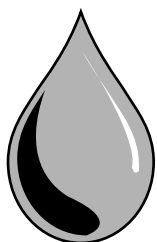




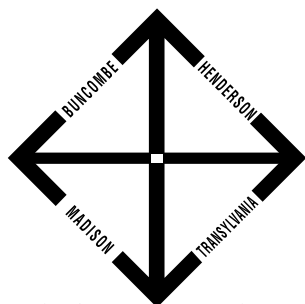
Stormwater Management Roles & Regulations



Stormwater Fact Sheet No. 3

This fact sheet is No. 3 of a four-part series for local government officials on stormwater runoff problems and control strategies. The series covers:

- 1) Stormwater Problems and Impacts
- 2) Control Principles and Practices
- 3) Roles and Regulations
- 4) Local Program Elements and Funding Alternatives



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Overview

Fact sheets 1 & 2 explained the stormwater runoff problems and impacts and control practices. This sheet describes the roles and regulations associated with stormwater management.

Federal Role and Regulations



The Federal Clean Water Act (CWA) is the primary basis for all water quality programs, both federal and state. The CWA was enacted with a goal of making all U.S. waters fishable and swimmable. Subsequent legislation has brought about several changes and amendments to the CWA. Some of these changes include new programs to control stormwater runoff. Congress is currently working on reauthorization of the CWA and several bills have been drafted. These amendments may address additional areas of stormwater coverage.

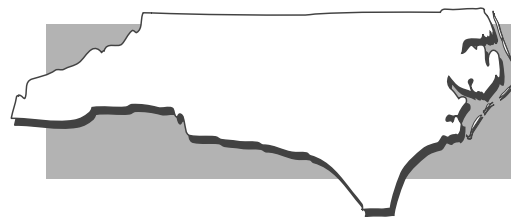
The implementation of several federal programs, including those that are stormwater related, can be delegated by Congress to the states. The Environmental Protection Agency (EPA) and other agencies set standards for federal water quality programs and assure that the states' programs are operating in accordance with the federal guidelines. These agencies also provide technical and financial assistance to states, regional and local governments, the private sector and the general public.

State Role and Regulations

State Role

The N.C. General Assembly enacts state legislation concerning surface water protection, including stormwater management. The Environmental Management Commission (EMC) adopts regulations

to implement the authorized legislation. The state is also responsible for implementing and enforcing federal programs and regulations related to stormwater management. North Carolina's Department of Environment, Health and Natural Resources (DEHNR) is the primary state



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agency responsible for environmental protection programs and stormwater management. The Division of Environmental Management (DEM) is the primary division of DEHNR that implements stormwater management. However, other divisions have stormwater related programs, including the Division of Land Resources and Division of Coastal Management (DCM). The state also provides technical assistance to local governments, business, industry and the general public in dealing with stormwater runoff problems.

□ NPDES Stormwater Permitting Program

The U.S. EPA delegated North Carolina the authority to administer its National Pollutant Discharge Elimination System (NPDES) permitting program in 1975. The program permits all point source discharges to surface waters. The purpose of the stormwater permitting program is to reduce and eliminate pollutants in stormwater runoff from certain municipal storm sewer systems and industrial activities.

- **Municipal Stormwater Permits** - Phase I of the stormwater permitting process requires all municipal separate storm sewer systems (MS4) in municipal areas with populations of 100,000 or greater to obtain a permit from DEM to discharge stormwater. Currently six municipal areas are subject to these

NPDES programs in N.C. including Charlotte, Raleigh, Durham, Greensboro, Winston-Salem and Fayetteville/Cumberland County. The permit requires each community to develop and implement a comprehensive stormwater quality management program. In addition, the NC DOT is working with DEM on a statewide NPDES stormwater permit covering their various activities.

- **Industrial Stormwater Permits** - Eleven different categories of “industrial activities” are required to obtain permits and develop Stormwater Pollution Prevention Plans. Industrial activities include certain manufacturing, transportation, oil and gas, hazardous waste and other facilities. Some government facilities, such as landfills, airports and large wastewater treatment plants, may also need permits.

Future Phase II regulations may include some municipalities under 100,000 population and additional industrial activities.

□ Water Supply Watershed Protection Act

The Act and rules require local governments to adopt water supply watershed protection ordinances to protect the quality of surface drinking water supplies. Ordinances must meet or exceed the minimum state rules. Ordinances regulate various land use activities, restrict development density, require vegetative buffers along perennial waters and require engineered stormwater controls (i.e., wet retention ponds) for High Density developments.

