

## CSRWG 9 June 2008

### Reeder (email)

-----Original Message-----

From: Tom Reeder [<mailto:Tom.Reeder@ncmail.net>]

Sent: Friday, June 06, 2008 9:30 AM

To: George Givens (Research); Jeffrey Hudson (Research); Jennifer Mundt (Research)

Cc: Robin W. Smith; Coleen Sullins; Chuck.Wakild@ncmail.net;

paul.rawls@ncmail.net; Bradley Bennett; Steve Wall;

Elizabeth.Biser@ncmail.net; C. Peterson

Subject: Revised Coastal Stormwater Rule

George / Jeff / Jennifer - Attached is a revised version of the Coastal Stormwater Rule with the changes that we discussed at the last 605 Meeting. We (DENR) believe that this revision responds to almost all of the Major and Minor Issues on the list, except one. For clarification purposes we have also attached an annotated list of all of the Major and Minor Issues that we agreed upon at the last meeting that includes a DENR response to each specific issue.

The one issue that is not addressed in this latest revised rule is the issue dealing with changing the "design storm," which is based on the 1-year, 24-hour storm, to some other storm event. As you requested at the last 605 Meeting, the Department has developed the appropriate rule language that would change this design storm to "the runoff from the first 2.5 inches of rain." However, this revision is not included in the revised rule because the Department does not support this modification at this time. This non-support is based on the fact that this design storm has already been implemented in the three Phase 2 Coastal Counties (New Hanover, Brunswick, and Onslow) and we feel that in order to be consistent with the ongoing implementation of the Coastal Phase 2 Program and the stormwater control and treatment requirements specified in Session Law 2006-246 that this 1-year, 24-hour design storm should remain in the Stormwater Rule for the remaining 17 Coastal Counties.

Also, please note that I have entered in a proposed effective date of July 1, 2008 in this revision. This proposed effective date is simply meant to be a placeholder. Our expectation is that the Legislative Staff will determine the true effective date at the end of this process.

However, with those exceptions, the Department feels that the attached revised rule contains almost all the revisions, clarifications, and changes that have been called for in the list of Major and Minor Issues that all the 605 Stakeholders agreed to. I should also mention that the exclusions language is presently undergoing review in the DENR General Counsel's Office.

Finally, I wanted to mention to you that I have been in recent contact with members of the leadership of the EMC and several of the EMC Hearing Officers that were involved in this rulemaking process and they also wanted for me to mention to you their reluctance to alter the 1-year, 24-hour design storm that is presently in the proposed rule.

As always, thanks for your leadership, facilitation, and your assistance as we move through this process. Just let me know if you need for me to do anything else.