Stormwater Management for Existing Development

Session Law 2009-216
Session Law 2009-484
Title 15A NCAC 02B .0271

"Existing Development"

- Development that meets one of the following criteria:
  - It is built or has established a vested right as of the effective date of the local new development stormwater program,
  - For State and Federal entity projects, it is built or has established a vested right as of the applicable compliance date established in Rule .0271, or
- Excludes agricultural and forest management activities

Stage 1 Adaptive Management Program

- Applies to municipalities and counties
  - Does not apply to State and Federal entities
- Program shall include:
  - Public education
  - Mapping
  - Identify and remove illegal discharges
  - Identify opportunities for retrofits
  - Ensure maintenance of BMPs
- DWQ shall accept implementation of another stormwater program(s) to satisfy one or more of these requirements

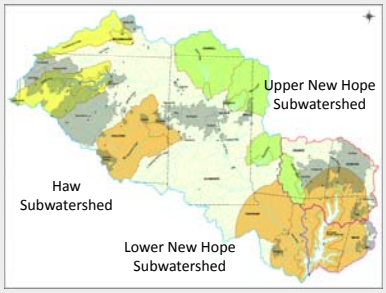
Stage 1 Implementation

12-31-09	Local governments must submit their Stage 1 program to the EMC for review and approval
06-10*	DWQ shall provide recommendations to the EMC on the programs
09-10*	Local governments shall implement the approved management plan

* Dates are approximate

Nutrient Monitoring

- DWQ shall maintain an ongoing program to monitor water quality in each arm of the Jordan Reservoir
  - DWQ shall report first results on 3-1-14
  - Updates shall be submitted every 3 years until lake is no longer impaired by nutrient pollution



Stage Two Adaptive Management Program

- Must be implemented by local governments and state and federal entities if monitoring report shows that nutrient-related water quality standards are not being met
- First monitoring report triggers:
  - Upper New Hope Creek: **3-1-14** report
  - Lower New Hope Creek: **3-1-17** report
  - Haw River: **3-1-17** report

Stage Two Adaptive Management Program

- Federal and State (non-DOT) Entities
  - Long-term objective is to achieve nutrient load reduction goals set out in Purpose Rule
    - Upper New Hope: 35% N; 5% P
    - Lower New Hope: capped at baseline
    - Haw River: 8% N; 5% P

Stage Two Adaptive Management Program

- Local Governments
  - DWQ shall establish a load reduction goal for existing development for each local government required to implement Stage 2
    - Shall be designed to achieve 8% reduction in N and 5% in P loading (relative to baseline)
    - Baseline shall not include state or federal lands, nor lands in agriculture or forestry

Scientific Advisory Board

- Identify management strategies to reduce nutrient loading from existing development
- Evaluate feasibility, costs and benefits of implementing the identified management strategies
- Develop an accounting system for nutrient reduction credit
- Identify need for any improvements or refinements to tools used to evaluate water quality in nutrient-impaired waters

These tasks must be completed by Jul. 1, 2012

Model Stage Two Program

- Identify specific load reduction practices and programs
  - Identify reduction credits associated with each
- Provide that a local government may obtain additional or alternative load-reduction credits based on site-specific monitoring data

DWQ must submit the model Stage 2 program to the EMC no later than Jul. 1, 2013

EMC shall approve the final model Stage 2 program no later than Dec. 31, 2013

Stage Two Implementation (for Upper New Hope)

03-14* Impairment of subwatershed indicated on monitoring report

- DWQ will notify local governments Stage 2 is necessary
- Note: if the subwatershed is not impaired, DWQ will notify local governments that Stage 2 is not required at that time

09-14* Local governments shall submit a Stage 2 program to the EMC for review and approval

03-15* DWQ shall provide recommendations to EMC

06-15* Local governments shall implement the approved Stage 2 program

* Dates are approximate

Stage Two Implementation (for Lower New Hope & Haw)

03-17* Impairment of subwatershed indicated on monitoring report

- DWQ will notify local governments Stage 2 is necessary
- Note: if the subwatershed is not impaired, DWQ will notify local governments that Stage 2 is not required at that time

09-17* Local governments shall submit a Stage 2 program to the EMC for review and approval

03-18* DWQ shall provide recommendations to EMC

06-18* Local governments shall implement the approved Stage 2 program

* Dates are approximate

Upper New Hope Arm

- **If** the 3-1-23 monitoring report shows the nutrient-related water quality standards in this subwatershed are still not being met,
- **Then** local governments and State and Federal entities shall modify their Stage 2 program to achieve additional reductions
  - 35% total reduction in nitrogen loading from existing development

Questions?

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