□ Coastal, ORW & HQW Stormwater Rules

State stormwater regulations also apply to certain developments within the 20 coastal counties and within watersheds of Outstanding Resource Waters and High Quality Waters. The rules offer compliance through Low and High Density development options as shown in Figure 1.



Some Stormwater Discharges Are Covered By NPDES Permits.

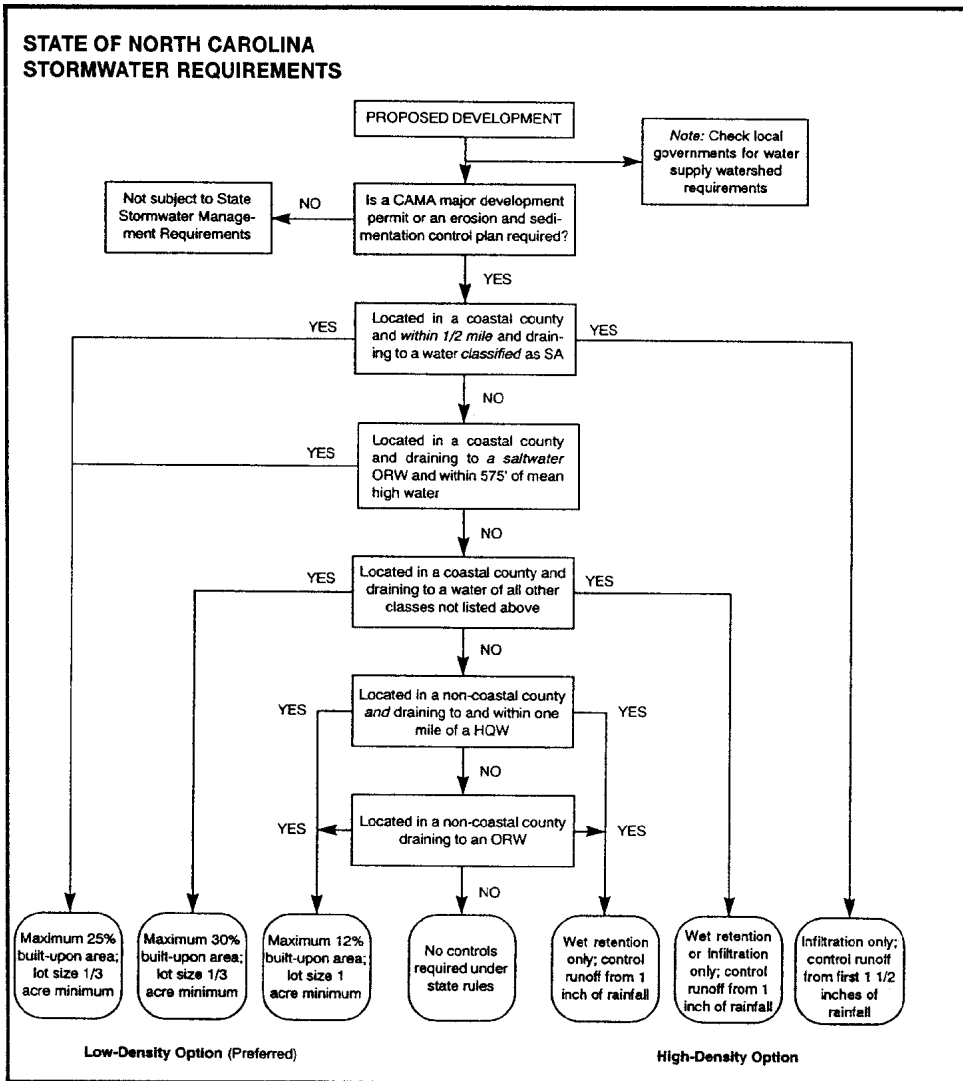


Figure 1: North Carolina Stormwater Requirements (Source: Arnold, et al. 1993)

action plan to control various nonpoint sources including urban stormwater runoff.

- **Basinwide Water Quality Management Plans** - DEM prepares water quality management plans for the 17 major river basins to identify actions to address point and nonpoint sources of pollution.

Local Role

The primary role of local governments in stormwater management is to address local problems and needs and at the same time, comply with state and federal regulations in the most cost-effective manner. In North Carolina, local governments have the major responsibility for regulating land use activities and their associated impacts. As local communities across the state grow, local governments will need to increase their efforts to manage stormwater runoff.

