

**Report to the North Carolina General Assembly's
Environmental Review Commission**



Stormwater and Sedimentation Joint Report

October 1, 2022

**Division of Energy, Mineral, and Land Resources
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Pursuant to G.S. 143-214.7(e); G.S. 113A-67

**Report to the Environmental Review Commission
on the Implementation of the
Sedimentation Pollution Control Act of 1973
and the State Stormwater Program
by the Department of Environmental Quality
Division of Energy, Mineral, and Land Resources**

October 1, 2022

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Introduction

Pursuant to Session Law 2017-10 (Senate Bill 131), the Department of Environmental Quality (DEQ) is required to submit a combined report to the Environmental Review Commission by October 1 of each year that provides an annual update on the implementation of both the State Sedimentation Pollution Control Program and the State Stormwater Program housed within the Division of Energy, Mineral, and Land Resources. This report contains two sections that outline how the Department has implemented these programs through its seven Regional Offices and Central Office as well as in coordination with multiple local government programs that implement these programs through Local, State and Federal laws, rules, and permits.

Executive Summary – Annual Sedimentation Program Report

The Department shall report to the Environmental Review Commission on the implementation of the [Sedimentation Pollution Control Act \(SPCA\) of 1973](#) on or before 1 October of each year. The Division of Energy, Mineral, and Land Resources is responsible for implementing the SPCA. There are 55 delegated SPCA programs across the state implemented by either county or municipal governments. In February 2022, the Town of Knightdale received delegation authority for administering and enforcing the SPCA. The total number of new applications received by the Department increased from 2,428 in FY 2020-21 to approximately 2,600 in FY 2021-22. The total number of newly disturbed acres increased from 32,317 acres in FY 2020-21 to 33,425 acres in FY 2021-22. Sediment inspections decreased from 12,743 in FY 2020-21 to 11,727 inspections in FY 2021-22.

Background

“The sedimentation of streams, lakes and other waters of this State constitute a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this State will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for erosion and sedimentation control programs shall be deemed for a public purpose”.

-Preamble to the Sedimentation Pollution Control Act of 1973

The Division of Energy, Mineral, and Land Resources (DEMLR) in the Department of Environmental Quality administers the SPCA. The Sedimentation Control Commission has also delegated administration of the SPCA to 53 county or municipal governments and the North Carolina Department of Transportation. The local program delegations do not regulate land-disturbing activities conducted by local, State or United States governments or persons with the power of eminent domain (e.g. public utilities), which remain under jurisdiction of DEMLR.

The state erosion and sedimentation program also plays a critical role in meeting federal construction stormwater permitting requirements under the Clean Water Act. The United States Environmental Protection Agency (EPA) implements federal permitting requirements for stormwater discharges from active construction sites, but also has the authority to delegate those permitting responsibilities to the states. In many ways, federal construction stormwater requirements mirror the requirements of the state Sedimentation Pollution Control Act and the intent of the federal program is the same – to prevent damage to water bodies and other property.

North Carolina has delegated authority that allows DEQ - rather than EPA - to issue federal construction stormwater permits in the state. DEMLR has incorporated cross-training of central and regional personnel and consolidation of inspection and monitoring forms between the erosion and sedimentation control program and the construction stormwater program. This allows one point of contact for meeting both programs' permitting, inspection and reporting requirements to be used to communicate compliance with both programs' state and federal provisions.

Program Implementation

The number of new projects under state jurisdiction has increased with approximately 2,600 new applications received in FY 2021-22. The actual area of land disturbance covered by new erosion and sedimentation control plans approved in FY 2021-22 increased to approximately 33,425 acres. The graphs below show that there is an upward trend towards both the quantity and size of land disturbing projects within North Carolina. This is evidenced not only through the extraordinarily high demand for housing in certain areas of the State, but also through incentives aimed at satisfying the State's clean energy initiatives and the return of manufacturing jobs. Solar farms and "mega site" projects ranging from hundreds to even thousands of acres in land disturbance involve complex, phased plans to review and require hours, if not days, to conduct one complete inspection.

These totals do not include erosion and sedimentation control plans approved by local government sedimentation programs or land disturbed by the Department of Transportation under its delegated program.

