



# **Erosion and Sedimentation Control and Stormwater Programs and Robeson LNG**

**November 23, 2020**

**Division of Energy, Mineral, and Land Resources**



# Talking Points

- Statutory and regulatory background for erosion and sedimentation control
- Plan approvals and inspection results for Robeson LNG
- Stormwater permitting background
- Applicable stormwater permits for Robeson LNG



# Sedimentation Pollution Control Act of 1973

- Establishes the Sedimentation Control Commission to administer a State erosion and sedimentation control program.
- Describes plan review timeframes (30 days and 15 days) and application fees.
- Establishes mandatory standards for land disturbing activity.
- Provides opportunity for local delegation of erosion and sedimentation control programs.
- Describes enforcement action procedures.



# 15A NCAC Chapter 04

- 04A – Establishes the organization of the Sedimentation Control Commission and provides definitions.
- 04B – Describes control objectives; design, performance, and operational standards; and plan approval timelines.
- 04C – Describes enforcement procedures.
- 04D – Establishes the model ordinance for local delegated programs.
- 04E – Lays out procedures of petitions for rulemaking.



# Robeson Liquefied Natural Gas (RLNG)

Project	Received Date	Approved/Disapproved	Date
<b>Phase I – ROBES-2019-023 (northern portion)</b>	4/30/2019	Approved with Mods	5/29/2019
	6/27/2019	Approved	7/8/2019
	9/20/2019	Approved	10/4/2019
<b>Phase II – ROBES-2020-002 (southern portion)</b>	7/23/2019	Approved with Mods	8/22/2019
	3/16/2020	Approved	3/19/2020
	4/24/2020	Approved	4/29/2020
<b>Laydown Yard – ROBES-2020-014</b>	1/24/2020	Disapproved	2/20/2020
	3/13/2020	Approved with Mods	3/30/2020
<b>Phase III – ROBES-2020-022 (linear portion)</b>	4/23/2020	Approved	5/22/2020



# Inspection Summary

Project	Inspection Date	Compliant (Yes/No)	Comment
<b>Phase I – ROBES-2019-023</b>	9/18/2019	No	Failure to install skimmers on basins per approved plan
	1/15/2020	Yes	
	7/22/2020	Yes	
	11/17/2020	Yes	
<b>Phase II – ROBES-2020-002</b>	1/15/2020	Yes	
	7/22/2020	Yes	
	11/17/2020	Yes	
<b>Laydown Yard – ROBES-2020-014</b>	7/22/2020	Yes	
	11/17/2020	Yes	
<b>Phase III – ROBES-2020-022</b>	10/9/2020	Yes	
	11/17/2020	Yes	





# Stormwater Programs in NC

- Three main stormwater programs in NC
  - National Pollutant Discharge Elimination System (NPDES) stormwater programs
    - Includes municipal separate storm sewer system (MS4), industrial stormwater (includes construction stormwater) – EPA has delegated program to NC
  - State Stormwater
    - Coastal stormwater (20 coastal counties), HQW/ORW stormwater
  - Watershed specific stormwater
    - Nutrient sensitive waters (Neuse, Tar-Pamlico), special watershed programs (Jordan Lake, Falls Lake, Goose Creek)
      - Implemented through a combination of state and local governments
    - Local Water Supply Watershed - implemented by local governments for water supply watersheds (WS-I – WS-IV)



# NPDES Stormwater

- MS4 permits - for discharges from publicly-owned/operated stormwater collection systems
  - MS4 communities based on census data populations of  $\geq 50,000$  plus fringe communities of 2,500-50,000 – 115 communities with MS4 permits
  - Six minimum control measures of a MS4 program:
    1. Public Education & Outreach
    2. Public Involvement & Participation
    3. Illicit Discharge Detection & Elimination (IDDE)
    4. Construction Site Runoff Controls
    5. Post-Construction Site Runoff Controls (PC)
    6. Pollution Prevention & Good Housekeeping for Municipal Operations (PP/GH)