□ Other Stormwater Related Programs

- **Sedimentation Pollution Control Act** - The NC Division of Land Resources administers programs to control soil erosion and sedimentation caused by land disturbing activities.

- **Coastal Area Management Act (CAMA)** - The NC Division of Coastal Management (DCM) administers coastal management programs. Amendments to the federal Coastal Zone Management Act (CZMA) will require the development of coastal nonpoint source control programs. DCM and DEM are currently reviewing their existing programs to determine where modifications may be needed to comply with the CZMA requirements.

- **Nonpoint Source Management Program** - DEM administers this program which includes a multi-year

Role of Private Sector & Public

All citizens and land managers should utilize measures to minimize the generation of stormwater runoff, such as limiting the amount of impervious surfaces and maximizing the infiltration of runoff onsite. They must also be aware of their actions that can pollute stormwater runoff and implement pollution prevention and control measures to protect water quality. People must realize that stormwater problems are caused by many individual activities and everyone must do his or her part to prevent or solve these problems. There are numerous sources of technical assistance available. In addition, there are many opportunities for citizens to become actively involved in local efforts to protect water resources.

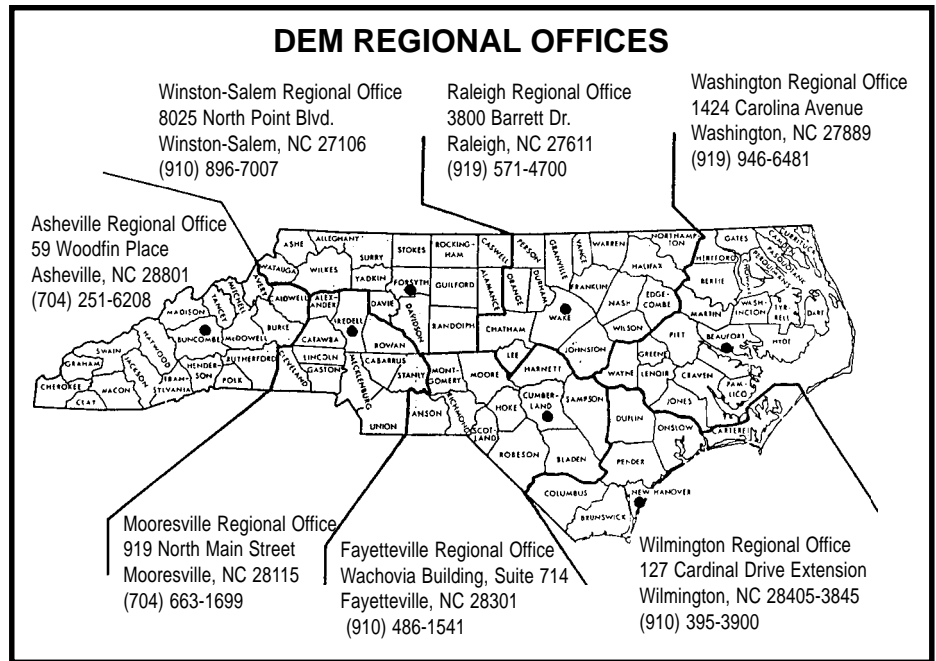
For More Information

☐ Reference Documents

- Stormwater Management in NC: A Guide For Local Officials, 1994, Land-of-Sky Regional Council. Tel. (704) 254-8131.
- Stormwater Management Guidance Manual, 1994, NC Cooperative Extension Service and NC DEHNR. Tel. (919) 515-3723.
- High Quality What? A Guide to Surface Freshwater Classifications in NC, 1992, Land-of-Sky Regional Council. Tel. (704) 254-8131.

☐ Contacts

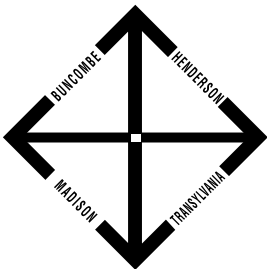
- EPA Stormwater Hotline - (703) 821-4823.
- NC DEM Stormwater Management Group - (919) 733-5083 and DEM Regional Offices.



Next Fact Sheet

Fact Sheet #4 describes the Elements of a Comprehensive Local Stormwater Program and Funding Alternatives.

The Council thanks Barbara Doll, N.C. Sea Grant College Program, for her assistance in preparing this Fact Sheet.



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