Applications Received Per Year

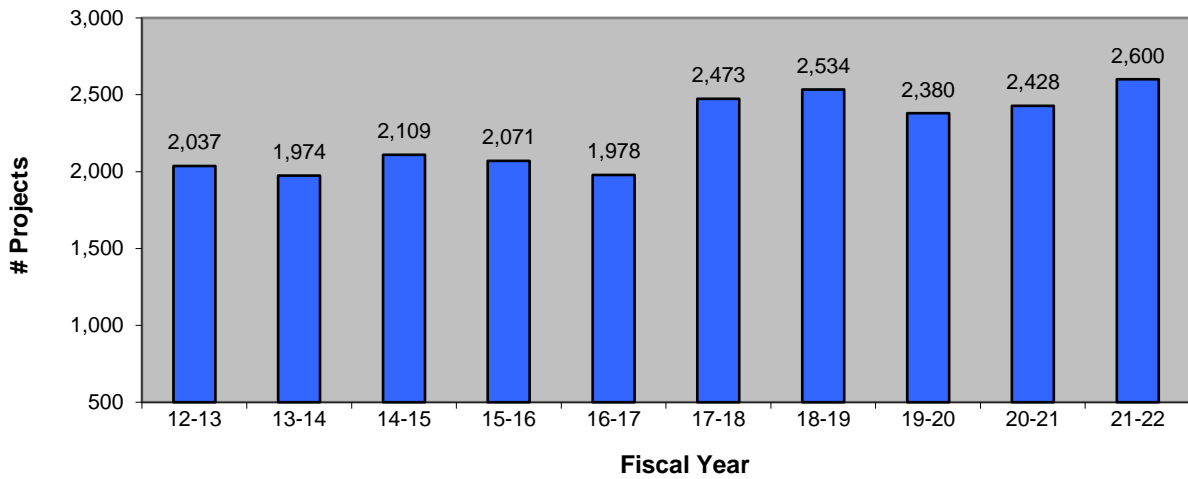


Figure 1 - Applications Received Per Year

Disturbed Acres Per Year

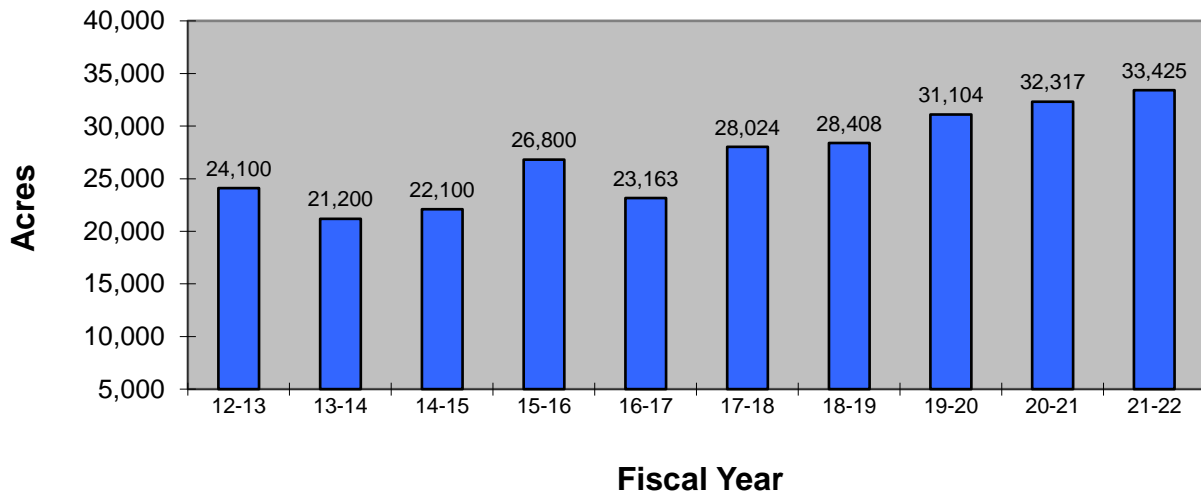


Figure 2 - Disturbed Acres Per Year

Open sediment projects are sites that are either under active construction or are inactive and not completed. The number of open Sediment projects remained relatively steady between FY 2012-2013 and FY 2015-2016, but then dropped to 7,700 open projects

during fiscal year of 2016-17. This was the result of improved database management and an increased effort to inspect and close out completed and stabilized projects that had remained inactive during and following the Great Recession. The number of open projects for FY 2021-22 is 9,187.

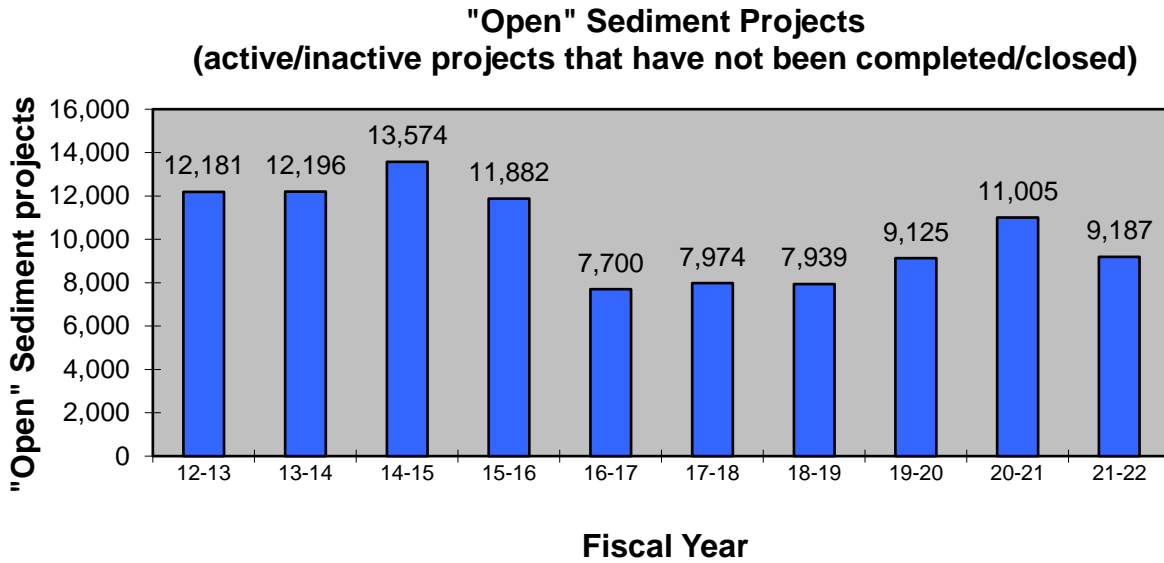


Figure 3 - Count of Open Sediment Projects

The number of full-time equivalent positions (FTE) in the DEMLR's Sedimentation Control Program declined for several fiscal years until steadying as shown below.

