

**DIVISION OF WATER QUALITY**

**FACT SHEET**

**PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEM STORMWATER PERMIT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT TO DISCHARGE STORMWATER**

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## **Municipal Permit Information**

### Background Information

Stormwater is rainfall or snowmelt that runs off the ground or impervious surfaces. As stormwater flows across land surfaces, it picks up and carries with it significant amounts of pollutants. The stormwater flow eventually reaches surface waters where the pollutants it carries may be introduced to the receiving waters. The pollutant loads associated with stormwater runoff can cause significant water quality impairment in the surface waters of the state. Some of the major influences on potential stormwater pollution in a given area are the types of activities, intensity of development and amount of built-upon surfaces in the area. Built-upon surfaces prevent precipitation from naturally infiltrating into the soil surface and therefore increase the stormwater runoff. In addition, the change in activities associated with developed and developing areas also generate increased levels of various types of pollutants. These pollutants are deposited on built-upon surfaces where stormwater runoff can easily pick them up and transport them.

In urban and urbanizing areas, the effects of increased built-upon area and highly intensive urban activities result in an environment where significant stormwater pollutant sources may exist. Section 402(p) of the *Clean Water Act* (CWA) and related federal regulations (40 CFR 122.26) recognize the pollutant contribution of stormwater runoff from urbanized areas and require NPDES permits and stormwater quality management programs for stormwater discharges from certain *municipal separate storm sewer systems* (MS4s). A separate storm sewer system is a conveyance or system of conveyances designed or used to collect and carry stormwater runoff. This can include, but is not limited to, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff and ultimately discharge to waters of the State. These storm sewer systems are not part of a combined sewer system or treatment works, and the stormwater entering the systems usually receives little no treatment before entering surface waters. In urban areas, a high percentage of stormwater runoff flows through separate storm sewer systems and then directly to surface waters often without management measures for pollutant removal.

This Fact Sheet outlines the conditions of stormwater discharge permits for MS4s in accordance with federal and state NPDES requirements. The provisions of these permits require that pollutants associated with stormwater discharged from the MS4 are reduced to the maximum extent practical. The municipal areas involved in NPDES stormwater permit coverage are responsible for reviewing pollutant sources and activities throughout their jurisdictional area and developing and implementing a comprehensive *stormwater management program* to control pollutants discharged to, and ultimately from, their storm sewer systems.

### Location of Discharge

The discharges covered by these permits are located within the jurisdictional areas of the regulated entities. Areas adjacent to, surrounding or interconnected with these areas may also be covered by this permit as appropriate.

### Receiving Waters

Discharges from the Permittees' MS4 enter the waters of the state in multiple river basins. Each permittee lists in their Stormwater Management Plan the major stream segments that receive stormwater discharge from the individual storm sewer systems covered by their municipal Phase II stormwater permits, as well as the classifications of the streams.

## Description of Permit Coverage

### Coverage Under the Permits

The permits authorize existing and new point source discharges of stormwater runoff from the Permittee's MS4 in accordance with the permit conditions which include the Permittee's approved Stormwater Management Plan. The Stormwater Management Plan is incorporated by reference, and is an enforceable part of the stormwater NPDES permit. Discharges from the MS4 are, in general, to be composed only of stormwater runoff. Some incidental non-stormwater flows are allowed to enter the MS4 as long as these flows are not significantly impacting water quality. A list of non-stormwater sources is contained in Part I, paragraph 9, of the permit and includes flow to the MS4 from: water line flushing, irrigation, springs, footing drains, street washing and fire fighting.

Non-stormwater discharges into the MS4, such as process and non-process wastewater discharge, may be allowed, but only if these discharges are covered by NPDES permits. In addition, there are eleven categories of industries that are required by the CWA and federal regulations (40 CFR 122.26) to obtain NPDES stormwater permits for point source discharges of stormwater runoff from their sites. These specific facilities are responsible for the pollutants discharged through stormwater runoff from their site and are required to obtain independent NPDES stormwater discharge permits and to develop stormwater pollution prevention programs for their sites. Those industrial stormwater discharges that have been permitted independently under NPDES stormwater requirements are allowed to discharge stormwater through the MS4. Discharge of stormwater from these industrial areas into the MS4 without an appropriate NPDES permit and management program is not allowed.

The authorized discharges covered by this permit include all point source discharge locations (or outfalls) from the MS4 to waters of the state. This includes all currently located outfalls from the system and new outfalls located or constructed after finalization of this permit. The area of physical coverage of the permit may be expected to change, not only due to new outfalls, but also due to change in the Permittee's jurisdictional boundaries.

### Scope of Permit Coverage

The intent of municipal stormwater NPDES coverage, and requirements of the CWA, is to reduce pollutant discharge to the maximum extent practical. The ultimate goal is protection of the integrity and quality of the state's surface waters from potential impacts of runoff from urban areas. Accomplishing this objective requires that a broad based approach be taken in developing stormwater permit conditions. The reasons for this approach are found in the nature of urban stormwater runoff. Stormwater runoff essentially begins as a diffuse or nonpoint source of pollution. Unlike other nonpoint sources, stormwater runoff in urban settings is generally directed to stormwater conveyance systems (storm sewers) and is ultimately discharged directly to surface waters as a point source which may be regulated under the NPDES stormwater program. Because of the large number of stormwater discharge points in an urban setting and the variability in stormwater flow, controlling these discharges like conventional wastewater point sources with end-of-pipe controls is not appropriate. Instead, the coverage for these discharges is necessarily based on a broader approach directed at management and control of the sources of pollutants throughout the jurisdictional area of the Permittee. This approach allows a flexible means by which municipalities can develop comprehensive stormwater programs that focus on the needs within their municipal area.

