

1 15A NCAC 2H .1002 is proposed for amendment with changes as follows:

2
3 **15A NCAC 02H .1002 DEFINITIONS**

4 The definition of any word or phrase in this Section shall be the same as given in Article 21, Chapter 143 of the
5 General Statutes of North Carolina, as amended. Other words and phrases used in this Section are defined as
6 follows:

- 7 (1) "Built-upon Area" means ~~that portion of a development project that is covered by~~ impervious
8 ~~surface or~~ and partially impervious surface ~~including, but not limited to, buildings; pavement to~~
9 ~~the extent that the partially impervious surface does not allow water to infiltrate through the~~
10 ~~surface and gravel areas such as roads, parking lots, and paths; and recreation facilities such as~~
11 ~~tennis courts into the subsoil.~~ "Built-upon" "Built-upon" area" does not include a wooden slatted
12 deck, the water area of a swimming pool, or ~~pervious or partially pervious paving material to the~~
13 ~~extent that the paving material absorbs water or allows water to infiltrate through the paving~~
14 ~~material.~~ gravel.
- 15 (2) "CAMA Major Development Permits" mean those permits or revised permits required by the
16 Coastal Resources Commission according to as set forth in 15A NCAC ~~7J-07J~~ Sections .0100 and
17 .0200.
- 18 (3) "Certificate of Stormwater Compliance" means the approval for activities that meet the
19 requirements for coverage under a stormwater general permit for development activities that are
20 regulated by this Section.
- 21 (4) "Coastal Counties" include are Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven,
22 Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender,
23 Perquimans, Tyrrell, and Washington.
- 24 (5) "Curb Outlet System" means curb and gutter installed in a development which meets low density
25 criteria [Rule set forth in Rule .1003(d)(1) of this Section] Section with breaks in the curb or other
26 outlets used to convey stormwater runoff to grassed swales or vegetated or natural areas and
27 designed in accordance with Rule .1008(g) of this Section.
- 28 (6) "Development" means any land disturbing activity that increases the amount of built-upon area or
29 that otherwise decreases the infiltration of precipitation into the soil.
- 30 (7) "Drainage Area or Watershed" means the entire area contributing surface runoff to a single point.
- 31 (8) "Forebay" means a device located at the head of a wet detention pond to capture incoming
32 sediment before it reaches the main portion of the pond. The forebay is typically an excavated
33 settling basin or a section separated by a low weir.
- 34 (9) "General Permit" means a ~~"permit"~~ permit issued under G.S. 143-215.1(b)(3) and (4) authorizing a
35 category of similar activities or discharges.
- 36 (10) "Gravel" means a clean or washed, loose, uniformly-graded aggregate of stones from a lower limit
37 of 0.08 inches to an upper limit of 3.0 inches in size.

1 ~~(10)~~(11) "Infiltration Systems" mean stormwater control systems designed to allow runoff to pass or move
2 (infiltrate/exfiltrate) into the soil.

3 ~~(11)~~(12) "Notice of Intent" means a written notification to the Division that an activity or discharge is
4 intended to be covered by a general permit and takes the place of ~~the "application"~~ application
5 used with individual permits.

6 ~~(12)~~(13) "Off-site Stormwater Systems" mean stormwater management systems that are located outside the
7 boundaries of the specific project in question, but designed to control stormwater drainage from
8 that project and other potential development sites. These systems shall designate responsible
9 parties for operation and maintenance and may be owned and operated as a duly licensed utility or
10 by a local government.

11 ~~(24)~~(14) "One-year, 24-hour storm" means a rainfall of an intensity expected to be equaled or exceeded, on
12 average, once in 12 months and with a duration of 24 hours.

13 ~~(13)~~(15) "On-site Stormwater Systems" mean the systems necessary to control stormwater within an
14 individual development project and located within the project boundaries.

15 ~~(26)~~(16) "Permeable pavement" means paving material that absorbs water or allows water to infiltrate
16 through the paving material. Permeable pavement materials include porous concrete, permeable
17 interlocking concrete pavers, concrete grid pavers, porous asphalt, and any other material with
18 similar characteristics. ~~Compacted gravel shall not be considered permeable pavement.~~

19 ~~(14)~~(17) "Redevelopment" means any land disturbing activity that does not result in a net increase in built-
20 upon area and that provides greater or equal stormwater control than the previous development
21 development. ~~(stormwater Stormwater~~ controls shall not be allowed where otherwise prohibited).
22 prohibited.

23 ~~(27)~~(18) "Residential development activities" has the same meaning as in 15A NCAC 02B .0202(54).

24 ~~(15)~~(19) "Seasonal High Water Table" means the highest level that groundwater, at atmospheric pressure,
25 reaches in the soil in most years. The seasonal high water table is usually detected by the mottling
26 of the soil that results from mineral leaching.

27 ~~(16)~~(20) "Sedimentation/Erosion Control Plan" means any plan, amended plan or revision to an approved
28 plan submitted to the Division of Energy, Mineral, and Land Resources or delegated authority in
29 accordance with G.S. 113A-57.

30 ~~(17)~~(21) "Stormwater" is defined in G.S. 143, Article 21.143-213(16a).

31 ~~(18)~~(22) "Stormwater Collection System" means any conduit, pipe, channel, curb or gutter for the primary
32 purpose of transporting (not treating) runoff. A stormwater collection system does not include
33 vegetated swales, swales stabilized with armoring or alternative methods where natural
34 topography or other physical constraints prevents the use of vegetated swales (subject to case-by-
35 case review), curb outlet systems, or pipes used to carry drainage underneath built-upon surfaces
36 that are associated with development controlled by the provisions of Rule .1003(d)(1) in this
37 Section.

1 ~~(19)~~(23) "10 Year Storm" means the surface runoff resulting from a rainfall of an intensity expected to be
2 equaled or exceeded, on the average, once in 10 years, and of a duration which will produce the
3 maximum peak rate of runoff, for the watershed of interest under average antecedent wetness
4 conditions.

5 ~~(22)~~(24) "Vegetative Buffer" means an area of natural or established vegetation directly adjacent to surface
6 waters through which stormwater runoff flows in a diffuse manner to protect surface waters from
7 degradation due to development activities. The width of the buffer is measured horizontally from
8 the normal pool elevation of impounded structures, from the bank of each side of streams or rivers,
9 and from the mean high water line of tidal waters, perpendicular to the shoreline.

10 ~~(25)~~ "BMP" means Best Management Practice.

11 ~~(28)~~(25) "Vegetative conveyance" means a permanent, designed waterway lined with vegetation that is
12 used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

13 ~~(23)~~(26) "Vegetative Filter" means an area of natural or planted vegetation through which stormwater
14 runoff flows in a diffuse manner so that runoff does not become channelized and which provides
15 for control of stormwater runoff through infiltration of runoff and filtering of pollutants. The
16 defined length of the filter shall be provided for in the direction of stormwater flow.

17 ~~(20)~~(27) "Water Dependent Structures" means a structure for which the use requires access or proximity to
18 or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks,
19 and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and
20 boat storage areas are not water dependent uses.

21 ~~(21)~~(28) "Wet Detention Pond" means a structure that provides for the storage and control of runoff and
22 includes a designed and maintained permanent pool volume.

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24 *History Note:* Authority G.S. 143-213; 143-214.1; 143-214.7; 143-215.3(a)(1);

25 *Eff. January 1, 1988;*

26 *Temporary Amendment Eff. March 28, 2014; Amended Eff. August 1, 2012 (see S.L. 2012-143,*
27 *s.1.(f)); July 3, 2012; December 1, 1995; September 1, 1995.*