Sediment Program Full-Time Equivalent Positions

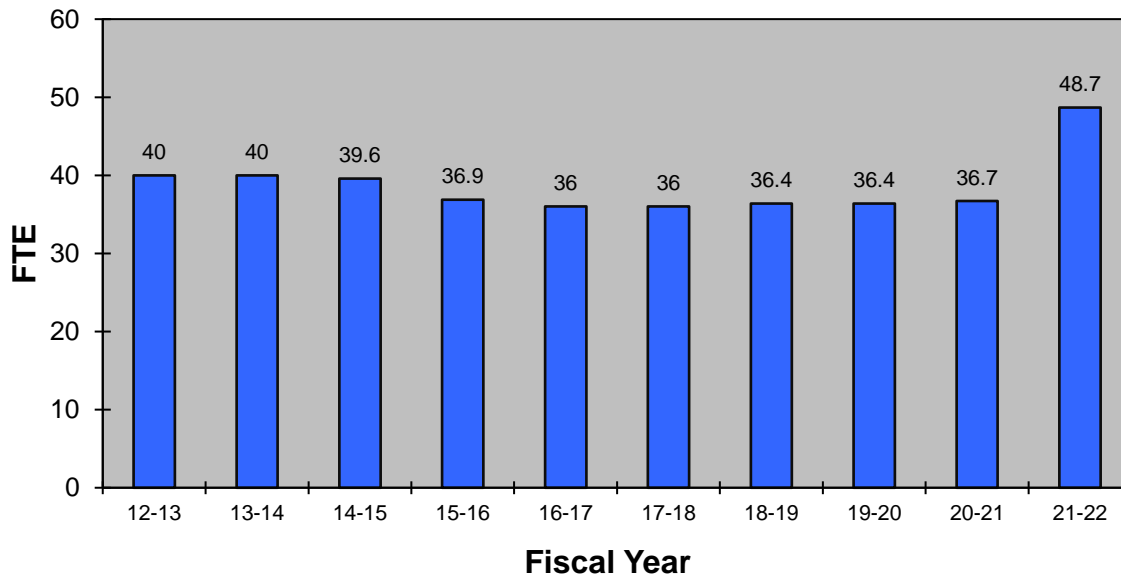


Figure 4 - Sediment Program Full-Time Equivalent Positions

Since revenue for the program comes from a sedimentation plan review fee for new projects, an increase in new construction coupled with a statutory fee increase has consequently provided an increase in our funding for vacant positions and operations. As of November 19, 2021, the plan review fee increased from \$65 per acre to \$100 per acre. This provided twelve additional full-time positions within the regional offices to provide relief for the growing size and number of open projects within the state. Hiring is on-going at this time. Figure 4 reflects the increase in the FTE count for this reporting period.

Program staff have been fairly successful in filling the vacancies in the Land Quality Section, despite frequent turnover, and the number of filled FTE positions is climbing.

Regional activities for the 2021-22 fiscal year include:

- 2,125 new erosion and sedimentation control plan reviews
- 621 sedimentation express plan reviews
- 1,156 revised erosion and sedimentation control plan reviews
- 11,727 sedimentation site inspections
- 308 notices of violation
- 8 enforcement case referrals

Plan Approval

The SPCA requires review of a proposed erosion and sedimentation control plan within 30 days for a new plan submittal and within 15 days for a revised plan. As mentioned

above, newly disturbed acreage in North Carolina increased since the last fiscal year. The number of new erosion and sedimentation control plans received was 2,600 (up from 2,428 in FY 2020-21). For the past several years, the total number of new applications has fluctuated slightly but consistently remained around 2,000 while averaging more recently closer to 2,480. In addition, DEMLR encourages applicants to meet with permit review staff in advance of the initial plan submittal to resolve quality and completeness issues prior to formal submittal to reduce the overall time for plan review and approval.

The Express Permitting Program for erosion and sedimentation control plans provides for plan review within as little as three working days. During FY 2021-22, 621 Express Permit reviews were conducted. This represents a 2% increase in express permit reviews from the 607 express reviews completed in the previous year. The rate of increase has slowed from the previous year. This is likely due to the increase in large or complex projects that do not qualify for the program. Another reason could include the lag between the arrival of these applications and the timing of fee increases and subsequent hirings. The Winston-Salem, Raleigh and Fayetteville Regional Offices conducted the most express reviews.

Inspections

Regional staff conducted 11,727 inspections last year, a decrease of 1,016 inspections from the previous year but still ahead of the earlier four fiscal years. Inspection reports document field observations and compliance or non-compliance with the SPCA. Based upon current staffing levels, open erosion and sedimentation control projects are inspected, on average, once every 9 to 10 months. Those under enforcement are usually inspected more frequently.