The comprehensive stormwater programs, and the permit itself, are to be implemented throughout the jurisdictional areas of the Permittees. This coverage area may expand based on changes in the jurisdictional area of the city. Implementation of these programs is required to the extent that pollutant discharge to waters of the state must be controlled and reduced to the maximum extent practical. Permit conditions are tied to long-term control of pollutants discharged from the municipal storm sewer system and reduction of pollutant loading from the system. In this context, the Division of Water Quality, herein referred to as the Division,

considers the municipal system to include discharges from public and private storm sewer networks within the city's jurisdictional control. The scope of this coverage recognizes that situations may exist where the Permittees will not have complete authority for the storm sewer system and outfalls (i.e. private systems). However, within the Permittee's jurisdiction, the Permittee's have authority through land use control to manage the pollutants introduced to, and ultimately discharged from, the system regardless of ownership of the specific segment of the sewer system.

## **Urban Stormwater Quality**

### Pollutants of Concern

A wide range of land uses and activities can be expected to exist within a large urban area. All of these uses can potentially contribute pollutants to the municipal storm sewer system. With various levels and types of residential, commercial, industrial, institutional and construction activity ongoing in an urban area, it is often difficult to pinpoint specific pollutants or pollutant levels expected for individual urban activities or locations. However, it has been shown that urban development and the subsequent stormwater runoff from these areas represent a major cumulative source of pollution to surface waters. Table 1. indicates some of the major pollutant categories that are of primary concern in dealing with urban stormwater quality management. The table represents a general overview of expected categories of pollutants. Various additional pollutants may be present in a given area due to the activities ongoing within the area.

### Management Alternatives

The Division and the *U. S. Environmental Protection Agency* (EPA) stress a source reduction/pollution prevention approach for stormwater quality management. This is essentially founded on the basis that the quality of stormwater discharged from the storm sewer system is dependent on the sources of pollutants available to be contributed to the system through stormwater runoff. Reducing the pollutant sources reduces the pollutant impact of storm sewer discharge. On a local level, this type of management program may consist of various components including, but not limited to, sedimentation and erosion control programs for disturbed areas, land use planning and ordinance controls in developing areas including post-construction stormwater controls, municipal pollution prevention and good housekeeping programs, public out reach and participation programs, spill failure/containment programs, and programs to detect and remove illicit connections to the storm sewer system. These types of *Best Management Practices* (BMPs) are considered to be the most efficient and effective methods from a cost and management standpoint. The Permittees involved in the NPDES stormwater program must evaluate the land uses and activities in their area to determine the most appropriate management practices to manage and control stormwater discharges.

**Table 1. Categories of Pollutants Expected in Urban Stormwater Runoff**

<b>Sediment</b>	<ul style="list-style-type: none"> <li>• Sediment is often viewed as the largest pollutant load associated with stormwater runoff in an urban setting. The loadings have been shown to be exceptionally high in the case of construction activity.</li> <li>• Sediment is associated with numerous impacts in surface waters including increased turbidity, effects on aquatic and benthic habitat and reduction in capacity of impoundments.</li> <li>• A number of other pollutants often attach to, and are carried by, sediment particles.</li> </ul>
<b>Nutrients</b>	<ul style="list-style-type: none"> <li>• The nutrients most often identified in stormwater runoff are phosphorus and nitrogen.</li> <li>• In surface waters, these nutrient loads can lead to heavy algae growth, eutrophication (especially in impoundments) and low dissolved oxygen levels.</li> <li>• Nutrients are input into the urban system in a variety of ways including landscaping practices (commercial and home) and leaks from sanitary sewers and septic systems.</li> </ul>
<b>Organic Matter</b>	<ul style="list-style-type: none"> <li>• Various forms of organic matter may be carried by stormwater in urban areas. Decomposition of this material by organisms in surface waters results in depleted oxygen levels.</li> <li>• Low levels of dissolved oxygen severely impact water quality and life within surface waters.</li> <li>• Sources of organic matter include leaking septic systems, garbage, yard waste, etc.</li> </ul>
<b>Bacteria</b>	<ul style="list-style-type: none"> <li>• High bacterial levels may be found in stormwater runoff as a result of leaking sanitary systems, garbage, pet waste, etc.</li> <li>• The impacts of bacteria on surface waters may affect recreational uses and aquatic life as well as presenting possible health risks.</li> </ul>
<b>Oil and Grease</b>	<ul style="list-style-type: none"> <li>• Numerous activities in urban areas produce oil, grease and lubricating agents that are readily transported by stormwater.</li> <li>• The intensity of activities, including vehicle traffic, maintenance and fueling activities, leaks and spills and manufacturing processes within an urban setting contribute heavily to the level of these pollutants present in adjacent surface waters.</li> </ul>
<b>Toxic Substances</b>	<ul style="list-style-type: none"> <li>• Many toxic substances may potentially be associated with urban stormwater including metals, pesticides, herbicides and hydrocarbons.</li> <li>• Toxic compounds may affect biological systems, and accumulate in bottom sediments of surface waters.</li> </ul>
<b>Heavy Metals</b>	<ul style="list-style-type: none"> <li>• Heavy metals such as copper, lead, zinc, arsenic, chromium and cadmium may be typically found in urban stormwater runoff.</li> <li>• Metals in stormwater may be toxic to some aquatic life and may accumulate in aquatic animals.</li> <li>• Urban sources of metals in stormwater may include automobiles, paints, preservatives, motor oil and various urban activities.</li> </ul>

## **Proposed Controls**

Permittees are required to implement a stormwater management program. In accordance with the Clean Water Act, permittees shall implement the provisions of these programs to reduce the discharge of pollutants from the municipal storm sewer system to the Maximum Extent Practical. Management measures implemented under the program are expected to be sufficient to meet this requirement. The Division may require updates to the program as appropriate to assure compliance.

