

26.17.02.05

.05 When Stormwater Management is Required.

A. Unless the particular activity is exempted by this regulation, a person may not develop any land without an approved stormwater management plan from the approving agency. A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with:

- (1) The Stormwater Management Subtitle;
- (2) This chapter;
- (3) The county or municipal ordinance.
- (4) The Design Manual for new development; and
- (5) Policies established by the local approving agency for redevelopment.

B. The following activities are exempt from the provisions of this chapter:

- (1) Additions or modifications to existing single family detached residential structures if they comply with §B(2) of this regulation;
- (2) Developments that do not disturb over 5,000 square feet of land area; and
- (3) Land development activities which the Administration determines will be regulated under specific State laws which provide for managing stormwater runoff.

C. Waivers.

(1) County and municipal ordinances may contain waiver policies for individual developments if the ordinances are approved by the Administration. The Administration will approve county and municipal ordinances and waiver policies if:

- (a) They reasonably ensure that a development will not adversely impact stream quality;
- (b) Waiver decisions are made on a case-by-case basis; and
- (c) The cumulative effects of the waiver policy are evaluated.

(2) Stormwater management quantitative control waivers shall be granted only to those projects within areas where watershed management plans have been developed consistent with §E of this regulation.

(3) If watershed management plans consistent with §E of this regulation have not been developed, stormwater management quantitative control waivers may be granted to projects:

- (a) That have direct discharges to tidally influenced receiving waters;
- (b) That do not increase the post-development peak discharge for the 2-year storm event by more than 10 percent in those areas of the State where the 2-year storm serves as the overbank flood protection volume according to the Design Manual; or
- (c) When the approving agency determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

(4) Stormwater management qualitative control waivers apply only to:

(a) In-fill development projects where stormwater management implementation is not feasible;

(b) Redevelopment projects if the requirements of §D of this regulation are satisfied; or

(c) Sites where the approving agency determines that circumstances exist that prevent the reasonable implementation of quality control practices.

D. Redevelopment.

(1) An approving agency shall require that stormwater management be addressed for redevelopment. Proposed redevelopment project designs shall include:

(a) A reduction in impervious area;

(b) The implementation of stormwater management practices; or

(c) A combination of both §D(1)(a) and (b) of this regulation to result in an improvement to water quality.

(2) Unless otherwise specified by watershed management plans developed according to §E of this regulation, all redevelopment projects shall reduce existing site impervious area by at least 20 percent.

(3) Where site conditions prevent the reduction of impervious area, stormwater management practices shall be implemented to provide water quality control for at least 20 percent of the site's impervious area.

(4) When a combination of impervious area reduction and stormwater management practice implementation is used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 20 percent.

(5) An approval authority may allow practical alternatives where conditions prevent impervious area reduction or on-site stormwater management. Practical alternatives include, but are not limited to:

(a) Fees paid in an amount specified by the approving agency;

(b) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness to that of the project;

(c) Watershed or stream restoration;

(d) Retrofitting; or

(e) Other practices approved by the appropriate authority.

(6) The recharge, channel protection storage volume, and overbank flood protection volume requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the approving agency.

(7) On-site or off-site channel protection storage volume requirements as specified in the Design Manual may be imposed if watershed management plans developed according to §E of this regulation indicate that downstream flooding or erosion need to be addressed.

(8) Variations of this redevelopment policy shall be approved by the Administration.

E. An approving agency may develop quantitative waiver and redevelopment provisions for stormwater management that differ from the requirements of this chapter. These provisions shall be developed only as part of an overall watershed

management plan. Watershed management plans developed for the purposes of implementing different stormwater management policies for waivers and redevelopment shall:

- (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
- (2) Evaluate both quantity and quality management;
- (3) Include cumulative impact assessment of watershed development;
- (4) Identify existing flooding and receiving stream channel conditions;
- (5) Be conducted at a scale determined by the approving agency; and
- (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented.