



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

September 28, 2012

**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: 2012 Stormwater Management Program Annual Report

DATE: September 28, 2012

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 2012 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) 707-8618 or via e-mail at [Kari.Barsness@ncdenr.gov](mailto:Kari.Barsness@ncdenr.gov).

cc: Robin Smith, Assistant Secretary for Environment, NCDENR  
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Lanier McRee, Fiscal Research Division, NC General Assembly

## **Stormwater Management Program Annual Report**

In Accordance With G.S. 143-214.7(e)  
2012

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 as noted above. 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 (BMP) Manual that is available online at: <http://portal.ncdenr.org/web/wq/ws/su/bmp-manual>.

Over the last year the Division has worked to integrate new implementation requirements in the post-construction stormwater program areas. The Division has studied stormwater management practices at airports as required by HB 119 (2011) and is currently working to implement airport stormwater measures outlined this year in SB 229. The Division has always promoted the use of various management measures near airports to avoid any safety concerns, and this bill establishes limitations on measures that promote permanent standing water near airports. The Division is also working to finalize a section of its best management practices manual that will focus on airport-specific measures. This section is in draft and will be available for public comment in the last quarter of 2012. The Division has also implemented new permit transfer measures as allowed in HB 750 for the transfer of permits by developers to property owners' associations.

Recent changes to general statute 143-214.7 have worked to highlight the use of stormwater capture and reuse measures. Areas of the Division's BMP manual promote these practices, including specific design measures for rooftop capture and reuse of stormwater. The Division has also participated in workgroups designed to review and modify other program areas and codes (plumbing code for example) that may have limited these practices. The Division has also worked with various industry and environmental organizations on methods to promote low impact development (LID) practices, which include the use of capture and reuse opportunities. Currently the Division has a BMP manual revision out for public comment that could work to improve LID and stormwater capture. The change will allow the use of permeable pavement technologies across the state and will increase the level of credit for these systems along with promoting their use to capture and infiltrate stormwater generated flows on site. More information can be found at <http://portal.ncdenr.org/web/wq/ws/su/bmp-ch18>.

Previous reports have outlined ongoing activities associated with implementation of the federal municipal (municipal separate storm sewer systems or MS4) NPDES stormwater program (<http://portal.ncdenr.org/web/wq/ws/su/phase2>). Permits under this program currently regulate 115 governmental entities across the state. This Division has worked with local governments, state and federal agencies (including EPA Region IV) over the last year to renew permit coverage for nearly 90 of

these entities. Sixteen additional MS4 permits are in the final stages of permit renewal and nine new permittees have permits currently out at public comment. The Division and EMC are required to continue to review other potential entities for designation into this program. The Division reported last year that the EMC had taken action, in accordance with Section 15 of S.L. 2006-246, to adopt rules to implement the MS4 Session Law standards. The rules were available for legislative review this year and became final. They are now found in 15A NCAC 2H.0100 and 2H.1000. The Division continues to monitor reviews on the federal level associated with the municipal NPDES programs. EPA draft measures are expected in the coming year to look at the impact on permit coverage of 2010 federal census designations and on measures to expand the application of post-construction stormwater control measures and to establish specific post construction stormwater control standards.

The Division provides outreach and information to these entities in various meeting opportunities. 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, to allow the Division and local entities to maintain efficient oversight of related stormwater program areas through one program review.

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. In the past year the Division has implemented the provisions of S.L. 2011-220 (H492), which established a procedure that removed areas of one county previously regulated in the post-construction program. The Division also reviewed these session law requirements in a separate situation leading to an interpretation of the requirements that removed post-construction requirements in a second county area. These changes have been noted on the Division website; meanwhile, staff are working to update the online map. The Division is also updating coverage areas in compliance with the session law language to reflect the most recent federal census urbanized areas designations. 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, at the end of October the Division will finalize six general stormwater permit renewals covering close to 1,000 facilities statewide. The renewals make several procedural changes to promote stormwater pollution prevention and the development of more effective tools to help the permit holders and the 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 Division has also worked to implement the provisions of SB 229 related to Type I compost facilities. A general permit is in place that will cover various composting activities, including the Type I facilities. For Type one facilities, the Division will cover the discharges as stormwater discharges only in compliance with SB 229.

The Division has spent a good bit of effort over the past year working with the reporting process on the potential impacts of the oil and gas/hydraulic fracturing issues in North Carolina. As directed by SB 820, the Division will work with the Division of Energy, Minerals, and Land Resources to develop programs to properly manage oil and gas exploration. For the Division of Water Quality, this will include a program to manage stormwater runoff from the drilling sites.

The Division continues to work to provide technical assistance and outreach in all of its stormwater management program areas. A few major areas of technical assistance/outreach are noted here:

- ♦ Staff continues to maintain and regularly update the Stormwater BMP Manual and provide technical assistance on the materials.
- ♦ Division staff continues to provide 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 is currently working to try and obtain federal grants to allow further assistance to local governments in outreach and education efforts.

- ♦ 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. In the past year the Division has also partnered with the university to hold workshops on the updated permeable pavement design measures mentioned earlier. In this effort, seven workshops have been held reaching nearly 400 individuals. Two additional workshops are scheduled before the end of 2012.