

DeIDOT & Sediment and Stormwater Coordination

By: Stephen Wright, P.E.



Sediment and Stormwater Delegated Agency Coordination Policy

- In 2010 the Secretaries of DNREC and DeIDOT signed a Memorandum of Agreement establishing the Sediment and Stormwater review responsibilities for developer funded roadway improvement projects
- In 2022 the Sediment and Stormwater Delegated Agency Coordination policy expanded the definitions of that agreement to provide better coverage and clarification to the Delegated Agencies and DeIDOT regarding plan review and construction administration
- Stormwater management built within the ROW is agreed to be within the review and approval jurisdiction of DeIDOT, and Stormwater management BMPs built within private lands are agreed to be within the review jurisdiction of the non-DeIDOT Delegated Agency
- Construction administration of roadway improvements that are adjacent without crossing the centerline of the roadway are handled by the local Delegated Agency
- Construction administration of roadway improvements that do cross the centerline of the roadway are administered by DeIDOT





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Why all the concern?

Delaware Sediment and Stormwater Regulations Review Process

- Project Application Meeting
- Preliminary Sediment and Stormwater Plan
- Sediment and Stormwater Plan
- Huzzah! Approval!

APPROVED
By _____ Date _____



DeIDOT (Stormwater and Drainage) Plan Review Process

- DeIDOT Development Coordination reviews both Record Plans as well as Construction Plans in accordance with the *Development Coordination Manual*
- DeIDOT requires, reviews and approves a drainage design for all construction plans as part of this review process
- Though a Delegated Agency of DNREC's Sediment and Stormwater Regulations (DSSR), DeIDOT does not* review private development projects for compliance of all elements of the DSSR
 - ❖ DeIDOT does require the submission of the Stormwater Reports that are being reviewed/approved by the local Delegated Agency as part of Construction Plan submission to confirm that the review is being undertaken by the local Delegated Agency
 - ❖ DeIDOT staff does confirm that the reports are consistent with submitted plans
 - ❖ DeIDOT does require that all Erosion and Sediment Control elements of the Sediment and Stormwater approved plans to appear on DeIDOT Construction Plans
 - ❖ DeIDOT and the DNREC Delegated Agency do require that construction take place in accordance with the approved plans, as such it is the responsibility of the Engineer of Record and Owner to attest via signature that the plans are correct and will be followed
- It is the responsibility of the Owner and Engineer of Record to ensure that all plans match in order *to construct the improvements as shown on these plans*



DeIDOT Construction Administration Process

- Prior to issuance of a permit for entrance construction the following documents must be submitted to Public Works for review and approval;
 - A copy of the recorded record plan which is consistent with the DeIDOT “No objection to Recordation” stamped plan
 - The DeIDOT approved construction plans
 - An itemized construction cost estimate and security in an amount of 150% of the cost estimate
 - Approval letter from DNREC or the Delegated Agency
 - An executed construction agreement for 3rd party inspection
- Prior to Notice to Proceed being issued by DeIDOT Public Works a preconstruction meeting may take place to discuss items such as;
 - Construction inspection coordination (DeIDOT, CCR, Delegated Agency, etc.)
 - Attestation by all relevant agencies that all required permits have been obtained
 - Coordination of proposed work with regard to the record plan and construction plans
- Full details can be found in Section 6 of the DeIDOT Development Coordination Manual



The LAW

Of Unintended Consequences

- § 146, Title 17
- *An applicant who has submitted an accepted entrance plan for review (to DelDOT) and obtained an erosion and sediment control permit may request...a temporary entrance permit*
- *An applicant who obtains such a temporary entrance permit and performs such on-site permitted construction activity does so at its own risk*
- If DelDOT has not reviewed and approved a drainage design how can any discharge be allowed to DelDOT's ROW as part of a Sediment and Stormwater Review?
- We're working on it!
- Both Title 17 and the DSSR reference discharges to adjoining properties with obligations for approvals from those receiving land-owners or publicly maintained drainage infrastructure
- The following published guidance is an evolution of a process that currently exists regarding acceptance of discharge into DelDOT ROW



Proposed Guidance



State of Delaware
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

PHONE (302) 608-5458

CONSERVATION PROGRAMS
SECTION

**SEDIMENT & STORMWATER PROGRAM
REGULATORY GUIDANCE MEMORANDUM
RGM - 4**


Date: October 1, 2025

Title: Discharge Notification

Synopsis: DelDOT maintains public drainage infrastructure, including both open channel conveyances and closed drainage, within the right-of-way of state-maintained roads. All or part of a land development project may discharge to DelDOT's drainage system. Based on DSSR §5.1.4, developers must notify DelDOT of their intent to discharge. This RGM standardizes the discharge notification process statewide, regardless of Delegated Agency reviewing the Sediment and Stormwater Management Plan.

Effective Date: January 1, 2026

Responsible Staff Member


Elaine Z. Webb, P.E.
Engineer VI



Proposed Guidance

Procedures for DelDOT discharge notification

The Sediment and Stormwater Program and its Delegated Agencies have consulted with DelDOT with the intent of standardizing the discharge notification process statewide, regardless of Delegated Agency reviewing the Sediment and Stormwater Management Plan (SSMP).

