|  |  |  |  |
| --- | --- | --- | --- |
| **Proposed Stormwater Rules – 15A NCAC 2H** | | | |
| **Rule Name** | **Draft 6/14/16** | **Proposed Action** | **Notes/Source of Rule Language** |
| 2H .0126 Stormwater Discharges |  | Readopt w/o Substantive Changes | * Minimal changes |
| 2H.0150 Definitions: NPDES MS4 Stormwater |  | Readopt w/ Substantive Changes | * Minimal changes |
| 2H .0151 NPDES MS4  Stormwater:  Designation and Petition Process |  | Readopt w/ Substantive Changes | * Minimal changes |
| 2H .0152 Development in Urbanizing Areas |  | Readopt as a Repeal | * Proposed for repeal because is duplicative of 2H .1016 |
| 2H .0153 NPDES MS4 Stormwater: Program Implementation |  | Readopt w/ Substantive Changes | * Minimal changes * Adds .0153(f) to incorporate requirement from S.L. 2014-1 allowing DOT BMP Toolbox for linear transportation projects |
| 2H.0154 Post-Construction Practices |  | Readopt as a Repeal | * Proposed for repeal because is duplicative of 2H .1017 |
| 2H .1001 Post-Construction Stormwater Management: Purpose and Scope |  | Readopt w/ Substantive Changes | * Reorganized * Adds items on stormwater program applicability and vested rights |
| 2H .1002 Definitions |  | Readopt w/ Substantive Changes | * Streamlines definitions that duplicate statute * Strikes unnecessary definitions * Adds definitions, including new terms “Minimum Design Criteria” (or “MDC”) and “Stormwater Control Measure” (or “SCM”) |
| 2H .1003 Requirements that Apply to All Subject Projects |  | Readopt w/ Substantive Changes | * Based on MDC Team deliberations * Codifies method for calculating project density * Makes req’ts for low and high density projects, vegetated setbacks, etc. consistent across programs |
| 2H .1005 Stormwater Requirements: Coastal Counties |  | Readopt as a Repeal | * Req’ts of 2H .1005 updated and moved to 2H .1019 |
| 2H .1006 Stormwater Requirements: HQW |  | Readopt as a Repeal | * Req’ts of 2H .1006 updated and moved to 2H .1021 |
| 2H .1007 Stormwater Requirements: ORW |  | Readopt as a Repeal | * Req’ts of 2H .1007 updated and moved to 2H .1021 |
| 2H .1008 Design of Stormwater Management Measures |  | Readopt as a Repeal | * Req’ts of 2H .1008 updated and moved to following proposed rules: 2H .1001; .1003; .1031; 1040; .1042; .1050; .1051; .1053; .1059 |
| 2H .1009 Staff Review and Permit Preparation |  | Readopt as a Repeal | * Req’ts of 2H .1009 updated and moved to 2H .1042(3) |
| 2H .1010 Final Action on Permit Applications |  | Readopt as a Repeal | * Req’ts of 2H .1010 updated and moved to 2H .1042(3) * Also reference 2H .1040 |
| 2H .1011 Modification and Revocation of Permits |  | Readopt as a Repeal | * Req’ts of 2H .1011 updated and moved to 2H .1040(6) |
| 2H .1012 Delegation of Authority |  | Readopt as a Repeal | * Req’ts of 2H .1012 updated and moved to 2H .1040(3) |
| 2H .1013 General Permits |  | Readopt as a Repeal | * Req’ts of 2H .1013 updated and moved to 2H .1041 |
| 2H .1014 Stormwater Management for Urbanizing Areas |  | Readopt as a Repeal | * Proposed for repeal because is covered in 2H .0100s and 2H .1016 -.1018 |
| 2H .1015 Development in Urbanizing Areas |  | Readopt as a Repeal | * Proposed for repeal because is duplicative of 2H .0150 |
| 2H .1016 Development in Urbanizing Areas: Applicability and Delineation |  | Readopt w/ Substantive Changes | * Strikes .1016(c) (designation of regulated entities) b/c is covered in 2H .0151 * .1016(a)(4) moved to .1016(a)(1)(E) * Moves .1016(d) (delegation), to its own new rule 2H .1018 |
| 2H .1017 NPDES and Urbanizing Areas: Post-Construction Stormwater Management |  | Readopt w/ Substantive Changes | * .1017(2) Allows newer rules (Jordan, Falls, Coastal, Goose Creek, USMP) to satisfy stormwater requirements * 2H .1017(5) adds voluntary option to allow SCMs designed to achieve runoff volume match instead of runoff treatment criteria |
