



START ACTION NOTICE # 2020-02

DOCKET # 2020-R-W-0012

1. TYPE OF ACTION:

Revisions to the General Permit Program under 7 DE Admin Code §7201-9.2 Special Conditions for Storm Water Discharges Associated with Construction Activities.

2. PURPOSE OF ACTION:

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 §7201-9.2, to a stand-alone general permit authorizing discharges from construction. Once the Delaware Construction General Permit (CGP) becomes effective, there will be conflicts between the language in the regulation and the effective CGP. The purpose of this action is to maintain enabling language for the CGP and eliminate conflicts for this and future CGPs.

3. STATUTORY BASIS:

7 Del.C. Ch.60, *Environmental Control*

7 Del.C. Ch.40, *Erosion and Sedimentation Control*

7 Del. Admin. C. §7201-9.2, *Regulations Governing the Control of Water Pollution, Part 2 – Special Conditions for Storm Water Discharges Associated with Construction Activities*

7 DE Admin. Code 5101, *Sediment and Stormwater Regulations*

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Clean Water Act, 33 U.S.C. §1342

40 Code of Federal Regulations (40 CFR), Section 123.25

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

(Please indicate if review was pursuant to EO-36 OR HB 147)

The most recent amendment to 7 DE Admin Code §7201-9.2 Special Conditions for Storm Water Discharges Associated with Construction Activities was February 1, 2006.

6. LIKELY AFFECTED PUBLIC:

Land developers, contractors, builders, DeIDOT. These entities are currently regulated by 7 DE Admin Code §7201-9.2 however there will be revised requirements under the stand-alone CGP.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Acceptance of final CGP draft by EPA – February 2020

Complete Draft of revisions to 7 DE Admin Code §7201-9.2 to align with final CGP – April 2020

Public Workshop of revisions to §7201-9.2 and new CGP – May 2020

Publish proposed §7201-9.2 in Register of Regulations concurrent with public notice for CGP – June 1, 2020

Public Hearing – July 2020

Final regulations published in Register of Regulations – September 1, 2020

Effective Date of regulations – September 11, 2020

8. REVIEW COMMITTEE:

There is no plan to convene an advisory committee at this time. The CGP is proposed to meet Federal requirements and the proposed revisions to §7201-9.2 will eliminate conflicts between existing regulation language and the new CGP.


9. RESPONSIBLE STAFF MEMBER:

(name, physical address, phone and fax numbers, and e-mail address)

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10. APPROVALS:

 2/24/20  
\_\_\_\_\_  
Elaine Z. Webb Date  
Responsible Staff Member

 2-27-20  
\_\_\_\_\_  
Terry Deputy Date  
Director, Division of Watershed Stewardship

 3/26/20  
\_\_\_\_\_  
Shawn M. Garvin Date  
Secretary