

1 **15A NCAC 02H .1005 STORMWATER REQUIREMENTS: COASTAL COUNTIES**

2
3 (a) The following definitions are applicable to this rule:

4 (1) “Built upon area” as defined in Session Law 2006-246 means that portion of a project that is
5 covered by impervious or partially impervious surface including , but not limited to, buildings;
6 pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as
7 tennis courts. “Built upon area” does not include a wooden slatted deck, the water area of a
8 swimming pool, or pervious or partially pervious paving material to the extent that the paving
9 material absorbs water or allows water to infiltrate through the paving material.

10 (2) “Stormwater collection system” as defined in 15A NCAC 2H .1002(18) means any conduit, pipe,
11 channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A
12 stormwater collection system does not include vegetated swales, swales stabilized with armoring
13 or alternative methods where natural topography or other physical constraints prevents the use of
14 vegetated swales (subject to case-by-case review), curb outlet systems, or pipes used to carry
15 drainage underneath built-upon surfaces that are associated with development controlled by the
16 provisions of Rule 15A NCAC 2H .1003(d)(1). in this Section.

17 (3) “Vegetative buffer” as defined in 15A NCAC 2H .1002(22) means an area of natural or
18 established vegetation directly adjacent to surface waters through which stormwater runoff flows
19 in a diffuse manner to protect surface waters from degradation due to development activities.
20 The width of a buffer is measured horizontally from the normal pool elevation of impounded
21 structures, from the bank of each side of streams or rivers, and from the mean high water line of
22 tidal waters, perpendicular to the shoreline. This vegetative buffer, or setback, as mandated by
23 the provisions of this Rule, may be cleared, graded, and planted with maintained grass or any
24 other vegetative, or plant, material.

25 (4) “Vegetative conveyance” means a permanent, designed waterway lined with vegetation that is
26 used to convey stormwater runoff at a non-erosive velocity within or away from a developed
27 area.

28 (5) “Vegetative filter” as defined in 15A NCAC 2H .1002(23) means an area of natural or planted
29 vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not
30 become channelized and which provides for control of stormwater runoff through infiltration of
31 runoff and filtering of pollutants. The defined length of the filter shall be provided for in the
32 direction of stormwater flow.

33 (b) With exception of NC Department of Transportation activities that shall be regulated in accordance with
34 the provisions of that agency’s existing NPDES Stormwater Permit, all non-residential development activities

1 within the coastal counties that will add more than 10,000 square feet of built upon area or that require a
2 Sedimentation and Erosion Control Plan or a CAMA Major Development Permit and residential development
3 activities, as defined in 15A NCAC 02B .0202(54), within the coastal counties that require a Sedimentation
4 and Erosion Control Permit or a CAMA Major Development Permit shall manage stormwater runoff as
5 follows:

6 (1) Development activities within the coastal counties draining to Outstanding Resource Waters
7 (ORW) shall meet requirements contained in Rule 15A NCAC 2H .1007 of this Section and
8 the provisions of SubPart (b)(2)(A)(i) of this Paragraph;

9 (2) Development activities within one-half mile of and draining to those waters classified by the
10 Environmental Management Commission (EMC) as SA waters or within one-half mile of
11 waters classified by the EMC as SA waters and draining to unnamed freshwater tributaries to
12 SA waters must comply with either the requirements in Parts (b)(2)(A) and (b)(2)(C) of this
13 Rule or the requirements in Parts (b)(2)(B) and (b)(2)(C) of this Rule:

14 (A) Low Density Option: Development shall be permitted pursuant to Rule 15A NCAC
15 2H .1003(d)(1) of this Section if the development has:

16 (i) Built-upon area of 12 percent or less (A project with an overall density at or
17 below the low density threshold, but containing areas with a density greater
18 than the overall project density, ~~may~~ shall be considered low density as long
19 as the project meets or exceeds the requirements for low density
20 development and locates the higher density in upland areas and away from
21 surface waters and drainageways to the maximum extent practicable
22 possible);

23 (ii) Development within 575 feet of the mean high water line of areas
24 designated by the Environmental Management Commission as Outstanding
25 Resource Waters (ORW) shall be limited to a built upon area of 25 percent
26 or less, however, development with a built upon area of greater than 12
27 percent must comply with the requirements of SubPart (B) of this
28 SubParagraph;

29 (iii) Stormwater runoff transported primarily by vegetated conveyances.
30 (Conveyance system shall not include a stormwater collection system as
31 defined in Rule 15A NCAC 2H .1002 of this Section); and

32 (iv) A 50 foot wide vegetative buffer for new development activities and a 30
33 foot wide vegetative buffer for redevelopment activities.

1 (B) High Density Option: Higher density developments shall be permitted pursuant to
2 ~~Rule 15A NCAC 2H .1003(d)(2) of this Section~~ if stormwater control systems meet
3 the following criteria:

4 (i) No direct outlet channels or pipes to SA waters unless permitted in
5 accordance with 15A NCAC 02H .0126;

6 (ii) Control systems ~~must be any combination of~~ infiltration systems, ~~wet~~
7 ~~detention ponds~~, bioretention systems, constructed stormwater wetlands,
8 sand filters, ~~rain barrels, cisterns, rain gardens~~ or alternative stormwater
9 management systems designed in accordance with ~~Rule 15A NCAC 2H~~
10 ~~.1008 of this Section~~ to control and treat ~~the runoff from all surfaces~~
11 ~~generated by one and one half inches of rainfall or :~~

12 (a) ~~the difference in the stormwater runoff from all surfaces from~~
13 ~~the predevelopment and post-development conditions for a~~
14 ~~one-year, 24-hour storm, whichever is greater, or~~

15 (b) ~~the stormwater runoff from the first 2.5 inches of rainfall,~~
16 ~~provided that the stormwater runoff from the first 2.5 inches of~~
17 ~~rainfall is equal to or greater than the difference in the~~
18 ~~stormwater runoff from all surfaces from the predevelopment~~
19 ~~and post-development conditions for a 1-year, 24-hour storm.~~

20 Alternatives as described in ~~Rule 15A NCAC 2H .1008(h) of this Section~~
21 may also be approved if they meet the requirements of this Part (b)(2)(B),
22 and Part (b)(2)(C) of this Rule;

23 (iii) Runoff in excess of the design volume must flow overland through a
24 vegetative filter designed in accordance with Rule .1008 of this Section
25 with a minimum length of 50 feet measured from mean high water of SA
26 waters; and

27 (iv) A 50 foot wide vegetative buffer for new development activities and a 30
28 foot wide vegetative buffer for redevelopment activities. ~~Vegetative buffers~~
29 ~~and filters described herein, and in any other portions of this Rule, and any~~
30 ~~other buffers or setbacks defined under other water quality or coastal~~
31 ~~management rule applicable to the proposed project may be met~~
32 ~~concurrently, and may contain, in whole or in part, coastal, isolated, or 404~~
33 ~~jurisdictional wetlands that are located landward of the normal water line.~~