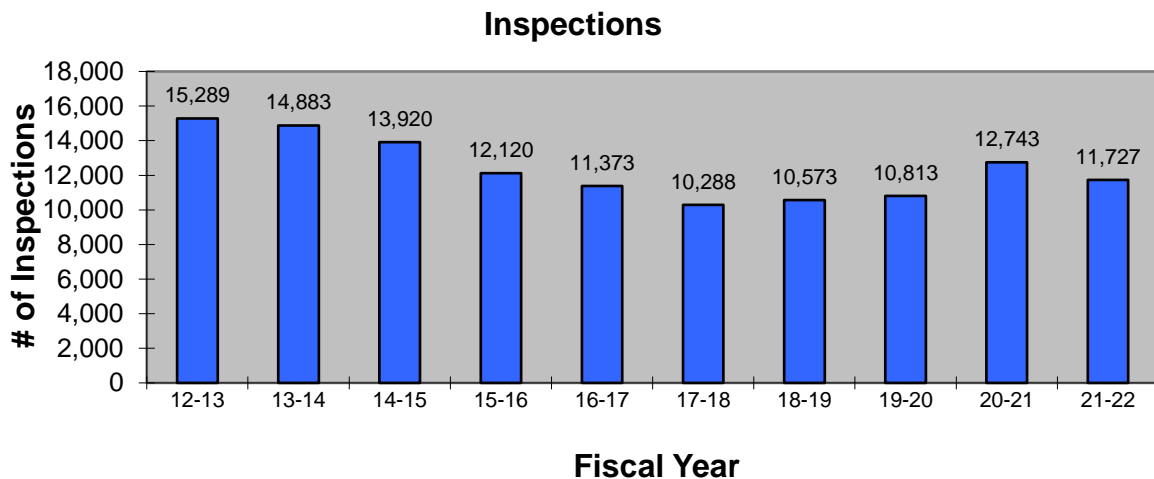


Figure 5 - Inspections per Year

The following are photos of good and poor practices found on construction sites during inspections. (Figures 6-13)



Figure 6 - Unmanaged Concrete Washout



Figure 7 - Good Construction Entrance



Figure 8 - Poor Construction Entrance



Figure 9 - Good Application of Ground Cover



Figure 10 - No Ground Cover



Figure 11 - Rill Erosion on Sediment Basin Slope



Figure 12 - Good Vegetative Stabilization



Figure 13 - Good Inlet Protection

Enforcement

DEMLR documents compliance or non-compliance with the SPCA through sedimentation inspection reports. Most violations are resolved by providing an inspection report to the responsible party and requesting correction of the deficiencies. Of the 11,272 inspections conducted during FY 2021-22, 308 (2.7%) resulted in a Notice of Violation (NOV). The NOVs led to 8 requests from the regional offices for additional enforcement action (2.6% of NOVs issued). Six civil penalties and zero injunctions were assessed or issued this fiscal year.

The Attorney General's Office provides litigation support to DEQ by filing actions in state courts and federal bankruptcy court to defend the agency's civil penalty assessments, complaints for injunctive relief, and to collect unpaid civil penalties.

Local Programs

The Sedimentation Control Commission encourages [local governments](#) to administer delegated erosion and sedimentation control programs. The Commission, through DEMLR, provides a model ordinance and technical assistance. Once a program is delegated to a local government, DEMLR provides periodic oversight to ensure that the local programs are meeting the responsibilities under their delegation authority. State personnel informally assist and advise the local staff on problematic sites. DEMLR's goal is to review each local program at least once every two years. The Division reviews the city or county ordinance to ensure that it is at least as restrictive as state law and rules. DEMLR's Regional Office and Central Office staff meet with the local program staff during the review. A detailed report is provided back to the local government, noting strengths, deficiencies, and corrective actions. A summary report is presented to the Sedimentation Control Commission at its quarterly meetings.

The Commission then acts to continue the delegation, continue the review, place the program on probation, or give a 30-day notice that the Commission will assume administration and enforcement of the program.

Seventeen formal local program reviews were conducted during FY 2021-22.

Training and Education

In the Fall of 2021, erosion and sedimentation control workshops shifted to a hybrid format. DEMLR helped plan the Erosion and Sedimentation Control workshop for design professionals, contractors and developers. These are the result of a joint planning effort between NCSU, the International Erosion Control Association (IECA) and DEMLR staff. The planning team hosted a 1.5-day event with morning presentations that could be viewed in-person or virtually, along with afternoon field demonstrations conducted at NCSU's field laboratory. A wide range of experts presented on common E&SC issues and on solutions based on design and solid research. State and local program representatives provided updates on the latest regulatory changes and approaches to successful plan approval.

The 2022 Annual Local Program Workshop was also held in this new hybrid format. This year's workshop was held April 18-19 in the city of Monroe. The event attracted 80 in-person participants both days with a maximum virtual daily rate of 90 participants. State program representatives provided regulatory updates to recent session laws changes and talked about audit procedures. NCDEQ Secretary, Elizabeth Biser, was the keynote speaker.



Figure 14 – 2022 Local Program Workshop

[Project WET](#), or Water Education Today, is an international water education foundation with the mission of “advancing water education to understand global challenges and inspire local solutions.” Their newest publication is the Climate, Water and Resilience (CWR) Educator Guide. The activities in this guide are aligned to standards and help formal and non-formal educators teach middle school, high school students and adults about climate and climate change using interactive, objective, science-based activities. DEMLR program staff have continuously worked to improve publications and resources for the regulated community, the public, and Division staff. This is one more tool they are using.