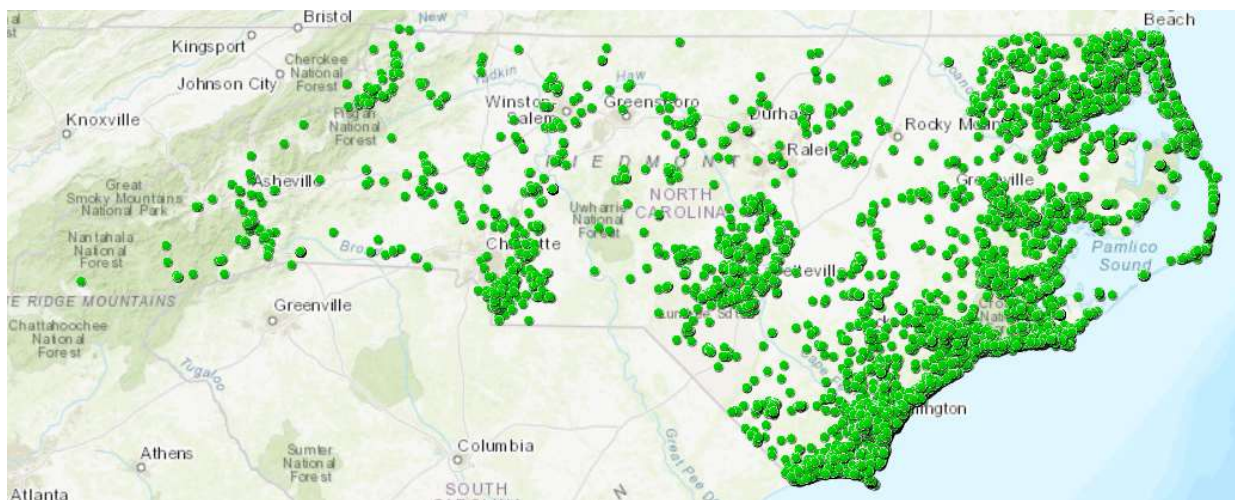
# NPDES Stormwater

- Industrial Stormwater Permits – regulate stormwater discharges from industrial facilities
  - General permits – NC has 21 general permits for a variety of industrial activities based on the standard industrial classification (SIC) code (ex. transportation, mining, timber products, etc.).
    - Have conditions of applicability and coverage.
    - A facility applies for a general permit and is issued a Certificate of Coverage.
    - Renewal process every 5 years which includes public comment period.
  - Individual permits – if a facility is not eligible for coverage under a general permit, then required to get an individual permit.
    - Conditions and monitoring requirements are specific to the industrial activity and stormwater management system.
    - Includes a public comment period prior to issuance.



# State and Local Stormwater Programs

- Outside of MS4 communities, post-construction stormwater implemented through a variety of state and local stormwater programs
  - 20 Coastal Counties
  - Watershed classification [ex. Water supply watershed, High Quality Waters, Outstanding Resource Waters].
  - Some watershed specific rules have stormwater requirements often regarding the reduction of nutrients inputs.

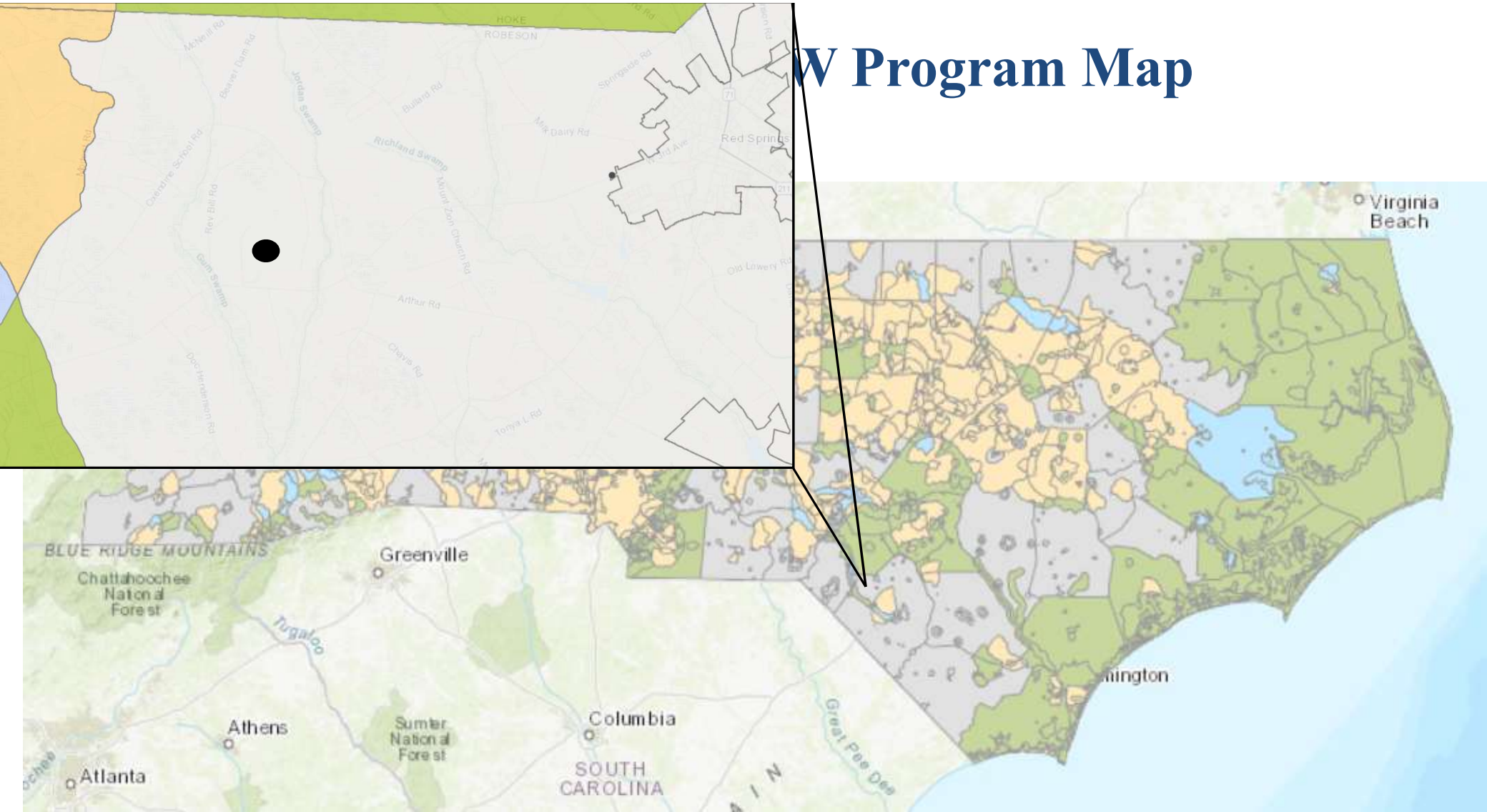


# Stormwater Permitting for Robeson LNG

- Construction and industrial stormwater
- NPDES rules
  - 40 CFR 122.26(c)(1)(iii) exempts the following permittees from the requirement to obtain NPDES permits:
    - (iii) The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with paragraph (c)(1)(i) of this section, unless the facility:
      - (A) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or
      - (B) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
      - (C) Contributes to a violation of a water quality standard.
- At this time, Stormwater Program staff are still gathering information to determine if further industrial stormwater permitting is needed.



# W Program Map





# Questions?

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