

## DNREC Sediment & Stormwater Listserve Update: March 2020

### This month's topics:

1. **CCR Reporting for DNREC sites**
2. **Blue Card Course Dates for 2020**
3. **2019 Regulations Highlight: Confirmatory Infiltration Testing for Bioretention**
4. **Link Of The Month: EPA Requests Extension of NPDES Electronic Reporting Rule**

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#### 1. **CCR Reporting for DNREC sites**

DNREC Sediment and Stormwater Program has established a dedicated e-mail account to receive CCR reports for DNREC approved projects. Reports may be submitted directly to [DNREC\\_CCR\\_Stormwater@delaware.gov](mailto:DNREC_CCR_Stormwater@delaware.gov).

Contact the local Delegated Agency if you should have CCR report submittal questions for reports generated for projects not directly under DNREC Sediment and Stormwater Program review.

#### 2. **Blue Card Course Dates for 2020**

The Contractor Training Program, also known as the "Blue Card Course", is a ½-day course that gives an overview of the Sediment and Stormwater Program, its regulations, and required erosion and sediment control measures in the State of Delaware. Under the Delaware Sediment & Stormwater Regulations, at least one person in responsible charge of a construction site must have successfully completed the Contractor Training Program. The remaining Blue Card Course dates set for 2020 are **May 21, September 10** and **December 3**.

- Registration for the May 21, 2020 course date will open March 9, 2020

Additional information and the registration form can be found on the Sediment & Stormwater Program website at the following link:

<http://www.dnrec.delaware.gov/swc/Drainage/Pages/BlueCard.aspx>

#### 3. **2019 Regulations Highlight: Confirmatory Infiltration Testing for Bioretention**

A recent inquiry regarding the confirmatory testing requirements for infiltrating bioretention practices has prompted the need for clarification from the Department. The question was raised as to the interpretation of the requirement that "the confirmatory infiltration testing rate shall be no less than 150% of the approved design rate". The Standard & Specification for Bioretention also states "the design permeability rate for biosoil media shall be 2.83 inches per hour". Department guidance is to use the lesser of 2.83 in/hr or half the field measured infiltration rate for design, which apparently led to some confusion as to what target infiltration rate should be used for the confirmatory testing. After going back through the meeting notes from the regulatory development process, there was no reference to the alternative design rate for bioretention during the discussion on confirmatory infiltration testing. It is therefore the Department's position that the intent of the confirmatory testing for infiltrating bioretention practices was to be based on the design rate determined from the original soil testing results

rather than the alternative design rate of 2.83 inches per hour derived from the permeability of the biosoil media.

#### **4. Link of the Month: EPA Requests Extension of NPDES Electronic Reporting Rule**

On January 31, 2020, EPA Administrator Andrew Wheeler signed the proposed “Phase 2 Extension Rule,” which would provide states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements. In this notice, EPA proposes extending the compliance deadline for implementation of Phase 2 of the eRule by three years, from December 21, 2020 to December 21, 2023. Delaware has been in the process of developing procedures for the electronic Notice of Intent (eNOI) for Construction Activities as well as construction site inspection information in support of the Electronic Reporting Rule. The comment period is scheduled to be 60 days with comments due April 28, 2020. Additional information is available in the NPDES Electronic Rule – Phase 2 Extension Fact Sheet at the following link:

<https://www.epa.gov/sites/production/files/2020-02/documents/npdesrule-phase2ext-factsheet.pdf>