

SPRING 2006

<http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>

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ANNOUNCEMENTS

New Gold Cards

The DNREC Sediment and Stormwater Program is now granting Gold Cards for those individuals who have completed the Certified Construction Reviewer course. Previously, the cards closely resembled the Blue Card, which are given to those individuals who have completed the Contractor's Certification Course. In addition to the new gold color, to make it simpler for those certified, the expiration date will appear on the card rather than the date issued.

New DNREC Inspector

You might see Cheryl Gmuer, DNREC Sediment and Stormwater Program's newest inspector, out and about on your construction site. Cheryl worked for over eight years as an Operations Research Analyst for the U. S. Army. Her main duties



were to perform field tests and data analysis on helicopters. She also has worked in the construction industry doing architectural drafting and bridge inspections.

Please welcome Cheryl if you see her!

Certified Construction Reviewers List

Please see the DNREC Sediment and Stormwater website for a list of all active Certified Construction Reviewers (including those certified in March 2006), along with contact information.

Upcoming Recertification Course for Certified Construction Reviewers (CCR), November 2006

The CCR Course is a three-day training that offers detailed information on sediment controls and stormwater management measures. The next training will be held in March, 2007. Please e-mail Joanne Gedney at Joanne.Gedney@state.de.us or call 302-739-9921 to be placed on the waiting list. The recertification, a one-day course, will be held in December, 2006. The course fee is \$90, which includes continental breakfast and a course manual. Please contact Joanne Gedney for registration information.

ANNOUNCEMENTS CONTINUED

Upcoming Blue Card Courses

Please see the DNREC Sediment and Stormwater website for a list of the upcoming Blue Card Courses scheduled for August, September, October, and December, 2006.

New Dam Safety Program

In 2004, legislation established a Dam Safety Program within DNREC's Division of Soil & Water Conservation, effective upon the availability of funding. In 2005, funds were appropriated for the Dam Safety Program as one of the recommendations made by the Governor's Surface Water Management Task Force. The legislation authorizes DNREC to adopt standards for construction, repair, maintenance, operation and inspection of publicly owned dams. This spring we will be establishing a regulatory advisory committee and starting the regulation writing and review process, which will include public workshops and the opportunity for public comment. Contact David Twing at 302-739-9921 for more information.

Hearns Pond Dam Failure, Summer 2001



DELEGATION REVIEW

The Delaware Sediment and Stormwater Law and Regulations allow for DNREC to delegate implementation of certain aspects of the program to local agencies (see agencies and jurisdictions on next page). Four program elements may be delegated to the local agencies: plan review and approval, construction inspection, maintenance inspection, and education and training. Each of these agencies have been delegated the responsibilities of plan review and approval, construction inspection, and maintenance inspection. DNREC retains the education and training component of the program throughout the State of Delaware, in addition to conducting plan reviews for state and federal projects such as schools. They are also involved with projects that are under site investigation due to issues regarding noncompliance.

DNREC provides oversight and coordination for the local programs. Some of these activities include holding regular meetings with the local agencies to work through any programmatic or plan review issues they may have, and accompanying local agency construction reviewers on site visits to ensure that compliance is being reached out in the field. Every three years, DNREC completes a thorough audit of the local programs in order to determine if the program should be re-delegated the authority for implementation of the program. DNREC began this delegation review in Fall 2005 and completed the review in March 2006. Each of the eight delegated agencies has been re-delegated authority for implementation of the State of Delaware's Sediment and Stormwater Program.



DELEGATION REVIEW CONTINUED

New Castle County

New Castle County Dept. of Land Use

Delegated Area: All unincorporated areas of
New Castle County
87 Reads Way
Corporate Commons
New Castle DE 19720
Phone: (302) 395-5400

New Castle Conservation District

Delegated Area: All Incorporated areas of
New Castle County (except City of Newark,
City of Wilmington and Town of
Middletown).
2430 Old County Road
Newark DE 19702
Phone: (302) 832-3100, Ext. 3

City of Newark

Delegated Area: City of Newark
Public Works Department
220 Elkton Road
Newark DE 19711
Phone: (302) 366-7040

City of Wilmington

Delegated Area: City of Wilmington
Dept. of Public Works
800 North French Street
Wilmington DE 19801
Phone: (302) 576-3056

Town of Middletown

Delegated Area: Town of Middletown
19 West Green Street
Middletown DE 19709
Phone: (302) 378-9120

Kent County

Kent Conservation District

Delegated Area: Kent County
800 Bay Road, Suite 2
Dover, DE 19901
Phone: 302-741-2600 (X 3)

Sussex County

Sussex Conservation District

Delegated Area: Sussex County
23818 Shortly Road
Georgetown DE 19947
Phone: (302) 856-7219

State-wide

DE Department of Transportation

800 Bay Road
P.O. Box 778
Dover DE 19903
Phone: (302) 760-2251

WHO DOES MY PLAN REVIEW?