The actual conditions of the draft stormwater permits for each of the Permittees are very similar. These conditions have been written to focus on general stormwater control areas. All the Permittees have proposed stormwater management programs to address these general areas. The specific components of the Permittee's stormwater programs often vary as the Permittees look at different tools to achieve the stormwater control goals. The permit requires the development and proper implementation of the Stormwater Management Plan. The purpose of the Stormwater Plan is to establish the means by which the permittee will achieve compliance with the provisions of the Clean Water Act and state law. Compliance with the six minimum measures in 40 CFR § 122.34(b), State Stormwater rules for new development, and the additional provisions of Session Law 2006-246 constitute compliance with the requirements of this permit, the Clean Water Act and Session Law 2006-246 to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the Stormwater Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the Stormwater Management Plan and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the Stormwater Management Plan.

### Adequate Legal Authority

Pursuant to G.S. 143-214.7(c), the Environmental Management Commission developed a model ordinance in cooperation with local governments and other interested parties that allows the use of both structural and nonstructural best management practices adequate to meet the Phase II requirements. In the development of the model ordinance, the Commission shall provide for options that take into consideration differences among local governments in the State, including, but not limited to, population, financial resources, and human resources. Local governments are required to submit their local ordinance to the Division for review and approval to ensure the local ordinance is clear, specific, measurable, enforceable, and meets or exceeds the model ordinance.

The Model Ordinance is available at: <http://portal.ncdenr.org/web/wq/npdewsw/ms4resources>

### Public Education and Outreach

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees “must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.”

Pursuant to State Requirements in Session Law 2006-246 Section 7 “to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management, an applicant shall, to the extent authorized by law, develop, implement, and enforce a stormwater management plan approved by the Commission that satisfies the six minimum control measures required by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). Regulated entities may propose using any existing State or local program that relates to the minimum measures to meet, either in whole or in part, the requirements of the minimum measures.

Under the proposed draft permit the permittee shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program and shall notify the Division prior to modification of any goals:

- ✓ Defined goals and objectives of the Local Public Education and Outreach Program based on at least three high priority community wide issues.
- ✓ Maintain a description of the target pollutants and/or stressors and likely sources.
- ✓ Identify, assess annually and update as necessary target audiences likely to have significant storm water impacts and why they were selected.
- ✓ Identify and describe issues, such as specific pollutants, the sources of those pollutants, impacts on biology, and the physical attributes of stormwater runoff, in their education/outreach program.
- ✓ Identify and describe watersheds in need of protection and the issues that may threaten the quality of these waters.
- ✓ Promote and maintain, assess and update as necessary internet web site.
- ✓ Distribute public education materials to identified target audiences and user groups.
- ✓ Promote and maintain a stormwater hotline/helpline.
- ✓ Implement a Public Education and Outreach Program.
- ✓ Assess its stormwater education/outreach program and update as necessary.
- ✓ Adjust its educational materials and the delivery of such materials to address any shortcomings found as a result of this assessment
- ✓ Assess changes in public awareness and behavior resulting from the implementation of the program.

#### Public Involvement/Participation

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees “must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.”

Pursuant to State Requirements in Session Law 2006-246 Section 7 “to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management, an applicant shall, to the extent authorized by law, develop, implement, and enforce a stormwater management plan approved by the Commission that satisfies the six minimum control measures required by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). Regulated entities may propose using any existing State or local program that relates to the minimum measures to meet, either in whole or in part, the requirements of the minimum measures.

Under the proposed draft permit the permittee shall implement the following BMPs to meet the objectives of the Public Involvement and Participation Program and shall notify the Division prior to modification of any goals:

- ✓ Conduct at least one public meeting during the term of the permit to allow the public an opportunity to review and comment on the Stormwater Plan.
- ✓ Include and promote volunteer opportunities as part of its stormwater program designed to promote ongoing citizen participation.
- ✓ Provide and promote a mechanism for public involvement that provides for input on stormwater issues and the stormwater program.
- ✓ Promote and maintain hotline/helpline.

### Illicit Discharge Detection and Elimination

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees must:

- ✓ Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into your small MS4.”
- ✓ Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- ✓ Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- ✓ Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and
- ✓ Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- ✓ Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

Pursuant to State Requirements in Session Law 2006-246 Section 7 “to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management, an applicant shall, to the extent authorized by law, develop, implement, and enforce a stormwater management plan approved by the Commission that satisfies the six minimum control measures required by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). Regulated entities may propose using any existing State or local program that relates to the minimum measures to meet, either in whole or in part, the requirements of the minimum measures.

