

SAVE OUR COASTAL WATERS

Please Allow the Coastal Stormwater Rules to go into Effect

After more than 20 years of failure, it's time to fix the Coastal Stormwater Program. Ineffective state rules have caused the permanent closures of shellfish waters to rise by 13 percent during the past two decades.



Polluted stormwater carries bacteria and assorted chemicals to our rivers and sounds and is now the primary cause of 90 percent of all contaminated shellfish beds. More than a hundred thousand acres of highly productive shellfishing waters are permanently closed or close temporarily after moderate rains. Once coastal waters are closed, it's very difficult and expensive to restore them.

The Division of Water Quality determined in 2005 that the existing rules, put in place in the mid-1980s in the 20 coastal counties, have failed to protect the quality of our coastal waters. The review found more than 70 percent of all permitted development used little or no stormwater controls. In response, the Environmental Management Commission (EMC) spent two years developing science-based rules.

The draft rules were the subject of four well-attended public hearings along the coast last summer and fall. The final rules ensure that new development in the coastal region will not pollute our shellfish and swimming waters, except in extreme storm events. Specific improvements to the rules include:

- **Applies Phase 2 stormwater standards to all coastal counties** – The 2006 Phase 2 law applied to Brunswick, New Hanover and Onslow counties. Effective stormwater controls are required for development that has more than a 12 percent built-upon area near shellfish (SA) waters and 24 percent elsewhere. Stormwater treatment devices must control for the 1-year/24 hour storm near shellfish waters and 1.5 inches of rain elsewhere.
- **Stormwater controls for smaller lots** – Simple stormwater controls, like cisterns and rain gardens, are required for development that disturbs more than 10,000 square feet. Smaller lots are common at the coast. The cumulative impact of having no stormwater controls on small lots is huge.

- **50-foot vegetative buffers along waterways** – Vegetated setbacks or buffers provide the critically important final stage in the stormwater treatment train. A 50-foot naturally vegetated buffer is already required in the Neuse, Tar-Pamlico and Catawba river basins.
- **Excludes wetlands from the built-upon area calculation** – If wetlands are included in the built-upon area calculation, the result is skewed and high-density development is treated as if it is low-density. Federal jurisdictional wetlands cannot be built upon or used for stormwater control, so why should they be included in the built-upon area calculation? Polluted stormwater transports sediment and other pollutants to natural wetlands and causes their function and value to decline.

The final rules were slated to go into effect on March 1, 2008. But development interests filed more than 10 letters of objection to the NC Rules Review Commission, which delayed implementation until August 1, 2008 and made the rules subject to legislative review. Two disapproval bills have been filed, HB 2138 by Rep. Pryor Gibson (Anson/Union) and SB 1967 by Sen. Julia Boseman (New Hanover).

At the behest of House and Senate leaders, a series of stakeholders meetings on the Coastal Stormwater Program rules are taking place to attempt to work out differences between the Department of Environment and Natural Resources, the development community, environmental organizations and some, but not all coastal counties. The stakeholder meetings may or may not produce an acceptable compromise bill.

The environmental community is asking lawmakers to:

- **Oppose HB 2138 and SB 1967 as introduced.**
- **Oppose efforts to send the Coastal Stormwater Program rules to a legislative study committee, which would significantly delay and possibly kill them.**
- **Allow the Coastal Stormwater Program rules as approved by the EMC to go into effect as planned on August 1, 2008.**

Thank you for protecting our coastal waters.

For more information, please contact:
Frank Tursi, NC Coastal Federation, 252-393-8185