Implementation of the Delaware Sediment and Stormwater Regulations is delegated throughout the State to eight local agencies (above). Typically, it is plan reviewers and engineers within these agencies that review Sediment and Stormwater Plans for privately-owned developments, businesses, and industry. It is important to understand that the DNREC Sediment and Stormwater Program staff reviews plans for State of Delaware projects like public schools, prisons, and state parks, Federal projects such as Dover Air Force Base and post offices, as well as special projects that are referred by the Delegated Agencies. DeIDOT also reviews plans for DeIDOT road projects.

The location of the project will determine which agency reviews the Sediment and Stormwater Plans for your project. Once a Notice of Intent (NOI) is submitted and the plan is approved, it will be stamped and signed by the Delegated Agency and returned to you so that you can proceed with your project.



UPDATE ON BIORETENTION

Within DNREC's Sediment and Stormwater Program, one of the most frequent requests for information relates to our current policy on bioretention soil or "biosoil" as it has been called. As with any new Best Management Practice (BMP), developing standards and specifications can often be a "learn-as-you-go" process. Such has been the case with bioretention soil mixes. A little history may be helpful in explaining how we arrived at the current recommendations.

While bioretention systems have been utilized as stormwater management BMPs since the late 1990's in Delaware, an unacceptable percentage of the early installations resulted in either partial or complete failure. Anecdotal evidence pointed to the biosoil mix, itself, as the reason for failure in many of these cases. At that point, the Sediment and Stormwater Program began experimenting with various mixtures to try to find just the right blend that would provide the necessary treatment while maintaining adequate drainage. The mix that was finally decided on contained equal parts by volume of triple shredded hardwood mulch, sphagnum peat moss, and concrete sand. Program staff then sought out and found several suppliers who had the equipment and adequate quality control to ensure a consistent product. DNREC then identified these suppliers as "Approved" and required that the soil mix for any bioretention system used for stormwater management purposes in Delaware had to come from one of these suppliers.

This "Approved Supplier" approach worked well as an interim policy to get adequate supplies of biosoil available to contractors for a product that was undergoing increasing demand. However, DNREC also recognized that other suppliers would eventually be interested in serving this market. Thus was born the idea to transition from the "Approved Supplier" approach to a "Certified Material" approach. This process would be modeled after DelDOT procedures for various construction materials ranging from common borrow to stone riprap. Once the material is defined through a set of standards and specifications, any supplier could potentially provide the material as long as they certify that it meets those standards. The Sediment and Stormwater Program has been actively pursuing the necessary background work over the course of the past year to bring this process to fruition.

The certification testing for biosoil currently consists of a three-step process. Under the proposed testing protocol, the material is first subjected to a standard sieve analysis and checked for the proper proportion of the various constituent ingredients. The sand portion is then separated and subjected to a fineness modulus test to ensure it does not contain too high a percentage of fines. Finally, a mixed sample is subjected to a permeability test to ensure it has adequate drainage. If the material is within the specifications for all three tests, it can then be "certified". When this process is put into place, it is anticipated that the supplier will be required to certify that their biosoil meets DNREC standards and specifications for each project. The testing protocol will be such that a typical soil testing laboratory will be able to run the tests. Interested parties should visit the Sediment and Stormwater Web site for upcoming announcements in the next month regarding the official adoption of the certification process for bioretention soil mix. The "Standards & Specifications for Green Technology BMPs" are available for download as well.



NOTICE OF INTENT CHANGES

The Department of Natural Resources and Environment Control has adopted revised *Regulations Governing Storm Water Discharges Associated with Industrial Activities (The General NPDES Permit Program)*, including **Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities**. Workshops were held throughout the State in July 2005 and a public hearing held in September 2005. The regulations were published in the State's February 2006 Register of Regulations, and became effective **February 11, 2006**. The regulations are posted on the DNREC Sediment and Stormwater Program website: <http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>.

Due to new regulations, the Certification on the Notice of Intent (NOI) form has changed.

A new NOI form, dated January 2006, has been posted on the DNREC website. As of April 17, 2006, previous versions of the NOI form will not be accepted. In addition, all owners of continuing projects who had submitted an NOI using previous versions of the NOI form will be receiving a mailing from DNREC asking for the new Certification to be signed and returned to DNREC. Owners should expect to receive this mailing within the month of May 2006. Please be reminded that owners must sign the certification on the NOI, not the consultant.

The changes to the NPDES General Permit Program regulations include the addition of the **Transfer of Authorization**. If an owner who submitted the NOI prior to approval of the Sediment and Stormwater Plan does not intend to control the permitted activities during construction, or the ownership of the project has changed, the original owner/operator may transfer authorization to discharge to a duly authorized person or the subsequent owner by submitting a Transfer of Authorization form. Once the Transfer of Authorization Form and the Transfer of Authorization agreement is finalized, the form will be posted on the DNREC Sediment and Stormwater Program website.

Another addition under the new regulations is **Shared Operational Control**, also known as the co-permittee condition. Projects containing multiple operators, such as residential developments with multiple homebuilders, will be affected by this change. A single NOI will be submitted for a site, but each individual operator, including the original developer and subsequent homebuilders, will share operational control of the site and become co-permittees under the same NOI through submittal of the Co-Permittee Application form. The Co-Permittee Application form is currently in draft and the co-permittee agreement in legal review. Once those items have been finalized, the Co-permittee Application form will be posted on the DNREC Sediment and Stormwater Program website.