| 2H .1018 Urbanizing Areas: Delegation of Stormwater Management Program |  | Adopt | * New rule; language from 2H .1016(d) |
| 2H .1019 Coastal Counties |  | Adopt | * Includes req’ts previously located in 2H .1005 * Based on MDC Team deliberations * Improves organization of coastal programs * Updates technical standards for avoiding discharges of stormwater in SA waters |
| 2H .1020 Universal Stormwater Management Program |  | Readopt w/ Substantive Changes | * .1020(f) adds voluntary option to allow SCMs designed to achieve runoff volume match as an alternative to runoff treatment |
| 2H .1021 Non-Coastal County HQW and ORW |  | Adopt | * Req’ts previously located in 2H .1006 and .1007 * Combines Non-Coastal County HQW and ORW programs because the existing requirements were very similar * .1021(7) adds a req’t for 30-foot vegetated setback for high density development * .1021(5) adds option to allow for single-family residential projects to qualify as low density if meet average lot size criteria over the entire project rather than minimum lot size for each lot |
| 2H .1040 Permit Administration |  | Adopt | * Req’ts previously located in 2H .1008; .1010-.1012 * Updates and organizes the process for stormwater permit administration and signatures on permit applications |
| 2H .1041 General Permits |  | Adopt | * Req’ts previously located in 2H .1013 * Minimal changes |
| 2H .1042 Standard Permitting Process |  | Adopt | * Req’ts previously located in 2H .1008-.1010 * Updates and organizes standard permitting process |
| 2H .1043 Fast Track Permitting Process: Authorization to Construct |  | Adopt | * New permitting process * Based on MDC Team deliberations * Creates Step #1 of the fast-track permitting process |
| 2H .1044 Fast Track Permitting Process: Final Permit |  | Adopt | * New permitting process * Based on MDC Team deliberations * Creates Step #2 of the fast-track permitting process |
| 2H .1045 Requirements for Permit Transfers and Renewals |  | Adopt | * Req’ts previously located in 2H .1003, .1010 * Codifies policies for permit transfers and renewals * .1045(3)(f) allows a licensed professional to certify that the SCM has been inspected, and that it was found to be built and maintained in accordance with the approved plans |
| 2H .1050 MDC for all Stormwater Control Measures |  | Adopt | * Includes req’ts previously located in 2H .1008 * Organizes MDCs that apply to all SCMs in one rule * Based on MDC Team deliberations; a number of design elements that the MDC team agreed are necessary to ensure that SCMs meet the current 85% TSS removal requirements, such as having a bypass device for larger flow events and protecting inlet and outlet structures against erosion, are proposed to be codified in 2H .1050 |
| 2H .1051 MDC for Infiltration Systems |  | Adopt | * Includes req’ts previously located in 2H .1008 * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1052 MDC for Bioretention Cells |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1053 MDC for Wet Ponds |  | Adopt | * Req’ts previously located in 2H .1008 * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1054 MDC for Stormwater  Wetlands |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1055 MDC for Permeable Pavement |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1056 MDC for Sand Filters |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1057 MDC for Rainwater Harvesting |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1058 MDC for Green Roofs |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1059 MDC for Level Spreader-Filter Strips |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1060 MDC for Disconnected Impervious Surfaces |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1061 MDC for Treatment Swales |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |
| 2H .1062 MDC for Dry Ponds |  | Adopt | * Based on MDC Team deliberations * Updates and organizes current design standards for this type of SCM |