

North Carolina Coastal Stormwater Rules

Talking Points

May 9, 2008



Background:

The state determined in 2005 that the rules that have been in place since 1985 to control polluted stormwater runoff in the 20 coastal counties have failed to protect the quality of our water. In response, the N.C. Environmental Management Commission (EMC) has approved new, more effective rules that were the subject of four public hearings along the coast in the summer and fall of 2007.

Facts:

- Stormwater runoff is the most critical water quality issue in coastal NC.
- The low-density development limit in the current stormwater rules, which is set at 25% to 30% impervious surface density, is set too high. Scientific studies repeatedly note that low density levels above 10% to 15% impervious surface density result in water quality degradation.
- A greater amount of stormwater runoff needs to be controlled and treated than is required in the current Coastal Stormwater Rules in order for these rules to prevent the further degradation of North Carolina's coastal waters.
- That North Carolina has experienced a continual trend of impairment of its coastal waters since the existing rule was put into place.
- That in **every specific case that was examined** in a NC Division of Water Quality study, the existing Coastal Stormwater Rules **failed to prevent further degradation** of coastal receiving waters and the permanent closure of commercial shellfishing waters when a significant level of development occurred within the subject watershed.
- That the **current** DWQ coastal stormwater runoff management **program** can, in some cases, **facilitate the impairment** and degradation of receiving waters. This anomaly is the result of the inadequacies of the current rules, in particular the fact that the low density development threshold is set too high and that the rules do not require the control and treatment of enough stormwater runoff.
- The changes to the rules will not cap development; it is only requiring that new development control and treat its polluted stormwater runoff.
- The rules put forth by the NC Environmental Management Commission are a compromise generated after four public hearings held in the fall of 2007. Therefore, we urge the NC General Assembly to allow the coastal stormwater regulations to go into effect by August 1, 2008 without changes.