

North Carolina Coastal Stormwater Rule Revisions 2008

FREQUENTLY ASKED QUESTIONS

Get the facts on what the proposed rule changes mean for you.

Background: The existing stormwater requirements were intended to protect coastal waters from the impacts of runoff from developed areas. The Division of Water Quality (DWQ) and Environmental Management Commission (EMC) recently performed a comprehensive review of the effectiveness of the existing Rule. The conclusion of the study was that the existing Coastal Stormwater Rule was outdated and ineffective in providing an adequate level of environmental protection to the coastal ecosystem. In response to this finding, the EMC has finalized amendments to the rules to provide further protection.

This document answers some questions that have regularly come up about the rule changes.

Q. If my lot is only 5,500 square feet will the new rule changes make it impossible to build on my lot?

A. These proposed rule changes will not affect individual lot owners with lots of less than 10,000 square feet in size. Therefore, these rule changes will not have any impact on the development of individually owned lots that are less than 10,000 square feet.

Will the new rule changes make many existing platted lots ‘unbuildable?’

A. DWQ is not aware of any scenario in which the implementation of the proposed rule changes would make any lot “unbuildable.” Nothing in these rule changes will limit what can be built on a lot. These rule amendments only require the control and treatment of the stormwater runoff from new development.

Q. Will these rule changes severely limit what can be built on lots in the future?

A. Nothing in these rule changes will limit what can be built on a lot. These rule amendments only require the control and treatment of the stormwater runoff from the new development.

Q. Is the 50-foot “buffer” in the new rule changes a “no touch” buffer, like in the Neuse and Tar-Pamlico River Basins?

A. The 50-foot buffer, or setback, from surface waters in the Coastal Stormwater Rule is not a “no touch” buffer. Under the Coastal Stormwater Rule, this 50-foot buffer may be cleared and graded, and planted with grass. You simply can not put new impervious surfaces within this 50-foot buffer area.

Q. Will these new rule changes require the use of rain barrels or cisterns?

A. The use of rain barrels or cisterns is simply one of a number of alternatives that the EMC is encouraging individuals to consider for the control and treatment of stormwater runoff. No one will be required to install rain barrels or cisterns if they would like to use a

different method for stormwater control.

However, the EMC strongly believes that rain cisterns are a practical solution that provides many benefits to both the homeowner and the environment and will support sustainable development in coastal North Carolina.

Under the new rule changes will I be able to rebuild my house if it is destroyed in a hurricane or a fire?

The EMC's standard redevelopment provision will still apply to these new revisions of the Coastal Stormwater Rule. The redevelopment provision allows redevelopment of existing lots to be exempted from these proposed rule changes when the redevelopment will result in the same net built-upon area as the previous development. This provision will allow for the rebuilding of homes, businesses and other structures destroyed/damaged in the event of natural disasters or fire.

Q. Will these changes make coastal housing unaffordable?

A. DWQ staff engineers performed a thorough analysis and determined that a 3,600 square foot home with an associated driveway and patio within ½ mile of shellfishing waters could meet the most stringent requirements contained in these proposed changes with an appropriate rain garden that would cost approximately \$3,000 for installation.

When one considers that the median price in 2006 for a home in Dare County was \$397,000 and the median price for a home in 2006 in Carteret County was \$255,000, it does not appear that these changes would drastically affect the overall affordability of coastal housing.

What about the area outside of the 20 coastal counties? Does Raleigh have to control its stormwater?

A. Other communities do have to control stormwater runoff. The majority of the area within North Carolina (including all of Wake County and most of the other major metropolitan areas of the state) that is outside of the 20 coastal counties is already covered under some type of federal or state stormwater program.

It should be noted that nearly all of the programs that are already implemented within the 80 non-coastal counties are significantly more stringent than the stormwater control program that is currently in place in most of the 20 coastal counties. For instance, almost no program in the 80 non-coastal counties allows development density above 24% without structural stormwater controls. However, in 90% of the 20 coastal counties today, a site can be developed with up to 30% impervious surface density without implementing structural stormwater controls. This is one of the inequities that is being addressed with this rule change.

Are the NC DOT and its activities are exempt from these changes to the Coastal Stormwater Rule?

A. NC DOT is regulated under a separate, federally enforceable NPDES Stormwater Permit, which covers all DOT activities statewide. DOT's activities within the 20 coastal counties are permitted under strict guidelines to prevent these projects from affecting coastal waters. DOT activities in this area also receive a high level of scrutiny from DWQ staff located within the central and regional offices.

Q. When could these changes to the Coastal Rules become effective?

A. These new rule changes could become effective on Aug. 1, 2008.

The Coastal Stormwater Rule applies to 20 counties in North Carolina, including:

Beaufort
Bertie
Brunswick
Carteret
Camden
Chowan
Craven
Currituck
Dare
Gates
Hertford
Hyde
New Hanover
Onslow
Pamlico
Pasquotank
Pender
Perquimans
Tyrell
Washington

To learn more, contact the:

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<http://h2o.enr.state.nc.us/su/coastal.htm>