Under the proposed draft permit the permittee shall implement the following BMPs, to the extent authorized by law, to meet the objectives of the Illicit Discharge Detection and Elimination Program and shall notify the Division prior to modification of any goals:

- ✓ Annually review and revise as necessary the permittee’s IDDE ordinances or other regulatory mechanisms, or adopt any new ordinances or other regulatory mechanisms that provide the permittee with adequate legal authority to prohibit illicit connections and discharges and enforce the approved IDDE Program.
- ✓ Maintain, assess, and update as necessary a map identifying major outfalls.
- ✓ Develop and implement a program for conducting regular dry weather flow field observations in accordance with written field screening procedure for detecting and tracing the sources of illicit discharges and for removing the sources or reporting the sources to the State to be properly permitted.
- ✓ Maintain, assess annually, and update as necessary written procedures for conducting investigations into the source of all identified illicit discharges, including approaches to requiring such discharges to be eliminated.
- ✓ Track all investigations and document the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
- ✓ Implement and document a training program for appropriate municipal staff.

- ✓ Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- ✓ Promote, publicize, and facilitate a reporting mechanism for the public and staff to report illicit discharges and establish and implement citizen request response procedures.
- ✓ Conduct reactive inspections in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party to achieve and maintain compliance.
- ✓ Establish and implement, assess annually and update as necessary written procedures to identify and report to the County health department failed septic systems located within the permittee's planning jurisdiction.
- ✓ Establish and implement assess annually and update as necessary written procedures to identify and report sanitary sewer overflows and sewer leaks to the system operator.
- ✓ Track the issuance of notices of violation and enforcement actions.
- ✓ Identify chronic violators for initiation of actions to reduce noncompliance.
- ✓ Maintain, assess annual and update as necessary written spill/dumping response procedures.

### Construction Site Stormwater Runoff Control

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees “must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with Sec. 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. (Their) program must include the development and implementation of, at a minimum:

- (A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
- (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- (D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- (E) Procedures for receipt and consideration of information submitted by the public, and
- (F) Procedures for site inspection and enforcement of control measures.

Pursuant to 40 CFR 122.35, an operator of a regulated small MS4 may share the responsibility to implement the minimum control measures with other entities provided:

- (1) The other entity, in fact, implements the control measure;
- (2) The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and
- (3) The other entity agrees implements the control measure on behalf of the MS4.

The permittee remains responsible for compliance if the other entity fails to perform the permit obligation and may be subject to enforcement action if the neither the Permittee nor the other entity fully performs the permit obligation.

Pursuant to State Requirements in Session Law 2006-246 Section 7 “to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management, an applicant shall, to the extent

authorized by law, develop, implement, and enforce a stormwater management plan approved by the Commission that satisfies the six minimum control measures required by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). Regulated entities may propose using any existing State or local program that relates to the minimum measures to meet, either in whole or in part, the requirements of the minimum measures.

- a. 35 local governments rely on the NCDENR Division of Land Resources Erosion and Sediment Control Program, 43 local governments rely on a county delegated S&EC program and 10 are delegated by NCDENR Division of Land Resources to implement a the S&EC program. The NCDENR Division of Land Resources Erosion and Sediment Control Program whether implemented by the state or a state delegated program effectively meets the requirements of the Construction Site Runoff Controls by permitting and controlling development activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development. This program is authorized under the Sediment pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. This program includes procedures for public input, sanctions to ensure compliance, requirements for construction site operators to implement appropriate erosion and sediment control practices, review of site plans which incorporates consideration of potential water quality impacts, and procedures for site inspection and enforcement of control measures. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste at the construction site that may cause adverse impacts to water quality and checklists and procedures for conducting construction site inspections to verify the use of appropriate soil erosion and sediment controls that specify inspection frequencies by either NCDENR Division of Land Resources(DLR), the delegated program or through mandated self inspections.

The NCDENR Division of Land Resources Erosion and Sediment Control Program whether implemented by the state or a state delegated program includes:

- ✓ Procedures for the receipt and consideration of information submitted by the public,
- ✓ Educational programs in erosion and sedimentation control directed towards State and local governmental officials, persons engaged in land-disturbing activities, and interested citizen groups
- ✓ Mandatory standards for land-disturbing activities,
- ✓ Sanctions to ensure compliance including but not limited to stop-orders,
- ✓ Requirements for construction site operators to implement and maintain appropriate erosion and sediment control practices, consistent with the North Carolina Erosion and Sediment Control Planning and Design Manual
- ✓ Checklist and procedures to review and approve or disapprove all site plans from construction activities that result in a land disturbance of greater than or equal to one acre included construction activity that is part of a larger common plan of development or sale that would disturb one acre or more which incorporates consideration of potential water quality impacts,
- ✓ Procedures to require any revision of the plan that is necessary,
- ✓ Procedures to protect riparian buffers along surface waters
- ✓ Checklist and procedures for conducting site inspections that specify minimum inspection frequencies of construction sites to verify the use of appropriate soil erosion and sediment controls;
- ✓ Procedures for documenting site inspections.
- ✓ Enforcement strategies and enforcement control measures that include escalating enforcement remedies and enforcement tracking procedures designed to record instances of non-compliance and response actions.
- ✓ Procedures to require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity to restore the waters and land affected by the failure

### Post-Construction Stormwater Management in New Development and Redevelopment

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees “must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. (Their) program must ensure that controls are in place that would prevent or minimize water quality impacts. (They) must:

- (A) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
- (B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and
- (C) Ensure adequate long-term operation and maintenance of BMPs.

*Post-construction Stormwater Runoff Controls for Development in the Jordan Watershed.* Compliance with the stormwater management and water quality protection promulgated in Rule 15A NCAC 02B .0265 Stormwater Management for New Development, and Rule 15A NCAC 02B.0266 Stormwater Management for Existing Development effectively meets the Post-construction Stormwater Runoff control requirements within the Jordan Lake Water Supply.