Finally, under the new regulations, the DNREC will begin requiring submittal of a Notice of Termination (NOT) form. A project will be considered completed once the NOT form is received and the local delegated agency has provided verification that all conditions of the Sediment and Stormwater Plan have been met, as-built documentation has verified that the permanent stormwater facilities have been constructed according to the approved plan, and final stabilization has been achieved. The NOT form will be posted on the website.



MAC IECA

The International Erosion Control Association (IECA) is the world's largest association devoted entirely to helping members grow professionally and solve problems associated with erosion and sedimentation. IECA has more than 3000 members in 52 countries and continues to expand. It is a diverse group consisting of engineers, contractors, government personnel, consultants, product manufacturers, suppliers and more with interests and expertise in various areas of the erosion and sediment control profession. Herein lies IECA's strength, its tight network of dedicated experts.

Joining IECA will give you access to a knowledge base in areas such as vegetative stabilization, erosion and sediment control for highway construction and state-by-state stormwater management requirements. The erosion control industry is rapidly evolving and you can't afford to fall behind in this era of frequent inspections and fines for non-compliance. You need to be informed about the latest practices, regulations and technology to compete.

Most of the folks reading this newsletter are active in Delaware and the surrounding region. Fortunately, joining IECA will automatically make you a member of the Mid-Atlantic Chapter (MAC). The states of Virginia, West Virginia, Maryland, Pennsylvania, New Jersey and, of course Delaware are represented to ensure that you receive technical assistance applicable to this region. MAC/IECA's activities include providing scholarships to students, sponsoring a new chapter in India, and holding periodic workshops. Some of the membership benefits include:

- Discounts on educational events and products
- Listserves and online forums
- Annual products and services directory
- Listing in the IECA Membership Directory
- Free classified ad postings on the web site
- Free copy of newsletters and Annual Conference proceedings
- Access to topic-specific communities, and more

In addition, the MAC/IECA organizes an Annual Conference every fall. Last November, the festivities were in Ocean City, Maryland and consisted of three days of learning that included classroom sessions, a product expo and a field trip. Topics included slope stabilization, low impact development and urban stormwater management BMPs as well as the review and exam for two professional certifications. To round out the event, a golf tournament and awards banquet were available and enjoyed by all who participated. The expo hall had 29 exhibitors and evaluation forms submitted by most of the 165 attendees were glowing. Recent conferences attended by DNREC personnel were a great learning experience and networking opportunity. Next year's conference is moving to Norfolk, VA on September 26-29, 2006 at the Sheraton Waterside. IECA also holds a national conference every year. In 2007 the conference will be in Reno, Nevada on February 12-16. Check out MAC / IECA's web site at www.macieca.org to explore the benefits of membership and become a partner in the premier erosion control organization.



CERTIFICATIONS FOR EROSION AND SEDIMENT CONTROL

Certified Construction Reviewer (CCR)

Certified Construction Reviewers are private inspectors for erosion and sediment control who are hired by a developer when required by a review agency (Delegated Agency). Delaware is one of the few states that allows for this type of inspection. After attending a three-day course offered by the DNREC, a written exam must be passed in order to become a CCR. Certification is valid for five years, and it can be revoked. All CCR reports, submitted weekly, must be sealed by a Delaware Professional Engineer and sent to the Delegated Agency who provides oversight.

For more information, please go to

<http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>

or call 302-739-9921.

Contractors Certification (Blue Card)

State of Delaware Regulations state that there must be at least one "responsible person" on site at all times. A "responsible person" is someone who has completed the four-hour Contractor's Certification course offered by DNREC. Topics include an overview of the Delaware Sediment and Stormwater Regulations, basics of erosion and sedimentation, sediment and erosion control, environmental impacts of sediment, and pollution prevention. For more information, please go to

<http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>

or call 302-739-9921. A similar certification is offered through the Maryland Department of the Environment (Green Card). This certification is not acceptable for use in the State of Delaware.

Certified Professional in Erosion and Sediment Control (CPES) and Certified Professional in Stormwater Quality (CPSWQ)

Although not a requirement in the State of Delaware, this certification can be helpful to stay on top of the business. This certification program identifies professionals who are qualified for educational, scientific, and service activities in the fields of erosion and sediment control and stormwater quality. Through the Soil and Water Conservation Society (SWCS) and International Erosion Control Association (IECA), professionals in these fields have developed standards and procedures for certifying persons qualified in erosion and sediment control and stormwater quality. For more information, please go to <http://www.cpesc.net/>

CONTACT THE SEDIMENT AND STORMWATER PROGRAM

To contact the DNREC Sediment and Stormwater Program, please call (302) 739-9921. Our website includes tools useful for both designers and contractors, such as guidance documents on Green Technology and the Erosion and Sediment Control Handbook.

You can also visit us on the web:

<http://www.dnrec.state.de.us/DNREC2000/Divisions/Soil/Stormwater/StormWater.htm>