The Division is in the process of hiring permanent and time-limited staff as described above. As a result, program staff have taken a number of initiatives to assist regional office staff in onboarding and training. The DEMLR Employee Training SharePoint site has been created for each program. Resources have been compiled and uploaded or cross-linked in an effort to take advantage of SharePoint’s document libraries. Resources such as forms, template letters, design calculation spreadsheets, handbooks, and additional training opportunities can now be found in one convenient location. A new hire PowerPoint presentation provides a quick overview of the Sedimentation Program’s objective, policies, and operations to include guidance for plan reviews, site inspections, and compliance.

In an effort to provide training and ensure consistency, DEMLR program staff have started statewide Sediment Program meetings. Meetings have been held quarterly via Microsoft Teams, providing a convenient online meeting platform for everyone across the state. Topics thus far have included session law or administrative code changes, updates to form letters, website updates, and training opportunities.

For new DEMLR staff in the central office, a 30-page manual was written to provide detailed guidance for conducting audits on the unique operations of NCDOT projects.

Drones, or unmanned aerial vehicles (UAVs), aid in many areas of DEMLR's day-to-day and emergency response operations. For example, drones are used to help cover large areas quickly during site inspections. As the potential uses for drones grow, so does the need for DEMLR staff to be trained in their use. With the help of trainers from NCDOT and Airvision LLC., DEMLR is working towards increasing the number of staff trained and licensed to use drones on the job. A training session was held on June 3, 2022 for central office DEMLR staff.

As part of the division's customer service obligations, the regional offices provided 10,897 hours of technical assistance in FY 2021-22 through reviews of local government programs, communication with the public, and post-construction related requests for assistance.

The semi-annual electronic publication, ***Sediments***, is distributed through a listserv of approximately 400 recipients, and is also made available as an online news publication.

New Program Efforts

Improvements have been made to the program's erosion and sedimentation control plan application. The *Financial Responsibility/Ownership Form* has been revised to better communicate information requirements to the applicant. Revisions included language more compatible with that from the Secretary of State's Office with whom most businesses previously registered. Additional instructions and reminders were included on this form and on the website where this form can be found. In addition, a video tutorial was developed to walk applicants through the process of completing this form. The goal is to reduce the number of application rejections and to increase the amount of online resources to assist applicants. Revisions were based upon staff feedback and common errors found on submitted forms.

Efforts were made to provide the public with a means by which they could easily find where to submit their erosion and sedimentation control applications. DEMLR staff created an online map distinguishing state from local program jurisdictions. Applicants can search by address, place or by selection. They can also query any special considerations needed for design and be directed to a local program's website to find out how to apply. The map is a supplement to the [Local Erosion and Sediment Control Program Jurisdictions](#) list enhanced last year and included on the same web page.

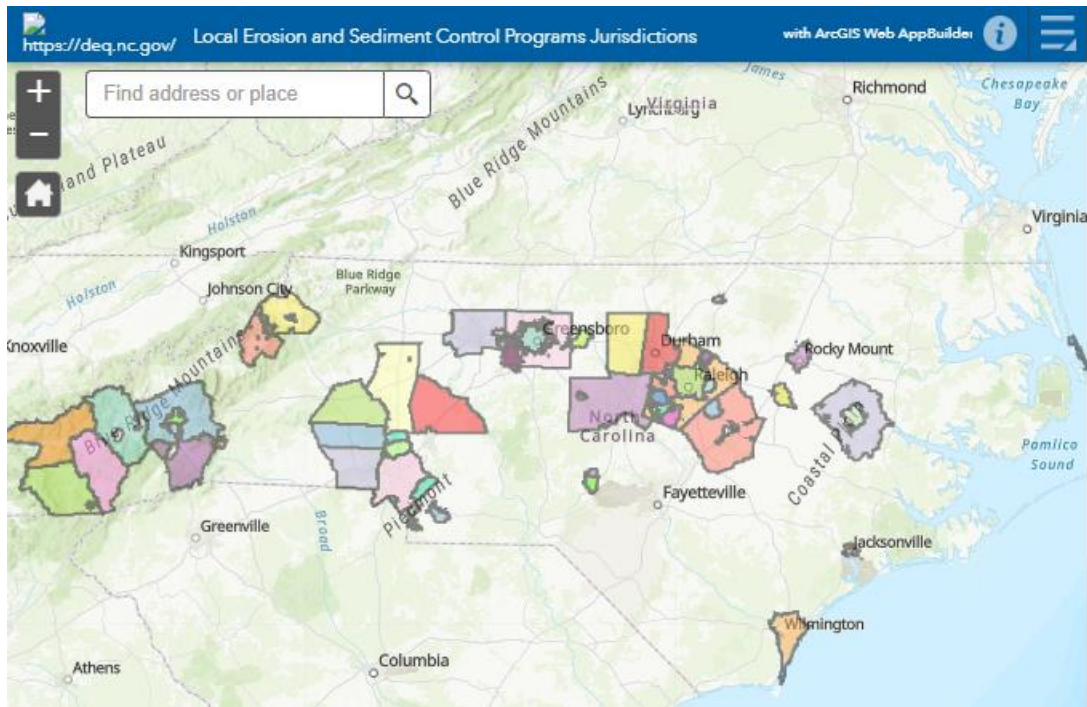


Figure 15 - Local Program Jurisdiction Map

Executive Summary – Annual Stormwater Program Report

The Stormwater Program serves a large and diverse number of permittees in a highly efficient manner. In addition to keeping up with our permitting workload described under “Program Overview” below, the top five accomplishments of the Stormwater Program for the year are as follows:

#1: *A new webinar series to increase knowledge of stormwater.*

In September 2020 the Stormwater Program launched its “Wow Webinar” series. Each month, this one-hour webinar is offered to the regulated community and the public to increase understanding and communication about a wide variety of stormwater issues. The webinar series continues to be successful and well received, and a new series will start in September 2022.