*Post-Construction Stormwater Runoff Controls for new development within the Goose Creek Watershed.* Compliance with the stormwater management and water quality protection promulgated in Rules 15A NCAC 02B .0601, .0602, .0605, .0605, .0607 and .0609 effectively meets the Post-construction Stormwater Runoff control requirements within the Goose Creek Watershed.

*Post-Construction Stormwater Runoff Controls for new development within the Coastal Counties.* Compliance with the stormwater management and water quality protection the stormwater management and water quality protection required by Session Law 2008-211, Sections 2.(a), 2.(b), 2.(c), 2.(d), 2.(e) and 2.(f) effectively meets the Post-construction Stormwater Runoff control requirements within the 20 Coastal Counties.

*Post-Construction Stormwater Runoff Controls for new development within the Non Coastal Counties outside Jordan Lake.* Compliance with the stormwater management and water quality protection the stormwater management and water quality protection required by Session Law 2006-246, effectively meets the Post-construction Stormwater Runoff control requirements within the non Coastal Counties.

*Universal Stormwater Management Program (USMP).* Adoption of the Universal Stormwater Management Program (USMP) meets the requirement to develop and implement a Post-Construction Program by the local government adopting an ordinance that complies with the requirements of 15A NCAC 02H .1020 and the requirements of 15A NCAC 02B .0104(f). Adoption of the USMP may not satisfy water quality requirements associated with the protection of threatened or endangered species or those requirements associated with a Total Maximum Daily Load (TMDL). The requirements of the USMP shall supercede and replace all other existing post-construction stormwater requirements within that jurisdiction, as specified

Under the proposed draft permit the permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program:

- ✓ Annually review its ordinances or other legal authorities, and revise/update as necessary, or adopt any new ordinances or other legal authorities to meet the objectives of the Post-Construction Stormwater Management Program.

- ✓ Review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.
- ✓ Adopt the DWQ BMP Design Manual or certify that the local BMP Design Manual meets or exceeds the requirements in the DWQ BMP Design Manual.
- ✓ Maintain an inventory of projects with post-construction structural stormwater control measures
- ✓ Impose or require recorded deed restrictions and protective covenants that ensure development activities will maintain the project consistent with approved plans.
- ✓ Provide a mechanism to require long-term operation and maintenance of structural BMPs.
- ✓ Conduct and document inspections of each project site covered under performance standards
- ✓ Conduct a post-construction inspection to verify that the permittee's performance standards have been met.
- ✓ Document and maintain records of inspection findings and enforcement actions and make them available for review by the permitting authority
- ✓ Make available through paper or electronic means, ordinances, post-construction requirements, design standards checklist, and other materials appropriate for developers.
- ✓ Promote infiltration of flows and groundwater recharge that comply with the post-construction requirements, the DWQ BMP Manual and the NC DENR LID Manual.
- ✓ Track the issuance of notices of violation and enforcement actions
- ✓ Identify chronic violators for initiation of actions to reduce noncompliance.

#### Pollution Prevention/Good Housekeeping for Municipal Operations

Pursuant to Federal Regulations 40 CFR Section 122.34 (b) permittees “must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.”

Pursuant to State Requirements in Session Law 2006-246 Section 7 “to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management, an applicant shall, to the extent authorized by law, develop, implement, and enforce a stormwater management plan approved by the Commission that satisfies the six minimum control measures required by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). Regulated entities may propose using any existing State or local program that relates to the minimum measures to meet, either in whole or in part, the requirements of the minimum measures.

Under the proposed draft permit the permittee shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping Program and shall notify the Division prior to modification of any goals:

- ✓ Maintain, assess annually and update as necessary an inventory of facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff.
- ✓ Identify and map municipally-owned or operated facilities.
- ✓ Maintain and implement, assess annually and update as necessary an Operation and Maintenance (O&M) program for municipal owned and operated facilities.
- ✓ Develop written spill response procedures for municipal operations.
- ✓ Develop a street sweeping program that includes route maps and describes the street sweeping methods and frequency, the types of sweepers used, identifies additional resources in sweeping seasonal leaves or pick-up of other material, and a description of the methods for addressing areas considered infeasible for street sweeping.
- ✓ Maintain documentation of sweeping events, miles swept and characterize the quantity and composition of the trash and debris.

- ✓ Evaluate the effectiveness of street sweeping programs based on cost, land use, trash and stormwater pollutant levels generated.
- ✓ Maintain and implement, assess annually and update as necessary an O&M program for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.
- ✓ Identify and map municipally-owned or operated structural stormwater controls.
- ✓ Maintain and implement, assess annually and update as necessary an O&M program for municipally-owned or maintained structural stormwater controls.
- ✓ Inspect and maintain if necessary, all municipally-owned or maintained structural stormwater controls. Document inspections and maintenance of all municipally-owned or maintained structural stormwater controls.
- ✓ Evaluate the materials used and activities performed on public spaces, easements, public right of ways, and other open spaces.
- ✓ Implement practices to minimize landscaping-related pollutant generation, including, educational activities, permits, certifications, and other measures for municipal applicators and distributors, integrated pest management measures that rely on non-chemical solutions, schedules for chemical application that minimize the discharge of such constituents due to irrigation and expected precipitation and the collection and proper disposal of unused pesticides, herbicides, and fertilizers, and selection of native vegetation that is naturally adapted to local conditions.
- ✓ Ensure municipal employees and contractors are properly trained and all permits, certifications, and other measures for applicators are followed.
- ✓ Develop and implement an employee training program for employees involved in implementing pollution prevention and good housekeeping practices.
- ✓ Review of municipality owned or operated regulated industrial activities
- ✓ Conduct an annual review of the industrial activities with a Phase I NPDES stormwater permit owned and operated by the permittee.
- ✓ Describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning.

