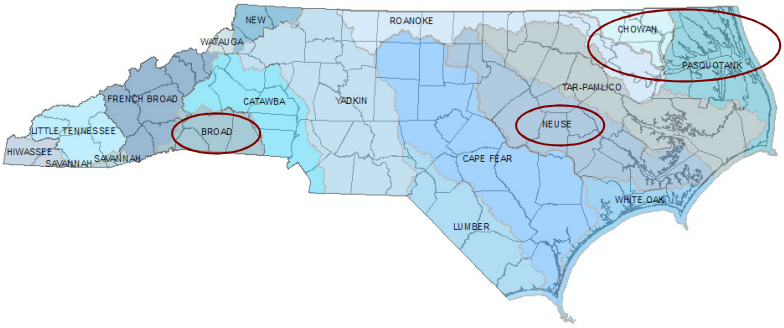
Phase 2 Designation



Neuse, Broad, Chowan, & Pasquotank River Basins:

Recommended Designations for Approval

Environmental Management Commission Meeting, January 14, 2010

Who was Considered for Designation?

- Discharges stormwater **with potential to adversely impact water quality**

-or-

- **Population and density** of:
  - 10,000 people (or 4,000 housing units) ***and***
  - 1,000 people per sq. mile (or 400 housing units per sq. mile)

First set of Criteria,
Sec. 5(2)b. of Session Law 2006-246

Phase II Designation Candidates

Broad River Basin	Chowan & Pasquotank River Basins	Neuse River Basin	
Forest City	Elizabeth City	Benson	Roxboro
Rutherfordton	Kill Devil Hills	Butner	Smithfield
Shelby	Nags Head	Clayton	Stem
Spindale		Creedmoor	Trent Woods
		Farmville	Wendell
		Havelock	Wilson
		Kinston	Zebulon
		New Bern	

Timeline of Events

1. Candidates presented to WQC: Sept 9, 2009.
2. Candidates notified: Oct 21, 2009.
3. Public notice on website: Oct 27, 2009.
4. Press Release of notice: Oct 29, 2009.
5. Updates to WQC members Oct 26 & 29, 2009.
6. Comments received through Nov 30, 2009.

Criteria for EMC Designation

- **Population growth rate** > 1.3 times 10-yr State growth rate (1.3 x 18.2% = **24%**) ***or***
- **Projected population growth rate** > 1.3 times projected State growth (10-yr) ***or***
- **Population increase** >15% for last 2 years ***or***
- MS4 discharges SW that **adversely impact water quality** ***or***
- MS4 discharge is a **significant contributor of pollutants**.

Second set of Criteria, Sec. 5(2)d. of Session Law 2006-246

Recommended Designations in the **Broad River Basin**

Municipality	Why Screened	Why Recommended
Rutherfordton	Nearby impairment	Significant contributor
Shelby	Population / Pop. density; nearby impairments	Significant contributor
Spindale	Nearby impairment	Significant contributor

Municipality	Why Screened	Why Not Recommended
Forest City	Housing Units/ HU density	Did not meet population growth criteria; does not drain to impaired waters

Recommended Designations in the **Pasquotank River Basin**

Municipality	Why Screened	Why Recommended
Elizabeth City	Population / Pop. density	Potential contributor to new impairment; Phase II NPDES would go beyond Coastal SW

Municipality	Why Screened	Why Not Recommended
Kill Devil Hills	Housing Units/ HU density; nearby impairment	Current SW program implements measures beyond Coastal SW
Nags Head	Housing Units/ HU density; nearby impairment	Current SW program implements measures beyond Coastal SW

Comparison of Program Elements

Coastal Rules	Neuse NSW Rules	Phase II MS4 NPDES
Most stringent Post-Construction for New Development	Post-Construction Controls for New Development	Post-Construction Controls for New Development
Construction – State E&SC Program	Construction – State E&SC Program	Construction runoff (can rely on State E&SC)
	Illicit discharge ID and removal	Illicit discharge ID and removal
	Public Education and Outreach	Public Education and Participation Measures
		Pollution Prevention & Good Housekeeping
		Can add special req'ments (e.g., TMDL WQ recovery program)

Recommended Designations in the **Neuse River Basin**

Municipality	Why Screened	Why Recommended
Benson	Nearby impairments	Significant contributor
Butner	Falls Lake Watershed; nearby impairments	Significant contributor
Clayton	Population / Pop. density; nearby impairments	Population growth rate; significant contributor
Creedmoor	Falls Lake Watershed	Population growth rate; significant contributor
Roxboro	Housing Units/ HU density; nearby impairment	Significant contributor
Trent Woods	Nearby impairments	Significant contributor; Phase II NPDES goes beyond Coastal SW

Recommended Designations in the **Neuse River Basin**, cont.

