

MEMORANDUM

TO: File

FROM: Don Witherill, Bureau of Land & Water Quality, Augusta

DATE: September 7, 2006

RE: Redevelopment of Projects Requiring a Site Location Permit

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When the Board of Environmental Protection posted Chapters 500 and 502 to public hearing at its September 7, 2006 meeting, it accepted a staff errata memo outlining proposed changes to the draft that was submitted to the Board packet (dated August 16, 2006).

The most significant change was in Section 4(B)(3)(f) regarding Site Law projects involving redevelopment. The prior draft of the rule stated that ". . . redevelopment of existing impervious area is required to meet the general standards to the extent practicable as determined by the department." In the draft rule, however, "existing" is not defined. If we interpreted it to have the same meaning as "pre-development area," which is defined, then we would not have been able to apply the standard to amendments or modifications of existing Site Law permits. In the interest of "smart growth," we do want to be able to apply the standard to those projects. Therefore, in order to be clear, in the draft of Chapter 500 that has been posted, the same date for existing is proposed as is used for Stormwater Law permits: November 16, 2005 (the effective date of the current rules). This will allow us to apply the standard to projects that have been permitted over the years and are now being modified. A similar change was also made to the urban impaired stream standard with respect to redevelopment.

For a description of the actual proposed language, and the other changes, you should look at the errata memo, as well as the revised draft, which are also posted on our web page.