may not be politically realistic to exclude coastal issues if the Task Force recommendations receive funding from the General Assembly. Secretary Hughes pledged that DNREC staff member Mike Powell would give a presentation on coastal flooding at the next meeting.

Mr. Seamans noted that problems need to be identified before they can be solved and he did not think that a clear understanding of the problems had been established. Secretary Hughes agreed but noted that a solid identification of the problems could not be obtained quickly and easily. He will also ask the Corps of Engineers to do a presentation for the Task Force on their efforts. Mr. Donnelly suggested this presentation should also include their agreed upon work plan for \$2.2 million Red Clay Creek study.

Senator McBride asked about State policies on wetlands and floodplains. Mr. Hughes tasked Mr. Donnelly and Ms. Herr to discuss afterwards for possible future presentation.

Ms. Hansen asked what needed to be done to comply with Federal requirements and thought that EPA has requirements above and beyond NPDES and TMDL programs. Mr. Burris asked what is in place now on these subjects. He thought the task force did not have full representation.

Mr. Hughes asked if there were any comments from the public. There were none.

Mr. Athey said meeting minutes would be distributed by Email at least several days before the next meeting and review of said minutes should be the first agenda item at each subsequent meeting. Secretary Hughes agreed and said the minutes should address the general flow of conversations and reflect individual concerns but not include the minutia of every statement made. Mr. Morrill asked for future meeting dates to be noted in the minutes.

Senator McBride observed that some members will likely have conflicts with future meetings and they may not be able to attend them all. Secretary Hughes recognized this and asked that if designees are sent that they be fully briefed on the issues and can be active participants.

**Next Task Force Meeting:** Thursday February 3, 2005 at 9:00

**Future Task Force Meetings:** Thursday February 17, 2005 at 9:00  
Thursday March 3, 2005 at 9:00  
Thursday March 17, 2005 at 9:00  
Thursday March 31, 2005 at 9:00

All meetings at the Felton/Farmington Conference Room, Kent Conservation District, Dover, Delaware.