#2: *Electronic reporting for NPDES Industrial Stormwater permittees.*

Industries that are covered under an NPDES Industrial Stormwater permit are required to monitor the quality of stormwater discharged from their facilities and report that data to DEMLR. Previously, these data were reported on Data Monitoring Report (DMR) forms that were submitted by paper copy to DEMLR. However, the Stormwater Program is transitioning permittees into an electronic reporting process already established in the agency and is continuing to register all users.

#3: *Timely renewal of NPDES General Permits with improvements.*

On July 1, 2022, the Stormwater Program renewed three (3) industrial general permits. Each of these permits has been reorganized and improved so that it is easier to understand and reference to assist the industrial permittees.

#4: *Stormwater Control Measures and Program Changes*

The Stormwater Program continues efforts to update and maintain the stormwater control Measure (SCM) Operation and Maintenance website to assist with inspection questions and requests. We are also continuing to update and adjust to process/regulatory changes in response to session law updates.

#5: *Continued excellent service to permittees throughout the pandemic.*

The Stormwater Program has continued to be responsive to permittee questions and requests throughout the pandemic. In addition, the Stormwater Program has made creative use of tools such as the website, digital file repository systems, webinars, and virtual meetings to maintain contact with the wide variety of customers we serve. For a third year in a row, the Program has maintained one of DEQ’s only electronic permit application and issuance processes for the NPDES Construction Stormwater Permit that has laid an important foundation in a broader effort to digitize other permitting processes across the agency.

Program Overview

The DEMLR Stormwater Program comprises many programs and resources aimed at protecting water quality from stormwater impacts. The following is a summary of the NC Stormwater Program's responsibilities:

- [NPDES Industrial Stormwater Program](#): Covers 4,483 active permits or certifications (3,219 facilities under general permits, 156 under individual permits, and 1,108 under no exposure certifications). Industrial activities are required to manage and monitor their facilities for potential sources of stormwater pollution.
- [NPDES Construction Program](#): Covers construction activities that disturb one or more acres or are part of a common plan of development of that size. Certificates of Coverage (COCs) are obtained under a general permit (NCG010000 or NCG250000). Permittees must have an Erosion and Sedimentation Control Plan, adhere to materials handling protocols, inspect their sites, and keep records. The Stormwater Program partners with the DEMLR's Sediment Program to implement the NPDES Construction Stormwater Requirements.
- [NPDES MS4 Program](#): Covers 113 entities within urbanizing areas, such as municipalities, counties, universities, as well as military bases and NCDOT. MS4 entities implement measures within their jurisdictions to prevent and control stormwater pollution from developed areas.
- [Post-Construction Program](#): Requires new developments to have permanent stormwater management measures after the project is constructed.
- The [Stormwater Design Manual](#) is a technical guidance document about implementing the stormwater rules for post-construction. The companion to the manual is the [Stormwater Control Measure Credit Document](#), which includes the state's estimation of each SCM's effectiveness in protecting hydrology and removing pollutants.
- [Water Supply Watershed Protection Program](#): Local governments with some or all of their jurisdictions within one or more water supply watersheds are required to implement measures within the water supply watersheds to prevent and control stormwater pollution. There are currently over 229 watersheds classified as Water Supply Watersheds and approximately 286 local governments with all or part of their jurisdiction in one or more of these watersheds.
- Technical and compliance assistance for all the above programs.