### Impaired Waters

Pursuant to Federal/State Requirements in 40 C.F.R. § 122.44(d) (2006) and N.C.G.S. § 143-215.1(a)(6) (2006) NPDES Permit must comply with all applicable state water quality standards. The 303(d) list is a list of Category 5 impaired waters that require a TMDL. If water quality data exceed a surface water quality standard the water body is considered impaired and can be assigned an integrated reporting category number of 5. The reporting of these impaired waters is required under section 303(d) of the Clean Water Act of 1972. Waters are removed when either a TMDL is completed or when monitoring data shows that the waterbody is in compliance with water quality standards. Waters that are suspected to be impaired due to natural conditions may be removed with approval from the US EPA with appropriate documentation.

Under the proposed draft permit the permittee shall implement the following BMPs to meet the objective to comply with all applicable state water quality standards:

- a. Identify streams added to or on the 303(d) list of impaired streams list within the permittee's jurisdiction.
- b. Describe the likely cause(s) of the impairment and/or the pollutant or pollutants of concern.
- c. Describe and assess existing programs, controls, partnerships, projects and strategies.
- d. Describe additional programs, controls, partnerships, projects and strategies that may be reasonably expected to achieve Water Quality Standards (WQS).

### Total Maximum Daily Load (TMDL)

Pursuant to Federal/State Requirements in 40 C.F.R. § 122.44(d) (2006) and N.C.G.S. § 143-215.1(a)(6) (2006) NPDES Permit must comply with all applicable state water quality standards. The 303(d) list is a list

of Category 5 impaired waters that require a TMDL. If water quality data exceed a surface water quality standard the water body is considered impaired and can be assigned an integrated reporting category number of 5. The reporting of these impaired waters is required under section 303(d) of the Clean Water Act of 1972. Waters are removed when either a TMDL is completed or when monitoring data shows that the waterbody is in compliance with water quality standards. Waters that are suspected to be impaired due to natural conditions may be removed with approval from the US EPA with appropriate documentation.

Under the proposed draft permit the permittee, the permittee shall determine whether a TMDL has been developed and approved or established by EPA for the receiving water(s) of the MS4 stormwater discharge and/or downstream waters into which the receiving water directly flows. At any time during the effective dates of this permit, if the Permittee becomes subject to an approved TMDL, the Permittee shall develop a Water Quality Recovery Program that includes the following BMPs.

- ✓ Identify, describe and map watershed, outfalls, and streams.
- ✓ Identify the locations of currently known major outfalls within its jurisdictional area with the potential of contributing to the cause(s) of the impairment to the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments and
- ✓ Include a schedule to discover and locate other major outfalls within its jurisdictional area that may be contributing to the cause of the impairment to the impaired stream segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.
- ✓ Describe the likely cause(s) of the impairment and/or the pollutant(s) of concern.
- ✓ Include an assessment of available monitoring data.
- ✓ Describe existing programs, controls, partnerships, projects and strategies to address impaired waters and a brief explanation as to how the programs, controls, partnerships, projects and strategies will achieve Water Quality Standards (WQS).
- ✓ Develop and submit to the Division a monitoring plan for each pollutant of concern or cause of impairment as specified in the TMDL.
- ✓ Develop an Implementation Plan that describes activities expected to occur within the remainder of the permit term and that identifies a schedule for completing the activities.
- ✓ Submit an annual report of the results of the annual assessment of the WQRP, Monitoring Plan, and Implementation Plan

### **Evaluation and Assessment**

A key requirement in the stormwater Phase II rule is a report (40 CFR 122.34(g)(3)) that includes “the status of compliance with permit conditions, an assessment of the appropriateness of identified [control measures] and progress towards achieving identified measurable goals for each of the minimum control measures.” This assessment is critical to the stormwater program framework which uses the iterative approach of implementing controls, conducting assessments, and designating refocused controls leading toward attainment of water quality standards. There are many components involved in evaluating program compliance, the appropriateness of best management practices, and progress towards achieving your identified measurable goals. Without assessing the effectiveness of the stormwater management program the local government will not know which parts of the program need to be modified to protect and/or improve water quality.

Pursuant to 40 CFR 122.34(g) Evaluation and Assessment, permittees “must evaluate program compliance, the appropriateness of your identified best management practices, and progress towards achieving your identified measurable goals.”

Unless permittee is relying on another entity to satisfy their NPDES permit obligations under Sec. 122.35(a), they must submit annual reports to the NPDES permitting authority. Rreport must include:

- (i) The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures;
- (ii) Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
- (iii) A summary of the storm water activities you plan to undertake during the next reporting cycle;
- (iv) A change in any identified best management practices or measurable goals for any of the minimum control measures; and
- (v) Notice that you are relying on another governmental entity to satisfy some of your permit obligations (if applicable).

The Division will monitor the progress of the stormwater programs implemented under each municipal permit to assure that appropriate progress is being made toward meeting the ultimate goals of the stormwater program.

### Stormwater Management Program Evaluation and Improvement Guide

The Division works closely with the permittees to assure a proper understanding of federal and state expectations and related local programs. The Division pays close attention to overall program progress, appropriateness of program development schedules and modifications in programs and program direction in response to monitoring efforts.

