

DNREC Sediment & Stormwater Listserve Update: January 2023

This month's topics:

1. Fee-in-Lieu Updates
2. Erosion and Sediment Control Handbook Updates
3. CCR Training - Spring 2023 Registration is Open
4. Contractor Training Program – Certification Expiration Reminder
5. EPA and Army Finalize Rule Establishing Definition of WOTUS

1. Fee-in-Lieu Updates

The Delaware Sediment and Stormwater Regulations (7 DE Admin. Code 1501, subsection 13.2) allows for an annual adjustment of the Stormwater Management Fee-in-lieu. Using the Engineering News Record's building and construction cost indices for Philadelphia, the fee-in-lieu offset for full or partial compliance has been adjusted to \$24 per cubic foot of runoff volume. The \$24/CF amount applies to fees-in-lieu paid beginning January 1, 2023.

2. Erosion and Sediment Control Handbook Updates

On December 1, 2022, the Department public-noticed revisions to selected sections of the Delaware Erosion and Sediment Control Handbook. Requests for a public hearing on the proposed revisions were received and therefore the revised details are not effective. Announcement of a public hearing date will be provided on the Department webpage and through this listserv. The Delaware Erosion and Sediment Control Handbook dated February 2019 continues to be the effective version of the Handbook and those February 2019 details should be used on Sediment and Stormwater Management Plans.

3. CCR Training - Spring 2023 Registration is Open

Pre-registration for the Sediment and Stormwater Program 2023 Certified Construction Reviewer course is open. To pre-register, complete and submit the online [CCR Pre-registration Form](#).

Completion of the Contractor Training Program (Blue Card Course) is a prerequisite for pre-registering for the CCR Course. If you have not completed the Contractor Training Program, refer to <https://de.gov/ssptraining> for further training and registration information.

The CCR course will be held virtually over three 4-hr class sessions via the Microsoft Teams online platform. In addition, a half-day in-person field trip is required. To become certified, participants must attend all virtual class sessions and one field trip, submit a CCR construction review report based on the field trip, and complete an exam with a minimum score of 80%.

The CCR course is scheduled for consecutive Thursdays in March 2023:

- March 2, 2022 (AM)
- March 9, 2022 (AM)

- March 16, 2022 (Field Trips) (AM or PM)
- March 23, 2022 (AM)

Payment is not being accepted at this time. The payment process and deadline, along with additional course information, will be provided after pre-registration. If you cannot attend all sessions, please do not pre-register. No refunds will be issued after payment is made.

Class size and participant per company are limited. If eligible, pre-registration and field trip assignments will be approved on a first come, first served basis. When limits are reached, names will be added to the waitlist with the potential of participation.

4. Contractor Training Program (a.k.a. Blue Card) – Certification Expiration Reminder

This is a reminder that all Construction Training Program certifications issued prior to 2019 expired December 31, 2021.

In accordance with subsection §6.2.3 of the Delaware Sediment and Stormwater Regulations, certification as Responsible Personnel is valid until the Department notifies the individual or announces in local newspapers that additional training is required due to a change in course content.

The regulations were revised with an effective date of February 11, 2019, and the Contractor Training Program content has been updated accordingly. Additionally, the Sediment and Stormwater Program has converted its Contractor Training Program to an on-line, on demand offering.

All Responsible Personnel certified prior to 2019 intending to maintain certification must complete the online course. Links to the training and registration information are located at <https://de.gov/ssptraining>

5. EPA and Army Finalize Rule Establishing Definition of WOTUS

On December 30, 2022 the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army announced a final rule establishing a durable definition of “waters of the United States” (WOTUS) to reduce uncertainty from changing regulatory definitions, protect people’s health, and support economic opportunity. The final rule restores essential water protections that were in place prior to 2015 under the Clean Water Act for traditional navigable waters, the territorial seas, interstate waters, as well as upstream water resources that significantly affect those waters.

More information, including a pre-publication version of the *Federal Register* notice and fact sheets, is available at [EPA’s “Waters of the United States” website.](#)