

RI General Laws Chapter 45-61.2

The Smart Development for a Cleaner Bay Act of 2007

§ 45-61.2-1 Findings. – (a) The general assembly hereby recognizes and declares that:

(1) Stormwater, when not properly controlled and treated, causes pollution of the waters of the state, threatens public health, and damages property. Stormwater carries pollutants into rivers, streams, ponds, coves, drinking water aquifers and Narragansett Bay;

(2) Stormwater reaches the state's waters by streets, roads, lawns and other means. As a result, public use of the state's natural resources for drinking water, swimming, fishing, shellfishing and other forms of recreation is limited and in some cases prohibited;

(3) Development often results in increased stormwater runoff by increasing the size and number of paved and other impervious surfaces within the state, and decreasing the amount of natural surface areas that naturally control stormwater runoff through natural filtration and groundwater recharge systems;

(4) Rhode Island's State Land Use Policies and Plan "Land Use 2025" predicts under the "Current Trend Scenario" that by 2025 an area comprising over one hundred eight thousand (108,000) acres, or sixteen percent (16%) of the state's total area, could be developed with twenty (20) more years of building to current plans; and

(5) Rhode Island's stormwater design and installation standards manual has been developed to describe mandatory and suggested stormwater design and performance criteria for applicants to the department of environmental management (DEM), Coastal Resources Management Council (CRMC) and Rhode Island's cities and towns.

(6) To prevent the future degradation of the state's waters the general assembly finds that Rhode Island should update the stormwater design and installation standards manual to implement comprehensive stormwater standards for development that will maintain natural hydrological systems and reduce pollution to the maximum extent possible by requiring the use of modern non-structural low impact design practices and techniques.

§ 45-61.2-2 Implementation. – The department of environmental management (DEM), in conjunction with the coastal resources management council (CRMC) shall, by July 1, 2008, amend the Rhode Island stormwater design & installation standards manual. The changes shall include, but not be limited to, incorporation into existing regulatory programs that already include the review of stormwater impacts the following requirements:

(a) Maintain pre-development groundwater recharge and infiltration on site to the maximum extent practicable;

(b) Demonstrate that post-construction stormwater runoff is controlled, and that post-development peak discharge rates do not exceed pre-development peak discharge rates; and

(c) Use low impact-design techniques as the primary method of stormwater control to the maximum extent practicable.