Legislative Affairs for Coastal North Carolina Real Estate & Building Industries
BUSINESS ALLIANCE FOR A SOUND ECONOMY

IMPACT OF *PROPOSED* COASTAL STORMWATER RULES
REVISED PER HB2138

Residential Development Activities

Non Residential Developments & New Residential Projects >1 Acre Require Stormwater Permit under Rule .1003, Require CAMA Major or Erosion & Sedimentation Permit

FLIP TO BACK

EFFECTIVE DATE OF RULE
??????

Project <1 Acre
Non Renewable Stormwater Permit Required
Will Require Deed Restrictions & Protective Covenants

Project Adds >10,000 sq ft Built Upon Area (BUA)
Within ½ mile and draining to SA waters
BUA>12%

PICK ONE

- Use Cisterns or Rain Barrels to collect all rooftop runoff from first 1.5" of rainfall, ALL driveways, parking, walkways, patios pervious
- Rooftop runoff from first 1.5" of rainfall directed to rain garden, ALL driveways, parking, walkways, patios, pervious
- Install any other BMP that meets requirements of 15A NCAC 02H .1008 to control and treat from all BUA areas from the first 1.5" of rainfall

NEWLY DEFINED TERMS: Built Upon Area (per Phase II regs), Permeable Pavement (Grass Parking areas still considered impervious), Vegetative Buffer, Vegetative Conveyance

BUFFER EXEMPTIONS: -BMPs or other stormwater controls except wet detention ponds can be located with the Buffer area. Buffers can run concurrently with other rules and regulations. Urban Waterfronts, Upland Marinas and other waterfront structures, EMC may grant localized site specific variance. Still need definition for impounded structures

EXCLUSIONS/VESTING: Rule shall not apply to NCDOT; projects with state stormwater permit, certification, CAMA Major Permit or 401 certification ; Redevelopment activities with no net increase in BUA and equal stormwater control; development activities with complete Stormwater applications accepted by DWQ; minor modifications; Phase II Communities per 1990/2000 census (until time of permit renewal)

COMMON PLAN OF DEVELOPMENT: Memorandum from NCDENR to Rep. Bonner Stiller referring to Common Plan of Development is referenced in rule. However a true definition of a Common Plan of Development still does not exist.

Non-Residential Development Activities

Projects that will add >10,000 sq ft of Built Upon Area
or require a Sedimentation and Erosion Control Plan or CAMA Major Development Permit

NEW RESIDENTIAL DEVELOPMENT PROJECTS (1 ACRE THRESHOLD)

Require Sedimentation and Erosion Control Permit or CAMA Major Development Permit

All areas defined as Coastal Wetlands per 15A NCAC 07H .0205 shall NOT be included in calculating impervious density

Draining to ORW

Within 575' of mean high water line

HIGH DENSITY
-BUA limited to 25 %
No outlets to SA waters
-Use High Density Stormwater Control Systems: infiltration, wet ponds, biorentention, constructed wetlands
-Control and treat the greater of 1.5" of rain or pre/post 1year difference
-excess runoff flow through vegetative filter
-50'/30' buffers

LOW DENSITY
<12% BUA
-Stormwater transported by vegetative conveyance
-50'/30' buffers

Within ½ Mile & draining to SA waters

Low Density
-<12% BUA
-Stormwater transported by vegetative conveyance
-50'/30' buffers

High Density
->12% BUA
-No outlets to SA waters
-Use High Density Stormwater Control Systems: infiltration, wet ponds, biorentention, constructed wetlands
-Control and treat the greater of 1.5" of rain or pre/post 1year difference
-excess runoff flow through vegetative filter
-50'/30' buffers

For ALL DEVELOPMENT ACTIVITIES (high density and low density):
-No new points of discharge or expansion to systems draining to SA waters
-Infiltration of design storm and diffuse flow to buffer or natural area are not direct points of discharge
-Modifications or redesign of conveyance systems within the basin must not increase net amount/rate of discharge to SA waters

Other Coastal Development (Outside SA or ORW)

Low Density
-< 24% BUA
-Stormwater transported primarily by vegetated conveyances
-50' buffer for new development and /30' buffer for redevelopment

High Density
- > 24% BUA Allowed
-Control systems must be infiltration systems, wet detention ponds, bioretention, constructed wetlands sand filters or alternative systems
-Systems must store, control & treat runoff from 1.5"of rainfall
-50' buffer for new development and /30' buffer for redevelopment

Structural Stormwater Controls shall meet the following criteria:
-Remove 85% Total Suspended Solids
-Drawdown for detention ponds no faster than 48 hours, not slower than 120 hours
-Discharge rate equal or less than pre development rate for 1 year 24-hour storm
-Meet general statutory design criteria
-Minimum separation from seasonal high water table is two feet for structural stormwater controls that require infiltration