The Division prepared MS4 guidance to evaluating and improving Stormwater Management Programs. This guide does not impose any new legally binding requirements on the local government. The primary purpose of the MS4 (municipal separate storm sewer system) Stormwater Management Evaluation and Improvement Guide is to assist MS4s in strengthening their stormwater management programs. The objective of the guide is to facilitate the creation of MS4 stormwater management programs which are clear, consistent with applicable regulations, and enforceable.

While not intended to be definitive or comprehensive for all MS4s, this guide contains examples to identify and evaluate activities local governments perform to comply with the MS4 permit requirements. Local governments vary widely in storm water management experience and sophistication, size, topography, land use, receiving water conditions, resources, needs, and other factors. Programs suggested in this guide are not intended to replace or override existing, more stringent or differently-worded provisions and programs that are equally effective in meeting the applicable regulations, permit conditions, and are protective of water quality standards.

DWQ recommends that local government review the questions presented in the guide, evaluate their existing programs and consider how they might incorporate similar programs into their Stormwater Management Program as appropriate. DWQ anticipates that local governments will tailor provisions to meet their specific needs, goals, and resources.

The first section identifies basic information about the MS4, followed by sections based largely on the six minimum control measures required in the Phase II stormwater regulations. For each minimum measure, the guide is further broken down:

- What Federal Regulations mandate
- What State Regulations mandate
- How to Evaluate the Program Effectiveness

Again, the questions presented in this guide are meant to evaluate existing programs and assist the local government in identifying programs that they may want to consider as appropriate to meet the their various

needs and goals based on their resources, storm water management experience and sophistication, size, topography, land use, receiving water conditions and other factors.

The guidance is available at: <http://portal.ncdenr.org/web/wq/npdewsw/ms4resources>

draft

## Annual Report

The Municipal Separate Storm Sewer Systems Assessment (MS4A) is an electronic approach to assessing and tracking the implementation, status, progress, compliance and enforcement of the NC NPDES Phase I and Phase II Programs for Permitted MS4s. MS4A will allow each permittee to conduct self-assessments and submit annual reports to a web-based data base. In addition to providing critical facility information, the local government also assesses and submits information on the progress of each measurable goal identified in their stormwater management plan. The local government is also prompted to respond to a series of questions relating to either compliance or program implementation. For each deficiency the permittee identifies the root cause of the deficiency and submits a brief description of their action plan to address the root cause and/or correct the deficiency. The local government can also use the MS4A to conduct self-assessments, identify program deficiencies and root causes, develop and appropriate action plans to correct deficiencies, and enhance their programs

The annual report is available at: <http://portal.ncdenr.org/web/wq/npdeww/ms4resources>

## **Basis for Proposed Stormwater Management Programs**

### General

The conditions of the permits and the Permittee's Stormwater Management Plan (which are an enforceable part of the permits) have been developed to achieve water quality protection in accordance with the provisions of the Clean Water Act. These provisions mandate that municipal storm sewer system NPDES permits include requirements to:

- Effectively prohibit non-stormwater discharges into the storm sewer system; and
- Control the discharge of pollutants from the storm sewer system to the maximum extent practical.

The assessment of stormwater management alternatives in the proposed permit is based on the intent of the NPDES municipal program to control pollutants discharged through the storm sewer system of urbanized areas. The CWA, federal regulations and state permitting requirements recognized that control of stormwater flows from MS4s must be accomplished through techniques using source reduction and pollution prevention, often on a site specific basis. This necessitates that flexibility be allowed in the development of local programs so that local conditions, land uses, activities and existing programs are appropriately considered.

The draft permits propose that implementation of the Permittee's Stormwater Management Plan and best management practices along with appropriate review and modification of the Stormwater Management Plan will control pollutant discharges from the Permittee's MS4 in compliance with section 402(p) of the Clean Water Act. The permits do not address specific water quality based controls or effluent limitations for a number of reasons. First of all, the Clean Water Act and associated federal regulations do not require that these strict provisions be a part of municipal NPDES permits. In fact, the records from these federal actions indicate that in development of the NPDES stormwater permit requirements, it was recognized that MS4 permits would not be like other discharge permits and should be structured to allow flexibility for development of site-specific programs for stormwater management.

The Division feels that the most economically and environmentally feasible alternatives for stormwater management are Best Management Practices (BMPs). In the case of stormwater discharges from MS4s, this approach has been taken through the programs established in the Permittee's Stormwater Management Plan and implemented through various ordinances and programs. These ordinances and programs are established on a local level and reflect local priorities, principals, practices and authorities that will be most effective in managing stormwater discharges. In using this approach, the Division has recognized the provisions of the

Clean Water Act, along with previous experiences which indicate that BMPs can effectively reduce pollutant discharges. It should be noted that federal regulations - 40 CFR Part 122.44(k)(2) - authorize the use of best management practices (BMPs) for pollutant reduction when the permitting agency finds that numeric limits are infeasible. The proposed permit is based on considerations for appropriate stormwater management practices in an urban setting and considerations as outlined in this section.

In developing the draft NPDES permit conditions, consideration has been given to the usefulness of engineered treatment alternatives for stormwater management. The Division recognizes that in some situations these methods may be the best alternatives available on a small scale. On a broad basis, however, these methods would not appear to be an answer to stormwater pollutant problems throughout the municipal area. The large number of discharge (outfall) locations associated with the municipal storm sewer system and with the intermittent high flow conditions associated with stormwater runoff do not allow efficient design or integration of end-of-pipe treatment methods on a system scale. This leads to permit conditions in the form of comprehensive stormwater quality management programs implemented on a jurisdiction-wide basis to control sources of pollution to the storm sewer system.

