



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

September 28, 2011

**MEMORANDUM**

TO: ENVIRONMENTAL REVIEW COMMISSION  
The Honorable David Rouzer, Chair  
The Honorable Mitch Gillespie, Co-Chair  
The Honorable Ruth Samuelson, Co-Chair

FROM: Kari Barsness *KKB*  
Director of Legislative and Intergovernmental Affairs

SUBJECT: 2011 Stormwater Management Program Annual Report

DATE: September 28, 2011

Pursuant to G.S. 143-214.7(e), the Environmental Management Commission shall submit to the Environmental Review Commission a report on the stormwater management program by October 1<sup>st</sup> of each year. Please consider the 2011 Stormwater Management Program Report attached as the formal submission of this report.

If you have any questions or need additional information, please contact me by phone at (919) 715-4189 or via e-mail at [Kari.Barsness@ncdenr.gov](mailto:Kari.Barsness@ncdenr.gov).

cc: Assistant Secretary Robin Smith  
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# **Stormwater Management Program Annual Report**

## **In Accordance With G.S. 143-214.7(e)**

### **2011**

The Environmental Management Commission (EMC), through the N.C. Department of Environment and Natural Resources and the N.C. Division of Water Quality (division), implements state and federal programs to control the water quality impacts of stormwater runoff from development activities and urban and developing areas. These programs include the federal National Pollutant Discharge Elimination System (NPDES) program for stormwater discharges that requires permits for point source discharges of stormwater from industrial activities and from certain municipal areas in urbanizing and developing areas. This program is a requirement of the federal Clean Water Act. In addition, the EMC and division implement state stormwater permitting programs that are designed to control stormwater runoff from new development and redevelopment activities occurring near sensitive areas (Water Supply Watersheds, High Quality and Outstanding Resource Waters, Nutrient Sensitive Waters, Coastal Waters, and post-construction adjacent to regulated municipal NPDES areas).

The division continues to implement various post-construction state stormwater programs across the state. These include programs for protection of coastal resources and programs for protection in urban and developing areas near federally regulated urban areas. These programs generally apply to projects that disturb an acre or more of land or that require a Coastal Area Management Act major permit. More information on the state stormwater programs can be found at: <http://portal.ncdenr.org/web/wq/ws/su/statesw>. Since these programs often require the use of engineered controls, the division continues to provide technical guidance on stormwater control measures through its Stormwater Best Management Practices Manual that is available online at: <http://portal.ncdenr.org/web/wq/ws/su/bmp-manual>.

Previous reports have outlined ongoing activities associated with implementation of the federal municipal separate storm sewer systems (MS4) NPDES stormwater program (<http://portal.ncdenr.org/web/wq/ws/su/phase2>). This program is implemented under S.L. 2006-246 and continues to be a major emphasis for our program. Permits under this program currently regulate 115 governmental entities across the state. In addition, section 5 of S.L. 2006-246 requires the division and EMC to continue to review other potential entities for designation into this program. Twelve additional entities were designated into the program in 2010 under these provisions. Applications and permits are pending for these communities over the coming year. The division and EMC continue to review additional communities, although no additional designations have been made at this point. In accordance with section 15 of S.L. 2006-246 the EMC has taken action this year to adopt rules to implement the Session Law standards. The rules have been approved by the Rules Review Commission and will be subject to legislative review in 2012.

A majority of the currently permitted MS4s are in the process of having their permits renewed. The division has developed draft permits for these entities and worked with the communities and Environmental Protection Agency (EPA) Region IV on the final permit language. These permits have gone to public notice and division is currently working with EPA on their final review of the permits.

The division continues to provide outreach and information to these entities on the renewal process and expectations. This outreach and information is provided, in part, through an ongoing audit program the division implements to assess portions of the permitted communities each year. This audit process for MS4s is coordinated with audits for other existing programs like the Water Supply Protection program. This allows the division and local entities to maintain efficient oversight of related stormwater program areas through one program review.

On the federal level, the EPA is currently gathering information on a new rulemaking that would potentially expand post-construction stormwater requirements nationally. Draft rules were expected in September, but the process has been delayed. The division will continue to watch these efforts and provide input on the impacts to N.C. programs.

Along with the MS4 program, the state implements the post-construction stormwater management program outlined in S.L. 2006-246 in areas adjacent to MS4 regulated entities. The division is currently reviewing S.L. 2011-220 (H492), which established a procedure that may remove some of the areas previously regulated in the post-construction program. Areas where the post-construction stormwater programs apply can be found through the division's online map viewer at:  
<http://portal.ncdenr.org/web/wq/ws/su/maps>.

In the industrial NPDES permitting program, the division reissued two general stormwater permits covering Ready-Mix Concrete and construction sites statewide. The renewals made several procedural changes to promote stormwater pollution prevention and the development of more effective tools to help the permit holders and Division comply with regulations. These permits and associated technical guidance information can be found at [http://h2o.enr.state.nc.us/su/Forms\\_Documents.htm](http://h2o.enr.state.nc.us/su/Forms_Documents.htm).

The reissued construction permit incorporates federally mandated effluent limitation guideline (ELG) components for the construction industry. These standards include the ultimate implementation of discharge limits for turbidity levels in construction site discharges. EPA is reviewing its previous standards for the discharge limit portion of the construction ELGs and final discharge limits are expected in 2012. The state's reissued general permit is good for five years, so even though discharge limits are expected from EPA in 2012, it is not anticipated they will become a requirement in North Carolina's general permit until permit renewal in 2016.

The division worked with the Division of Land Resources and a technical advisory group to evaluate various implementation aspects of the construction program and develop the components of the final permit. This advisory group included representatives from various entities with interest in the construction industry. In 2012 the division will be working to renew six industrial NPDES general permits covering more than 1,000 facilities across the state.

In response to S.L. 2009-322, the division concluded an effective stakeholder process with the composting industry in September 2010. A new NPDES general permit to regulate stormwater and wastewater discharges from composting sites has undergone EPA and public review and will be issued in final form this year. Full regulation of surface water discharges will be in effect by October 2012 as required by S.L. 2009-322. The division continues to focus on both the administrative work products and effective communications with the regulated community.

The division continues to work to provide technical assistance and outreach in various stormwater management program areas. A few major areas of technical assistance/outreach are noted below.

- ♦ Staff continues to maintain and regularly update the Stormwater BMP Manual and provide technical assistance on the materials.
- ♦ Division staff has provided outreach and education through visits to schools, meetings with local governments, various councils of government, exhibits at festivals and fairs, workshops for the regulated community and through the use of our outreach and education Listserv. Learn more about the Division's stormwater awareness outreach and education efforts by visiting <http://www.ncstormwater.org>.
- ♦ The division continues to partner with N.C. State University to offer regular Stormwater BMP Reviewer Certification workshops for local governments. The workshop includes training on stormwater management, regulatory issues and review of BMP design, implementation, maintenance and inspection. Due to limited funding only one workshop has been held this year.

- ♦ The division continues its education partnership with the Water Resources Research Institute to offer regular stormwater and wetlands training activities for engineers, consultants, local governments and other interested parties. These efforts have been well received and are continuing on a regular basis at various locations across the state. More information can be found at: <http://www.ncsu.edu/wrri/events/Division/>.