

To: Coastal Carolina Tomorrow Board of Directors and Members

From: Melanie Cook

Re: NCDENR May 22, 2007 Storm Water Workshop and Related Information

Date: June 3, 2007

On May 22nd I attended a workshop in Greenville conducted by NCDENR staff members from the Wilmington and Washington regions and the Central Office. The One-Stop/Express and Storm Water Permitting and water quality divisions were represented.

While the power point presentation for the workshop was not available for the session, the customer service division of NCDENR is working on getting it up on the website. A link to the presentation will be posted on the CCT web page once it becomes available. Until then please find a summary of some of the information you might find most helpful.

Link to NCDENR Storm Water Page: From this main page you will be able to find links to a host of other related pages, including the interactive map found below, a fee schedule and one that contains manuals, forms, fact sheets and other SW related documents.

<http://h2o.enr.state.nc.us/Stormwater.html>

Storm Water Phase II Session Law 2006-246 (Senate Bill 1566): Many of you are aware that effective July 1, 2007 Brunswick, New Hanover and Onslow counties will be required to meet new SW standards as a result of the adoption of SB 1566, now known as NC Session Law ("NCSL") 2006-246. The most significant impact of this legislation which was adopted on July 26th 2006 is the post - construction permit requirements for developments, and the limits on the percentages of built-upon areas for low and high density development that can be found in Section 9 of the statute. In a nutshell what this means is that once a development is complete engineered SW controls must remain, and come July 1st if you do not have a building permit or approval for a phased development plan the new law will apply to your projects. This requirement creates operation and maintenance, as well as liability issues that must be dealt with once the project is complete and the developer moves on and will almost certainly lead to delays in permit review. During the session Scott Vinson an Environmental Engineer with Washington regional office, reported that it is 60-75 days before they can even look at applications that under current law must be reviewed in 90 days. And while an express permitting option is available at an increased cost (routine fee \$420, express permitting \$2000-4000), as those of you who have been through that process can attest it is not always significantly more speedy. It is important that you prepare for permit review delays to increase as the number of permits that must be reviewed increases. Factoring in additional time for the review process is strongly encouraged. While a 30-day review

time is the goal, the regulating bodies are by their own admission not there yet, and not likely to be in the near future.

One important component of the workshop that might help prevent the delay was the overview of **the most common permit application deficiencies** that the reviewers encounter. Below please find an extensive list of the errors and omissions that you and those who prepare your applications should try to avoid:

- No original applicant signature. Because the applications become part of the permit an original signature is required.
- No signatory title indicating what the applicant's position in the company or corporation is.
- Inconsistency of numbers and calculations throughout the application.
- The failure to submit and/or file deed restrictions.
- Failure to provide built-upon areas in square feet, and/or failure to provide dimensions of all proposed built-upon areas on the plans. Built upon areas or lots ("BUA") can be listed as acres or as a percentage of lots, but you will still need the square feet in a table somewhere within the body of the application.
- Incomplete or no plan legend.
- Failure to delineate wetlands, or to indicate that none exist, and/or a failure to provide a delineation map.
- Failure to provide a vicinity map that shows the nearest intersection(s) of at least 2 major roads.
- Failure to delineate drainage areas to each storm water Best Management Practice ("BMP"). It is also helpful to the reviewer if you draw a circle around the drainage areas on the map.
- Failure to provide a soils report particularly on high density projects.
- Failure to seal the initial calculations **and** any subsequent revised calculations.
- Failure to reference the project number on all correspondence...

Additional helpful hints:

- Make sure you provide documentation of the applicant's standing in the LLC or corporation.
- Make sure that the company applying for the permit is actually formed and registered with the state before the application is submitted.
- Note existing BUAs for redevelopment projects.
- Designate one column for each engineered storm water control, particularly for high density projects.
- For "pockets of high density" such as club houses, provide treatment systems even for low density projects.
- Signatories can include sole proprietors, Vice President or higher, an authorized agent for large corporations such as Wal-Mart or a general partner of a partnership.

While this list is not totally exhaustive it is a helpful guide on what you want to include or not assume.

Below please find a link to the statute, particular attention should be paid to the post-construction provisions found in Section 9.

NCSL 2006-246: <http://h2o.enr.state.nc.us/su/documents/SL2006-246.pdf>

Interactive Map Detailing Controlling State, County and Local Regulations: An interactive web-based mapping system to help development activities determine whether they are covered by the post-construction permitting program or other Stormwater permitting requirements. Please note that the map is not 100% accurate according to NCDENR officials, but can and should be used as a reference for determining which authority administers what SW program in the area. From the main page found below you can link to a tutorial page that will help walk you through the search process, as well as a page that contains updates to the map and county administered SW programs. http://h2o.enr.state.nc.us/su/msi_maps.htm

Because this statute, and storm water regulations in North Carolina in general are so critical to your operations, and yet so massively confusing it has been recommended that CCT schedule regular storm water briefing for its members. The first such briefing will be conducted at the July 12th membership meeting. For more information on this and other sessions, please check the Events Calendar or contact Melanie Cook at Melanie@coastalcarolinatomorrow.org.