Current Active Stormwater Permits in North Carolina

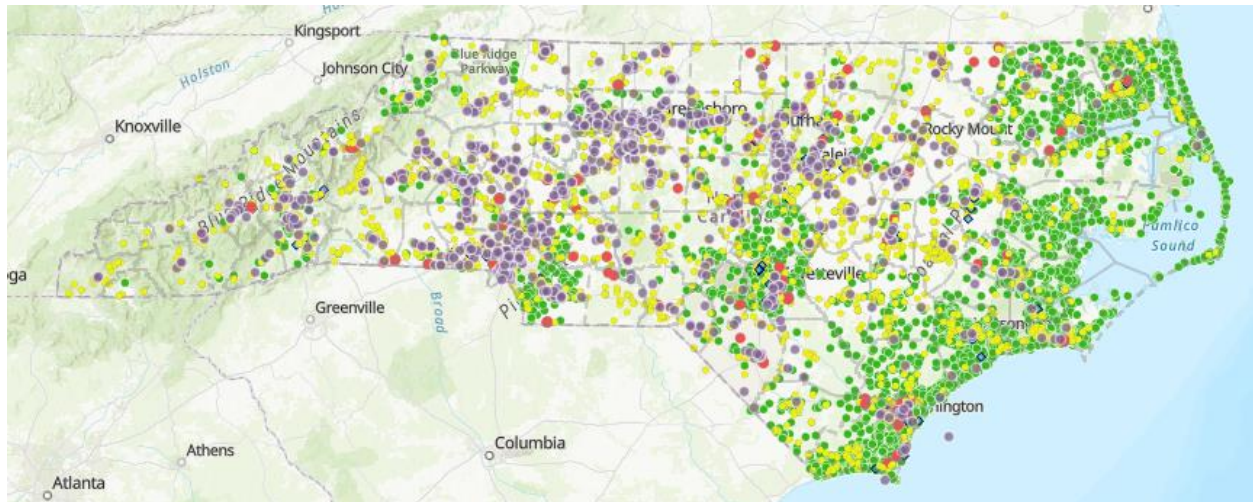


Figure 14 - Active Stormwater Permits in North Carolina.

In the map above, green dots indicate post-construction permits, yellow dots indicate industrial general stormwater permits, red dots indicate industrial individual permits, blue triangles indicate MS4 permits, and purple dots indicate No Exposure Certifications. Note: Construction stormwater permits are not included in this map.

Accomplishment #1: A new webinar series to increase knowledge of stormwater.

The Stormwater Program launched the Wow (**World of Water**) Webinar series in In September 2020 to continue its communication with permittees, consultants, local governments, and the public during the pandemic and has continue to be a part of the Stormwater Program's offerings currently. Wow Webinars are held from 11:00 am to 12:00 noon on the third Wednesday of each month. There have been a variety of speakers from within DEQ as well as the stormwater community at large. Webinar topics have included industrial and municipal stormwater, design and permitting, and resilient stormwater strategies.

The webinars are free and offer professional development hours. Each webinar has been attended by 150 to 250 participants monthly. These Webinars have been very successful with tons of positive feedback. Our new 2022-2023 webinar series starts in October 2022. Information about the previous webinars is available on the [Wow Webinar web page](#), including recordings and presentations. The new upcoming Wow Webinar Schedule is currently being formulated, some of the dates and topics are listed below:

- **Prioritizing Natural & Nature Based features to increase Resilience of Coastal Communities, Sept 21st, 2022**
 Stacey Webb Feken with Albemarle-Pamlico National Estuary Partnership will provide an overview of tools that allow local planners in coastal communities to determine suitable areas to implement natural infrastructure.
- **Building a Better Sediment Basin to improve water Quality, October 19th, 2022**
 Brian Free with Faircloth and Son Inc. will share how skimmers help improve water quality and achieve regulatory compliance in sediment basins during construction as well as post construction stormwater ponds.
- **Effects of Turbidity, Sediment, and Polyacrylamide on the Aquatic Environment, November 16th, 2022**
 Melanie McCaleb with NTU Inc. will present how turbidity is an increasingly visible pollutant negatively affecting water quality and aquatic life in waterways globally, understanding the risks associated with increased levels will be the basis of this presentation.
- **MS4 Municipally Owned Inspections, What We're Really Looking For, February 15th, 2023**
 Isaiah Reed with DEQ/DEMLR will give an overview of what we're looking for during MS4 Inspections of municipally owned facilities including what to ask and what to expect.
- **Hybrid Constructed Wetlands for Wastewater Treatment, April 19th, 2023**
 Nathasha Bell PhD with ECU will speak about how different types of constructed wetlands can be combined in order to achieve a higher treatment efficiency by using the advantage
- **Rethinking Municipal Planning: Redefining Long-Range planning from years to decades, May 17th, 2023**
 Eddie Staley, PLS, GISP with WithersRavenel will talk about asset management, unprecedented federal funding through the 2021 Infrastructure Investment Act (IIJA) provides state and local governments with a generational opportunity to address longstanding infrastructure deficits and begin making good on overdue smart city aspirations. However, doing so will require governments to approach planning in newer ways, making sure that investments continue to produce sustainable benefits.

- **Stormwater Watershed Master Planning, August 16th, 2023**
David Perry with WithersRavenel will provide an overview how plans will help make informed, strategic decisions about stormwater projects planned over the next several years.
- **Can we Map Streambank Erosion hotspots from the Sky?, September 20th, 2023**
Krissy Hopkins with US Geological Survey will discuss approaches to remotely map streambank erosion hotspots using lidar-derived digital elevation models. Modeling outputs improve our understanding of the severity and spatial extent of streambank erosion along streams flowing through Raleigh.

Accomplishment #2: Electronic reporting for NPDES Industrial Stormwater permittees.

Industries that are covered under an NPDES Industrial Stormwater permit are required to monitor the quality of stormwater discharged from their facilities and report that data to DEMLR. Historically, these data have been reported on Data Monitoring Report (DMR) forms and sent as a paper copy to the agency. However, during the past year, the Stormwater Program has continued transitioning permittees into the NPDES electronic reporting process as staff resources allow. The Program has about a third of its permittees registered in eDMR, and a current participation rate of about 14 percent.

[Note: This rate of participation has been driven in part by the following: 1) staff turnover, 2) resources available to be dedicated to eDMR and registration, and 3) updates to original registrants that have since changed.]