All plans approved after January 1, 2026, require a discharge rate and volume chart to be included on both the approved SSMP and the approved DelDOT Construction Plan. Use the following format to present the discharge rate and volume chart:

Point of Investigation (POI) Number	RPv discharge rate (cfs)	RPv discharge volume (ac-ft)	Cv discharge rate (cfs)	Cv discharge volume (ac-ft)	Fv discharge rate (cfs)	Fv discharge volume (ac-ft)
Existing	0.00	0.00	0.00	0.00	0.00	0.00
Proposed	0.00	0.00	0.00	0.00	0.00	0.00
Net change (+/-)	0.00	0.00	0.00	0.00	0.00	0.00

Individual charts containing the above information for each Point of Investigation (POI) must be include on the approved plan. POI locations must be clearly labeled in [plan](#) view.

Include POI charts for all discharge points from the development to the DelDOT drainage system. In addition, any discharges from DelDOT Roadway Improvements into the site must be represented with a POI chart containing the same information.



How will it work?

- Both DeIDOT and the non-DeIDOT Delegated Agencies will require the same data block on the plans for review and approval
- In construction, both the local Delegated Agency and DeIDOT will be able to readily confirm that the discharge directed to the DeIDOT maintained drainage infrastructure is consistent with both agencies approvals
- DeIDOT Public Works will be checking for NTP
- The Owner will more readily be able to confirm that the plans they are agreeing to construct in accordance with are consistent with each other
- If treatment credits are necessary for roadway improvements, the RPs volume treated internal to the site is required as part of the table



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Minimize Overlap of Review

- Fundamental to the Coordination Policy is the concept of minimizing the overlap of review between multiple agencies to improve efficiency of reviews
- Prior to issuance of a permit for entrance construction DeIDOT Public Works will review the table submitted to DeIDOT and the table on the Sediment and Stormwater permit for consistency



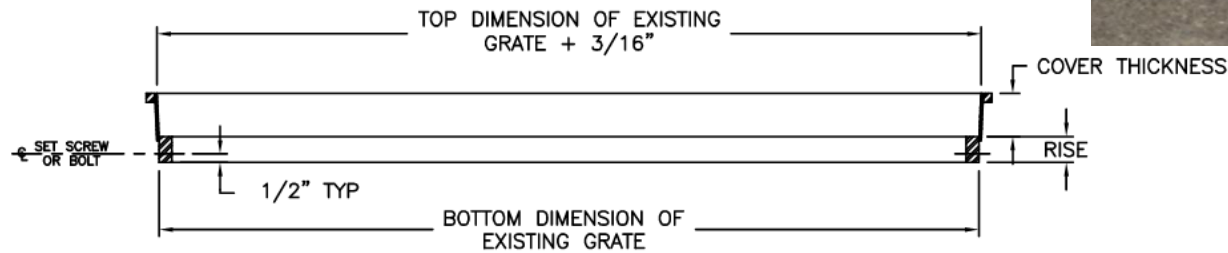
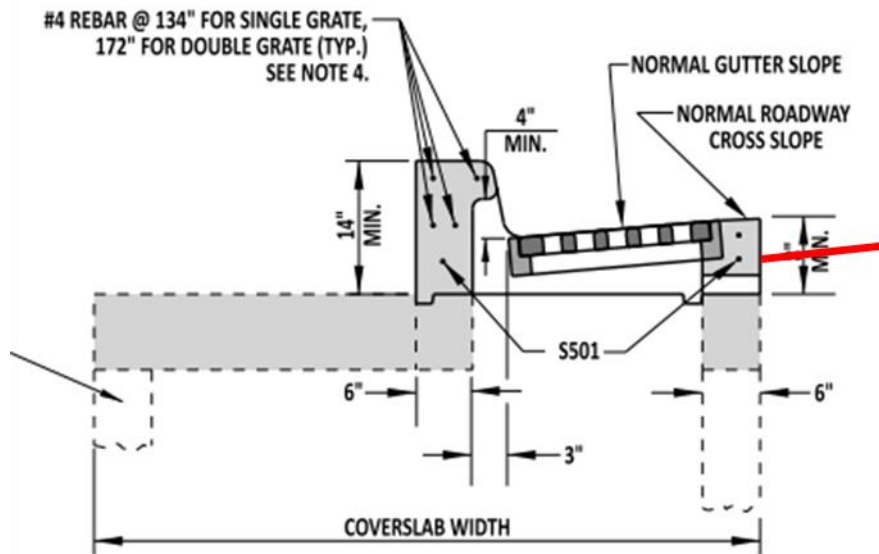




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But wait! There's MORE!!!

Drainage During Construction



NOTES:

1. THE CONTRACTOR SHALL INSTALL PROPOSED DRAINAGE INLETS AS SHOWN ON THE MOT PLANS. IN ORDER TO MAINTAIN POSITIVE DRAINAGE TEMPORARY T.G. ELEVATIONS HAVE BEEN PROVIDED ON THE PHASE 3 MOT PLANS. THE GRATE SHALL BE ADJUSTED TO PROPOSED ELEVATION DURING CONSTRUCTION OF THE MEDIAN.

