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Stormwater manual revisions challenge RI builders

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New storm water regulations that took effect on January 1st are dramatically impacting the design of new developments in Rhode Island. The new regulations from the Dept. of Environmental Management (DEM) include a completely updated and much expanded Rhode Island Storm Water Design and Installation Standards Manual.

Builders and developers now in the planning process will be able to continue under the old manual as long as they complete the master plan process by March 31st, then get the design to DEM by June 30th.

The revised Rhode Island Storm Water Design and Installation Standards Manual was under development for several years and has undergone extensive public review and comment, according to a DEM statement.

The major impetus for the revised manual was the state's "Smart Development for a Cleaner Bay Act" passed in 2007. The law notes that "storm water, when not properly controlled and treated, causes pollution of the waters of the state..." and "development often results in increased storm water runoff by increasing the size and number of paved and other impervious surfaces...."

The law required DEM and the Coastal Resources Management Council (CRMC) to amend the 1993 storm water manual to require "recharge" or "infiltration" of a portion of storm water into the ground, and the use of low impact development (LID) techniques as primary methods of storm water control.

DEM and CRMC jointly developed the revisions, and CRMC is scheduled to also adopt the revised manual in the near future.

"Implementing the new storm water requirements will be challenging for all parties involved and will involve a learning process, as users begin incorporating the changes into their practices," said Dr. Michael Sullivan, outgoing DEM director. "The floods in the spring of 2010 must not be forgotten, and these new standards will help to reduce future problems.

DEM also announced a "point of contact" within the agency to provide assistance, as well as a standing committee of government and private sector stakeholders to help guide the process and identify permitting issues or further policy needs as the program develops.

DEM said it has documented widespread water quality problems caused by storm water runoff, including stream impairments, beach closures and shellfishing closures. The new manual includes water quality performance standards that storm water management practices must meet for both surface water and groundwater.

The typical storm water retention pond, which has been widely used during the past 20 years, is no longer considered adequate for water quality treatment, according to DEM chief of Groundwater and Wetlands Protection Russell Chateauneuf.

"More effective water quality treatment practices are now available, many of which are already familiar to the engineering and design community, including infiltration basins, bio-retention filters, grass swales, and wet vegetated/soil treatment systems," Chateauneuf said.

The new manual incorporates LID as the "industry standard" for development, representing a fundamental shift in how subdivisions and commercial projects are planned and designed, he added.

"LID is a more comprehensive approach to managing storm water that minimizes the hydrological impacts of development. Storm water is managed in smaller, more effective treatment practices located throughout the development rather than being conveyed and managed in large pond facilities located at the bottom of drainage areas."

According to the agency, "the primary goal of LID is to mimic the pre-development hydrology by using site planning and design techniques that store, infiltrate, evaporate and detain runoff as close as possible to the point where precipitation reaches the ground. These techniques help reduce net runoff and ensure adequate groundwater recharge."

The revisions have prompted comments from some rule-weary members of the Rhode Island Builders Association.

"Some of these revisions aren't bad. But LID is just another name for many concepts that have been around for years, such as 'conservation development' and 'planned residential development,'" said Thomas D'Angelo of The Terry Lane Corp.

"Also, this manual is 464 pages long. That's absurd in itself. When DEM was first established, the equivalent document was 17 pages. They're burying us."

DEM is developing a separate guidance manual exclusively on the LID design approaches the agency recommends. DEM said this publication should help local communities adopt LID standards and help developers plan projects accordingly.

As announced in DEM's August notice of rule change, the revised storm water manual became effective on January 1st, and is being applied to permit applications received on or after that date. An extension to the deadline for compliance with the new manual - to June 30th - is provided for certain projects that are already in the planning or design process, including projects currently before local planning boards.

According to DEM, the tolling or permit extension provisions apply to development projects with permits valid as of November 9, 2009, or later. Most permits will be extended past June 30th, with some as long as 598 days from when they would otherwise have expired, the agency said.

"The purpose of the extension is to aid projects impacted by the recession, enabling quicker start-up once economic conditions sufficiently recover or financing becomes available."

DEM and CRMC, in conjunction with the University of Rhode Island, scheduled a series of public training sessions beginning this winter to help acquaint users with the new manual.

Further information about the manual and training sessions is available on DEM's website at www.dem.ri.gov, under "Timely Topics" on the homepage.

For more detailed information on the new regulations or the storm water manual, contact Chateauneuf at (401) 222-4700 ext. 7700.

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