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## | Opinion |

New stormwater regulations  
the result of real compromise

The coastal stormwater regulations that Gov. Easley recently signed into law are the culmination of a process that is all too rare in government today: the willingness of a group of diverse people, with diverse interests and opinions, to work together in shaping a compromise that delivers true and lasting value to the state of North Carolina and its citizens.

When the Environmental Management Commission (EMC) approved an initial set of stormwater rules earlier this year, there was a fear that the potential consequences – such as greater regulatory burden, increased home prices, and reduced economic growth – could outweigh the potential benefits. But instead of taking intractable positions that made finding a common ground impossible, the concerned parties assembled a working group whose goal was to bridge rather than widen their differences.

In one regard, we were all in agreement: North Carolinians deserve clean water, and whatever alternative to the EMC rules emerged had to substantively and realistically deal with the environmental threat to coastal areas. So we knew where we wanted to be. The challenge was getting there.

Beginning in April, the Coastal Stormwater Rules Working Group – which consisted of business people, developers, local government officials, scientists, legislators, and environmentalists – began to confront that challenge.

We met weekly, eventually amassing more than 30 hours of dialogue. We discussed issues that included growth, real and perceived risk, economic development, government responsibilities, housing costs, small business, sources of pollution, taxpayer rights and quality of life. Often, the discussions became simmering debates. Sometimes, the simmering debates boiled over into heated arguments.

But at no time was anyone's voice silenced. Every participant, from every stakeholder group, had ample



Guest  
Columnist  
**TOM  
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opportunity to state his or her case. And the proposal that finally went to the legislature, where it was overwhelmingly approved by both the House and the Senate, demonstrates how this collective input forged a consensus. For example:

- The original EMC rules required developments with impervious surfaces (buildings, roofs, parking lots, etc.) that cover more than 12 percent of land within a half-mile of shellfish waters to install expensive, elaborate stormwater controls. That cut the previous threshold in half, and drew opposition from the construction and real estate industries. The provision remained in the bill Gov. Easley signed. However, homebuilders will be allowed to factor wetlands – where construction generally cannot occur anyway – into the formula for determining the 12 percent ceiling, preserving responsible development. So we protected the environment without crippling the economy.

- EMC also called for developers to control stormwater runoff from 3.5 inches of rain in certain residential developments. This would have raised their costs, and thus the cost of housing – which is the wrong message to send in the current market. Under the working group's proposal, developers have to control runoff from the first 1.5 inches of rain. Once again, we're still protecting the environment; we're just doing it at a lower cost.

- EMC's proposals did not allow

projects that had already been lawfully permitted to be excluded from the new rules, nor did it allow existing homes and businesses to be replaced without compliance with those rules. This would have required projects to go back to the drawing board in permitting (which is already prohibitively expensive, anyway) and taken a serious financial toll on individual property owners. Now, these rules apply only to new construction. Once more, we achieve the broader goal of environmental protection without penalizing homeowners, builders, and businesses.

That last point – achieving the broader goal of environmental protection – is important.

Did everyone get what they wanted in this compromise? Hardly. I am certain some people would have preferred a total rejection of EMC's plan. I am equally certain others would have preferred we accept it as originally proposed. While reasonable people could no doubt find some merit in either of those positions, the fact is this was never an 'either-or' proposition. Our job on the working group was to craft a policy that protected the environment – our broader goal – while still preserving economic opportunity.

We did that job, too. And in doing so, we did more than show that growth and environmental responsibility are not mutually exclusive. We proved that there is wisdom in compromise – and that when the state's future is at stake, committed people can find a way to bend without breaking the people's trust.

*Tom Johnson is an attorney with Nexsen Pruet law firm and works extensively in Eastern North Carolina. He is a member of Coastal Carolina Tomorrow and regularly appears before local governing boards on planning and zoning matters to help coastal communities grow their economic base while protecting the environment.*