Local Government Permeable Pavement Implementation Guidance

Local governments who administer one or more delegated stormwater programs now have the option of allowing permeable pavement to be used as a state-approved Best Management Practice (BMP). However, before local governments can allow Built-Upon Area (BUA) credit or pollutant removal credit for permeable pavement systems to satisfy requirements of a delegated stormwater program, they must have mechanisms in place to assure that these systems are designed, constructed and maintained in accordance with state minimum requirements.

At minimum, local governments who wish to offer permeable pavement as an option will need to revise their stormwater or watershed programs to include provisions for permeable pavement design, construction and maintenance that are equal to, or more protective than, the conditions set forth in Chapter 18 of the NC DWQ Stormwater BMP Manual. Depending on how their delegated programs are structured, local governments may also need to revise their local ordinances. Pollutant removal credit and BUA credit are not allowed until the appropriate programmatic and/or ordinance changes are made.

Local governments with any of these delegated programs may take advantage of the changes to the permeable pavement chapter:

- Water Supply Watershed Protection
- Jordan Lake Rules
- Falls Lake Rules
- Tar-Pamlico Nutrient Strategy
- Neuse Nutrient Strategy
- Randleman Lake Rules
- NPDES Phase 1 and Phase 2
- Universal Stormwater Management Program
- Goose Creek Watershed Rules

DWQ retains oversight responsibility for all of these programs. DWQ is ultimately responsible for verifying that a local government is equipped to carry out the necessary permitting and oversight responsibilities for projects with permeable pavement. Local governments may seek to contract with other local governments or other qualified professionals for all of or portions of their permeable pavement permitting and oversight process.

Continued on Page 2

If a local government wishes to grant BUA or pollutant removal credit for permeable pavement, then it must meet the following **minimum provisions**:

1. Assign a staff member who will be the designated contact person regarding permeable pavement.

2. Establish a legal mechanism to assure that every permeable pavement installation is designed, constructed, and operated and maintained in accordance with Chapter 18 of the NC DWQ Stormwater BMP Manual.

3. Require a signed and notarized Operation & Maintenance agreement for every permeable pavement installation. The local government is ultimately responsible for ensuring that permeable pavement installations are inspected and maintained in accordance with the NC DWQ Stormwater BMP Manual.

4. Maintain records of installed permeable pavement systems, including locations, owner contact information, dates of inspections, etc.

5. Prohibit permeable pavement within required vegetated setbacks or buffers. Provide a mechanism to clearly inform applicants of this requirement via ordinance, permit application or other programmatic materials.