

**Request to Approve/Disapprove Local Stage I Programs for Existing Development  
under the Jordan Nutrient Strategy  
Requirements of Session Law 2009-216**

**Provided to the May 12-13, 2010  
N.C. Environmental Management Commission and  
Water Quality Committee**

Item one of Section 3.(d) of Session Law 2009-216 directs the Department to require municipalities and counties located in whole or in part in the Jordan watershed to implement a Stage One Adaptive Management Program to control nutrient loading from existing development. The session law requires the following:

- 1) *Stage I Adaptive Management Program to Control Nutrient Loading From Existing Development. –*
  - a. *Municipalities and counties located in whole or in part in the Jordan watershed shall implement a Stage I adaptive management program to control nutrient loading from existing development in the Jordan watershed. The Stage I adaptive management program shall meet the requirements set out in 40 C.F.R. § 122.34 as applied by the Department in the NPDES General Permit for municipal separate storm sewer systems in effect on July 1, 2009. The Stage I adaptive management program shall include all of the following measures:*
    1. *A public education program to inform the public of the impacts of nutrient loading and measures that can be implemented to reduce nutrient loading from stormwater runoff from existing development.*
    2. *A mapping program that includes major components of the municipal separate storm sewer system, including the location of major outfalls, as defined in 40 Code of Federal Regulations §122.26(b)(5) (July 1, 2008) and the names and location of all waters of the United States that receive discharges from those outfalls, land use types, and location of sanitary sewers.*
    3. *A program to identify and remove illegal discharges.*
    4. *A program to identify opportunities for retrofits and other projects to reduce nutrient loading from existing developed lands.*
    5. *A program to ensure maintenance of best management practices implemented by the local government.*

The session law required local governments in the Jordan watershed to submit a complete Stage One Adaptive Management Program to the Department for review by Dec. 31, 2009. It also required the Department to recommend that the Commission approve or disapprove these programs within six months of submittal.

The attached table lists Jordan watershed municipalities and counties that submitted Stage One Programs, as well as the Division's recommendations for approval or disapproval.

Municipalities that currently have a NPDES Phase II permit already implement measures one, two, three and five, as outlined above. Therefore, these municipalities were required only to submit program measure four, the identification of opportunities for retrofits and other projects to reduce nutrient loading from existing developed lands.

Division staff contacted those local governments whose Stage One Programs were initially deemed incomplete and provided recommendations and guidance for program revisions. Several of those governments resubmitted programs that are now recommended for approval. Ten Stage One Programs are still being revised by local governments. The session law provides two months for resubmittal upon Commission disapproval. Division staff will continue to work with these local governments to help them meet the Stage One Program requirements.

The Division recommends that the Environmental Management Commission approve or disapprove the submitted Stage One Programs as indicated in the table provided. The Division also seeks delegation from the Commission for authority to approve those Stage One Programs that are disapproved and must be revised and resubmitted to meet the requirements of Session Law 2009-216.