Municipality	Why Screened	Recommendation
Wendell	Nearby impairments	Population growth rate; significant contributor
Zebulon	Nearby impairments	Population growth rate; significant contributor

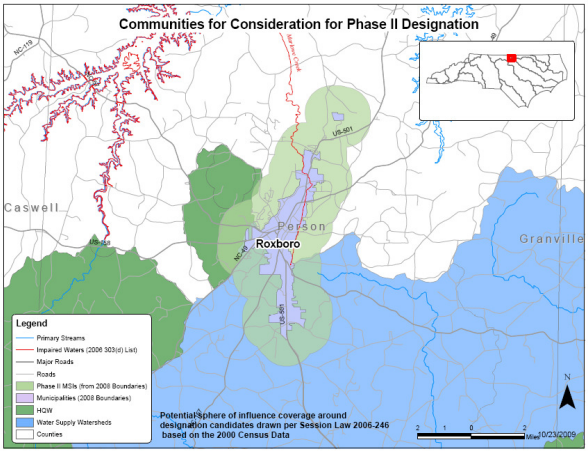
Municipality	Why Screened	Why Not Recommended
Farmville	Nearby impairment	Not likely contributor
Stem	Falls Lake Watershed	Very small (<300); will be subject to Falls Lake rules

Recommend Delaying Decision for Neuse NSW Communities

Municipality	Why Screened	Recommendation
Havelock	Population / Pop. density; nearby impairments	Delay decision until SW programs evaluated
Kinston	Population / Pop. density; nearby impairments	Delay decision until SW programs evaluated
New Bern	Housing Units/ HU density; nearby impairment	Delay decision until SW programs evaluated
Smithfield	Population / Pop. density; nearby impairments	Delay decision until SW programs evaluated
Wilson	Population / Pop. density; nearby impairments	Delay decision until SW programs evaluated

Neuse River Basin

Phase II MSI Delineation: **Regulated Coverage Areas**



Municipal Sphere of Influence (MSI) = 1-mile around Roxboro (distance based on 2000 Census)

Phase II MSI Delineation: **Regulated Coverage Areas**

Delegated to DWQ at September 2009 WQC Meeting.

1. Identify candidate coverage areas.
2. Notify entities located in whole or in part in candidate coverage areas.
3. Publish a map for public comment.
4. WQC and EMC review and delineation.
5. Counties and municipalities notified of EMC final decision.

Sec. 4(a)(b) of Session Law 2006-246

What Areas Should Become "Regulated Coverage Areas"?

Candidate areas where SW discharges:

- **adversely impact water quality**

-or-

- result in significant **contribution of pollutants** to sensitive receiving waters, taking into account effectiveness of water quality protection programs.

Recommended Regulated Coverage Areas

MSI Around	Post-Construction Effective
Benson	Date of Phase II MS4 permit
Butner	Date of Phase II MS4 permit
Clayton	Date of Phase II MS4 permit
Creedmoor	Date of Phase II MS4 permit
Roxboro	Date of Phase II MS4 permit
Rutherfordton	Date of Phase II MS4 permit
Shelby	Date of Phase II MS4 permit
Spindale	Date of Phase II MS4 permit
Trent Woods	Date of Phase II MS4 permit
Wendell	Date of Phase II MS4 permit
Zebulon	Date of Phase II MS4 permit

Action Items for EMC

1. DWQ seeks EMC **approval of recommended Phase II designations**.
2. DWQ seeks EMC **approval of recommended "regulated coverage areas"** for delineation.
3. DWQ requests that EMC **delay designation decisions for Havelock, Kinston, New Bern, Smithfield, and Wilson** until staff can evaluate current stormwater programs there.