

**List of Outstanding Major Issues that still need to be Discussed / Resolved in the
Costal Stormwater Rule 605 Process**

1. Should low density thresholds remain at 12% for within ½ mile of shellfishing waters and 24% for that area beyond ½ mile of shellfishing waters?
2. Should all isolated and jurisdictional wetland areas within the project site be excluded from impervious surface calculations?
3. Should we retain the runoff from the pre and post development conditions for the 1-year, 24-hour storm as the design storm for high density within ½ mile of shellfishing waters or should this “design storm” requirement be changed to the runoff from the first 2.5, or 2.0, inches of rain?
4. Should the vegetated setback remain at 50 feet for new development or should this be set at 30 feet, as it is for redevelopment?
5. Should the rule allow for the use of stormwater BMPs other than infiltration for high density projects within ½ mile of shellfishing waters or should infiltration be required as the only stormwater BMP allowed for these projects?
6. The sentence mandating infiltration for all stormwater runoff from the 1-year, 24-hour storm that is contained in Paragraph (b)(2)(C) needs to be revisited and/or clarified / revised.
7. There are many issues associated with the cost, regulation, enforcement, liability, operation, and maintenance of the Low Impact Development (LID) BMPs that are required for residential development that adds more than 10,000 square feet of new built upon area within ½ mile of shellfishing waters (Paragraph (c)) that need to be addressed.
8. Paragraphs (d), (e), and (f) need to be reviewed and rewritten by either the Attorney General’s Office or the DENR General Counsel’s Office.

**List of Outstanding Minor Issues that still need to be Discussed / Resolved in the
Costal Stormwater Rule 605 Process**

- a. Consider adding the language from Section 9(c)(1) of SL 2006-246 that deals with pockets of high density in low density projects (clustering language).
- b. Add definition of vegetative conveyance.
- c. Remove the word “discrete” in those instances where it proceeds “stormwater collection systems” in the rule.
- d. Consider adding language that the provisions of 15A NCAC 2H .1008 do not apply to the BMPs mandated in Paragraphs (c)(1) and (c)(2) of the rule.
- e. Should the BMPs mandated in Paragraph (c) for residential development be required to treat the whole 1-year, 24-hour storm, or should they be designed for some smaller quantity of stormwater runoff?
- f. Do the full DWQ Stormwater BMP Manual requirements that are specified for permeable pavement apply to the permeable pavement mandated in Paragraph (c)(1) and (c)(2) for residential development?
- g. Add an approved 401 Certification that requires a stormwater management plan to the list of authorizations in Paragraph (d) that can be used to qualify for an exclusion. We also need to clarify that the issuance of a General Construction Stormwater Permit (NCG01) does not qualify for an exclusion.
- h. Add language that a complete stormwater application is in the Regional Office prior to the effective date of the rule change will qualify for an exclusion for that project.
- i. Add the language from Paragraph (c)(3) to the redevelopment exclusion in (d)(2).
- j. There are many suggestions as to how to improve the language in the definitions in Paragraph (a), however, because the definitions also apply to other rules and requirements beyond 15A NCAC 2H .1005, there is a strong reluctance on the part of DWQ to make significant changes to these definitions.
- k. Clarify that the rule allows for the transport and treatment of the stormwater runoff off-site.