

## CSRWG 16 June 2008

Thompson

**From:** Jeff Thompson

**Sent:** Friday, June 06, 2008 11:31 AM

**To:** George Givens (Research)

**Cc:** Tom Reeder

**Subject:** CSRWG - Clarification Requested

Mr. Givens/Mr. Reeder,

I would like to recommend that section 15A NCAC 02H .1005 (b) (2) (C) be clarified in the revised rule.

Currently the rule states (from Mr. Reeder's most recent version):

*"In addition to the other measures required in this Rule, all development activities, including both low and high density projects, shall prohibit new points of stormwater discharge to SA waters or expansion (increase in the volume of stormwater flow through conveyances or increase in capacity of conveyances) of existing stormwater conveyance systems that drain to SA waters. Any modification or redesign of a stormwater conveyance system within the contributing drainage basin must not increase the net amount or rate of stormwater discharge through existing outfalls to SA waters. Infiltration of stormwater runoff from the one-year, 24-hour storm or diffuse flow of stormwater at a non-erosive velocity to a vegetated buffer or other natural area within the property boundary, that is capable of providing effective infiltration of the runoff from the one-year, 24-hour storm shall not be considered a direct point of stormwater discharge. Permit applicants shall take into consideration soil type, slope, vegetation, and existing hydrology when evaluating infiltration effectiveness."*

While I think the intent is clear, I believe it could be reworded so that interpretation is not necessary. I ask Mr. Reeder to correct me if I'm misunderstood, but I believe the intent is summarized to say that there should be no discharge to SA waters for the 1-yr/24-hr storm. However, the first two statements in this section could be interpreted as "absolute" requirements. Essentially, it says you can't have ANY increase in volume of flow or capacity of conveyance, with no mention of design storm. I think we all agree that building anything will increase the volume of stormwater flow. Further, the second statement says that the design of the stormwater conveyance system must not increase the "net amount" or "rate" of stormwater discharge. The same argument applies here, building anything will likely increase the net amount of stormwater runoff. Rate can be controlled, but net amount will increase.

After the first two statements, the rule says that infiltration of the 1-yr/24-hr storm...shall not be considered a direct point of stormwater discharge, seemingly negating the first two statements. There is identical language in S.L. 2006-246, but believe clarification is necessary, as I've discussed this issue with several regional DWQ staff members.

In a layman's analogy, the current version might say, "The brick's must be painted red. Anything other than green, shall be considered red." Please let me know if I'm misinterpreting this section.

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