The Stormwater Program continues to make progress in reaching the goal of electronically reporting NPDES construction stormwater basic permit and project site data to EPA with its electronic Notice of Intent (eNOI) application form that has been in place since April 2019.

The electronic reporting gap for this sector of permits has been present since 2016, when the federal Electronic Reporting rule required those data be reported electronically to EPA and which North Carolina did not have the ability to convey before 2019. In May 2022, staff collaborated with EPA to overcome data compatibility obstacles and conveyed the first batch of NPDES Construction Stormwater permit data for EPA Region 4 staff, who are providing assistance in processing and loading these data into the agency's ICIS database.

Accomplishment #3 Timely renewal of NPDES General Permits with improvements.

On July 1, 2022, the Stormwater Program renewed three industrial general permits: Airports (NCG150000), Ready-Mixed Concrete (NCG140000), and Composting (NCG240000). Two of these general permits, Ready-Mixed Concrete and Composting, have wastewater elements, adding a layer of complexity to the renewal process.

Our program introduced analytical monitoring into the Airports general permit, which was the only permit without any monitoring. All three general permits have been improved and reorganized to reflect our most current standards and be easier to understand for our staff and permittees.

Accomplishment #4: Stormwater Control Measures and Program Changes.

- SCMs are permanent structural devices that are designed, constructed, and maintained to remove pollutants from stormwater runoff before the water reaches our streams and drinking water supply reservoirs. Some examples of SCMs include wet ponds, bioretention cells, infiltration systems, stormwater wetlands, permeable pavement, and sand filters.

Developers, local governments, homeowners' associations, and DEMLR regional office staff have requested that the Stormwater Program provide information about how to inspect and assess Stormwater Control Measures (SCMs). To fulfill that request, the [SCM Operation and Maintenance web page](#) was created.

Efforts continue to further enhance this page and enhance description of SCMs, an inspection form, and finalize videos.

- The Stormwater Permitting Group continues to work with and support the Division of Water Resources' Non-Point Source Planning Branch efforts to update the New Stormwater Technology (NEST) program and Stormwater Control Measure (SCM) Credit Document.
- New state stormwater permits and stormwater permits that are reissued as a result of transfer, modification, or renewal require the permittee to submit an annual certification on the project's conformance with permit conditions (GS 143-214.7(b4)). This permitting language has been developed and has been added to all permits that have been issued or reissued (since October 2021).
- The state stormwater amendment also requires an annual certification to be completed by the permit holder or their designee. The Stormwater Program is

currently working on an electronic submission form for the permittees to upload their annual certification. Our goal is to have this form developed in time for the one-year anniversary the new permit condition language.

- GS 143-214.7(c5) now provides for conditions under which a permit can be transferred. We have developed a revised permit transfer application and are finalizing the draft applications for publishing to our website.
- GS 143-214.7(c6) addresses a remedy for low-density project issued prior to January 1, 2017 that have exceeded their BUA limits. If the BUA is \leq 110% of their maximum allowable BUA, the Department will reissue the permit for the current amount of BUA; if the BUA is $>$ 110% of their maximum allowable BUA, the permittee will be required to mitigate the impacts to the greatest extent possible with SCMs. So far, the requests received and DEMLR's respective project reviews subject to GS 143-215.7 (c6) have yet to identify projects applicable to relief provided by this statute. As new issues and project are received (complaints, low density transfers and overbuilding), it is anticipated that this statute change will become more widely applied, as appropriate.

Accomplishment #5: Continued excellent service to permittees.

The Stormwater Program serves a multitude of permittees in a wide variety of sectors, including industry, local government, construction, and development. The total number of permits that the program manages is over 20,000, with new projects being permitted each week.

Each day, we receive dozens of emails and calls from permittees, consultants, local governments, and the public to the Stormwater Program. The Stormwater Program has been creative to ensure that customers receive the information they need.

Some of the ways that the staff have ensured that customers receive the service they need include:

- Emails are closely monitored by all staff and answered regularly. Voicemail greetings have been updated to encourage callers to send emails to staff and then staff follow up with calls or emails as the situation requires.
- The Stormwater Program has increased its use of digital tools such as eDMR and digital upload forms for greater efficiency for permittees and staff and a reduction in paper files (which saves natural resources as well as costs for postage, printing, and storage of paper information).
- When staff receive the same questions on a regular basis, the web site is updated to provide the information on a proactive basis.

- Stormwater staff regularly make presentations to professional, industry, and citizen groups when invited to proactively teach them about the Stormwater Program.
- Permit files are made available on the web site digitally so that the permittee has access and interested parties can view information from remote locations.

Summary

The Stormwater Program continues to seek out ways to improve our program such that it is more responsive to permittee needs, more efficient, and more protective of water quality. As we neared the end of the fiscal year, Stormwater Program staff also began collaborating with Erosion and Sediment Control staff in the Division to develop a report detailing requirements of both the NC Sediment Pollution Control Act (SPCA) and applicable NPDES stormwater discharges with respect to construction projects. This report was provided as directed by Session Law 2022-11, Section 7. In addition, work to assess and determine pathways to enhance express permit and certification review program and the fast-track State Stormwater permitting program is on-going in keeping with Legislative request H219.

We appreciate the opportunity to provide this report to the Legislature each year, and we continue to look forward to work with the General Assembly and stakeholders on these matters.