

CSRWG 26 June 2008
Thompson

From: Jeff Thompson [mailto:JThompson@hobbsupchurch.com]
Sent: Thursday, June 26, 2008 9:40 AM
To: George Givens (Research); Amy Pickle; Amy Simes; Andrew Pennock (Fiscal Research); Anita Watkins; Anne-Marie Knighton; Bert Banks; Bill Price; Bob Gibbons; Bradley Bennett; Brett Matheson (Rep. McComas); Bud Stilley; Cameron Moore; Carl Classen; Carolyn Bachl; Carolyn Powell; Charles (Pete) Peterson; Christopher Hollis; Cindy Taylor; Clark Wright; Cliff Copeland; Coleen Sullins; Craig Bromby; Craig Newton; D.R. Henderson; Damien Buchanan; Damon Tatem; Dan Boone; Dan Crawford; Daniel Baum; Daniel Dawson; Danny McQueen; Dave Inscoc; Dave Mayes; Dave McGowan; Dave Simpson; David Mason; David Peoples; David Spetrino; Dickson Phillips; Donald Ellson; Donna Girardot; Doug Brindley; Doug Lassiter; Duane Coen; Eddie Valdivieso; Elizabeth Outz; Frank Folger; Frank Gray; Frankie Pendergraph; Gary M.; George Everett; Georgia Brown; Grey Kinlaw; Heather Jacobs; Henri McClees; Henri McClees; Hood Richardson; Irving Hooper; Jack Best; Jack D. Reel; James Norment; Janet Hill; Jay Stem; Jayne Robb; Jayne Ross; Jeff Cherry (Bill Drafting); Jeff Hieronymus; Jeff Hilton; Jeff Mixon; Jeffrey Hudson (Research); Jennifer McGinnis (Research); Jennifer Mundt (Research); Jeremy Blair; Jerry Evans; Jim Hopf; Jim Lowry; Jim Spangler; Jim Stephenson; Joe Thomas; John Carr; John Gainey; John Goodman; John Langdon; Josh Spilker; Judy Veorse (Rep. Underhill); Ken Carper; Kenneth Kirkman; Kenneth Trefzger; Kim Hibbard; Kristin Walker (Fiscal Research); Larry Baldwin; Larry Baldwin; Larry Land; Larry Zucchini; Lee Van DeCarr; Lisa Glover; Lisa Martin; Lola Obembe; Mack Baker; Mariah Matheson (Research); Marty Stone; Mary Hooper; Mary Penny Thompson; Matt Lauffer; Melanie Cook; Michael Mallin; Michael Mann; Mike Bradley; Mike Nelson; Monica Loughlin; Nancy White; Pat Joyce; Patrick Beggs; Patrick Blandford; Paul Meyer; Paul Spruill; Peggy Daw; Peter Rascoe; Phil Prete; Randall Plummer; Randy Martin; Rebecca Troutman; Rep. Alice Underhill; Rick Zechini; Rita Harris; Robert Jackson; Rolf Blizzard; Ron Cullipher; Ron Geiger; Rosemarie Doshier; Ryan David; Sam Poole; Sandy Sands; Scott Gardner; Skip Morgan; Stanford Baird; Starlon Credle; Stephen Durkee; Steve Candler; Steve Wall; Suzanne Prince; Thomas Johnson; Tom Reeder; Tom Thompson; Tomp Litchfield; Trace Cooper; Traci Dusenbury; Wayne Yarbrough; William Arent; Willo Kelly; Zack Taylor
Cc: Sen. Charlie Albertson; Sen. Daniel Clodfelter; Sen. Bob Atwater; Rep. Lucy T. Allen; Rep. Pryor Gibson; Charlotte Johnston (SPC's Office); HPC (House Principal Clerk)
Subject: RE:

Again, I'd like to respectfully suggest that section 2.b (1) c, be reworded to avoid confusion. The intent, I think, is understandable but could be better worded to avoid any head scratching during implementation. Please see my previous comment below. I commend you all for the work done to date on this important rule.
Jeff 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." While it seems easier to just say, "Don't paint the bricks green." Please let me know if I'm misinterpreting this section.

Jeff