### Coverage

A wide range of land use activities occur in urban areas. These activities potentially discharge stormwater and pollutants associated with stormwater to the municipal storm sewer system. To effectively reduce the discharge of pollutants, the municipal stormwater management programs involve the development and implementation of comprehensive programs that address stormwater management and source reduction/pollution prevention for a variety of land use activities including: residential, commercial, industrial, institutional and construction areas. The draft permit proposes that the Permittee's stormwater management programs be implemented over the jurisdictional area rather than only in those areas where the Permittees own the storm sewer system. This requirement is based on the Division's interpretation of the intent of the Clean Water Act in addressing stormwater flows from urban areas, the emphasis of which is to reduce pollutant discharge from the storm sewer system to achieve water quality benefits in adjacent surface waters.

Limiting the NPDES permit and stormwater management programs to those areas of the storm sewer system under public ownership does not appropriately address the potential stormwater pollutant sources present in the municipal area. In municipal areas it would be impossible to attempt to obtain water quality benefits in receiving streams by addressing only those storm sewer system segments owned by the local governments. Excluding private areas would produce a fragmented stormwater management program that would not only be ineffective, but would also be difficult to administer on the local level. It is apparent that privately owned storm sewer systems collect and convey pollutants to surface waters either through interconnection with the MS4 or directly, regardless of the ownership of these systems.

At a minimum, the Permittees have authority over land use activities and pollutants that may be discharged in areas under their jurisdiction. Although they may not have ownership in these areas, the Permittees can use these legal authorities to control the pollutant contribution from these areas. The Permittee's stormwater management programs and the proposed permits allow flexibility for the Permittees to deal with stormwater problems, including those in private areas, according to the best alternatives available in any given situation. The permits do not direct the Permittees to obtain these more specific authorities, but allows flexibility for other control alternatives to be utilized to control stormwater runoff in the context of their authorities. It is anticipated that total program coverage may vary depending on the available authorities of the local entities.

## Permit Conditions

In evaluating the stormwater management program for the Permittees and developing the draft permits, the Division has given consideration to the need for flexibility in total program coverage. This flexibility allows for the location, targeting and control of stormwater pollutant sources throughout the municipal areas and potentially surrounding areas as appropriate according to local authorities and programs. The ultimate condition of the permits is that pollutants discharged from the Permittee's MS4 must be reduced to the maximum extent practical. In order to meet this condition, the Permittees are required to develop and implement the provisions of their SWQMP that includes various components aimed at addressing specific needs and priorities of the Permittee's stormwater program. The Permittee's Stormwater Plan is an enforceable part of the draft permits and include components to address stormwater management through education and outreach programs; pollutant reduction construction sites; post-construction stormwater runoff controls; detection and removal of illicit connections; and operation and maintenance of facilities as necessary. Additional provisions of the draft permits require that adequate and appropriate legal authorities and financial assurances be developed and maintained by the Permittees to administer the stormwater management programs, and that the Permittees continue to assess their programs.

## **The Administrative Record**

The administrative record, including the permittee's application, Stormwater Management Plan, draft permit, fact sheet, public notice, comments received and additional information is available by writing to:

N. C. Department of Environment and Natural Resources  
Division of Water Quality  
Stormwater Permitting Unit  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

The above information is available for review and copying between the hours of 8:00 AM and 5:00 PM Monday through Friday at:

Archdale Building, 9th Floor  
Division of Water Quality  
Stormwater Permitting Unit  
512 North Salisbury Street  
Raleigh, North Carolina

Copies will be provided at a charge of 10 cents per page.

## **State Contact**

Additional information concerning the permit application and draft permit may be obtained at the above address or by contacting Mike Randall at (919) 807-6374 or at [mike.randall@ncdenr.gov](mailto:mike.randall@ncdenr.gov).

## **Proposed Schedule for Permit Issuance**

Draft Permit Sent to Public Notice - February 15, 2011

Permit Scheduled to be Issued - April 1, 2011

## **Procedure for the Formulation of Final Determinations**

### Comment Period

The Division of Water Quality proposes to issue an NPDES Stormwater Permit for the above described stormwater discharge subject to the outlined limitations, management practices, and special conditions. These determinations are tentative and are open to comment from the public. Interested persons are invited to submit written comments on the permit application or on the Division of Water Quality's proposed determinations to the following address:

N. C. Department of Environment and Natural Resources  
Division of Water Quality  
Stormwater Permitting Unit  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

All comments received within thirty days following the date of public notice will be considered in the formulation of final determinations with regard to this application.

### Public Meeting

The Director of the Division of Water Quality may hold a public meeting if there is a significant degree of public interest in a proposed permit. Public notice of such a meeting will be circulated in newspapers in the geographic area of the discharge and to those on the Division of Water Quality's mailing list at least thirty days prior to the meeting.

### Appeal Hearing

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Commission upon making written demand to the Office of Administrative Hearing within 30 days following issuance or denial of the permit.

### Issuance of a Permit When no Hearing is Held

If no public meeting or appeal hearing is held, after review of the comments received, and if the Division of Water Quality's determinations are substantially unchanged, the permit will be issued and become effective immediately. This will be the final action of the Division of Water Quality.

If a public meeting or appeal hearing is not held, but there have been substantial changes, public notice of the Division of Water Quality's revised determinations will be made. Following a 30-day comment period, the permit will be issued and will become effective immediately. This will be the final action of the Division of Water Quality unless a public meeting or appeal is granted.