**DRAFT: MDC that apply to all BMPs**

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| 1 | The size of the system must take into account the runoff at the ultimate build-out potential from all surfaces draining to the system 2H .1008(c)(1) Off-site drainage may be bypassed. |
| 2 | All stormwater systems shall be located in recorded drainage easements for the purposes of operation and maintenance and shall have recorded access easements to the nearest public right-of-way. These easements shall be granted in favor of the party responsible for operating and maintaining the stormwater management systems*.* 2H.1008(c)(3). Alternative agreements for protecting the footprint of stormwater systems and providing access for operation and maintenance will be considered on a case-by-case basis. |
| 3 | Stormwater systems impacted by sedimentation and erosion control during the construction phase must be cleaned out and converted to their approved design state. 2H.1008(c)(7) |
| 4 | All side slopesbeing stabilized with vegetative cover shall be no steeper than 3:1 (horizontal to vertical). 2H .1008(c)(2) Retaining walls or hardened slopes that are steeper are acceptable. Steeper vegetated slopes may be considered on a case-by-case basis provided that the applicant demonstrates that the soils and vegetation will remain stable in perpetuity. |
| 5 | An operation and maintenance (O&M) plan or manual shall be provided for the stormwater systems, indicating the O&M actions that shall be taken, specific quantitative criteria used for determining when those actions shall be taken and who is responsible for those actions. The plan must clearly indicate the steps that shall be taken and who shall be responsible for restoring a stormwater system to design specification if a failure occurs and must include and acknowledgment by the responsible party. 2H.1008(i) Operation and maintenance agreements shall be signed and notarized. |
| 6 | Stormwater systems must be designed by an individual who meets any NC occupational licensing requirements for the type of system proposed. 2H .1008(j) |
| 7 | Upon completion of construction, the designer for the type of stormwater system installed must certify that the system was inspected during construction, was constructed in substantial uniformity with plans and specifications approved by the Division and complies with the requirements of the permit. 2H .1008(j) |
| 8 | The required treatment volume of a BMP shall be calculated using either one of the following two methods or another engineering method if it is demonstrated to provide for equivalent protection of receiving streams:   1. The Simple Method with a design storm depth of 1.5” in Coastal Counties, the 1-year, 24-hour storm depth in SA waters, and 1.0” elsewhere. 2H .1008(c)(1) 2. The difference between the pre- and post-development runoff volume using the Discrete SCS Method, where the 90th percentile storm event is used for runoff depth for non-SA waters and the 1-year, 24-hour storm is used for runoff depth in SA waters. “Discrete” means that the SCS method is run twice: first, to yield runoff volume from the connected impervious surface and second, to yield runoff volume from the remainder of the site. (The total runoff volume is the sum of the two results.) |

Note: Potential MDC to be considered for the specific BMPs to which they apply are:

* The system shall be designed to treat the design storm and to pass larger storm events without damage to the system 15A NCAC 2B .0201.
* The BMP shall not cause adverse impacts on water levels in adjacent wetlands via dewatering 15A NCAC 2B .0201.
* All manufacturer requirements, product standards, and industry guidelines (ASTM or FLL) shall be followed to ensure lasting effectiveness. 15A NCAC 2B .0201