

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



***Stormwater and Sedimentation Joint Report***

**October 1, 2023**

**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, 2023**

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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<sup>st</sup> 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 54 delegated SPCA programs across the state implemented by either county or municipal governments. The total number of new applications received by the Department decreased slightly from 2,600 in FY 2021-22 to approximately 2,550 in FY 2022-23. The total number of newly disturbed acres decreased from 33,425 acres in FY 2021-22 to 30,682 acres in FY 2022-23. Sediment inspections decreased from 11,727 in FY 2021-22 to 9,975 inspections in FY 2022-23.

## Background

“The sedimentation of streams, lakes and other waters of this State constitutes 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 sedimentation and erosion is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for sedimentation and erosion 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 54 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 sedimentation and erosion control 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. The federal construction stormwater requirements supplement and compliment the requirements of the state Sedimentation Pollution Control Act and the intent of the federal program are to prevent damage to water bodies and other property from pollutants.

North Carolina is authorized by the EPA to issue federal construction stormwater permits in the state through DEQ. DEMLR has incorporated cross-training of central and regional personnel and consolidation of inspection and monitoring forms between the sedimentation and erosion 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 is approximately 2,550 new applications received in FY 2022-23. The actual area of land disturbance covered by new erosion and sedimentation control plans approved in FY 2022-23 decreased to approximately 30,682 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 sedimentation and erosion control plans approved by local government sedimentation programs or land disturbed by the Department of Transportation under its delegated program.

### Applications Received Per Year

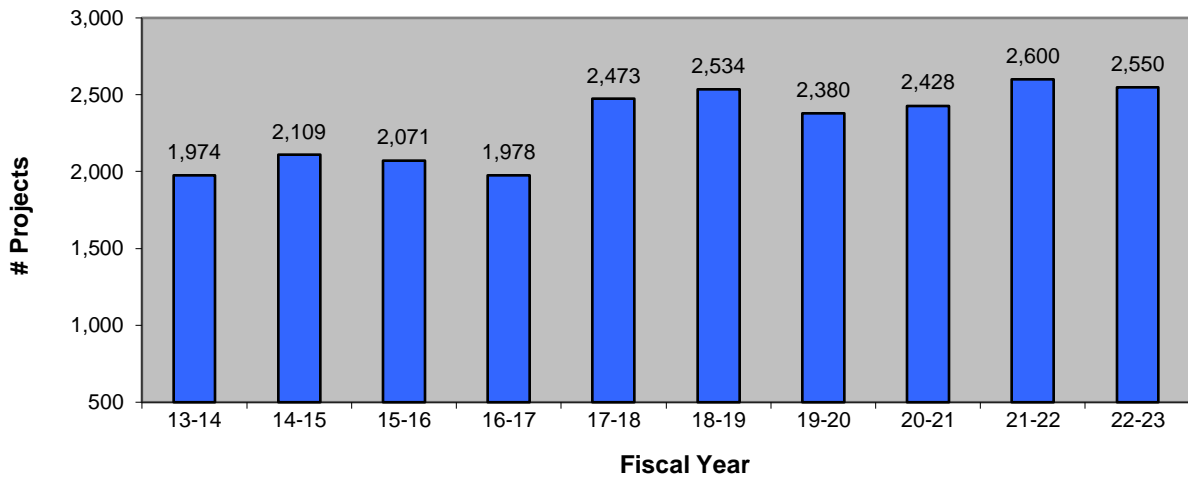


Figure 1 - Applications Received Per Year

### Disturbed Acres Per Year

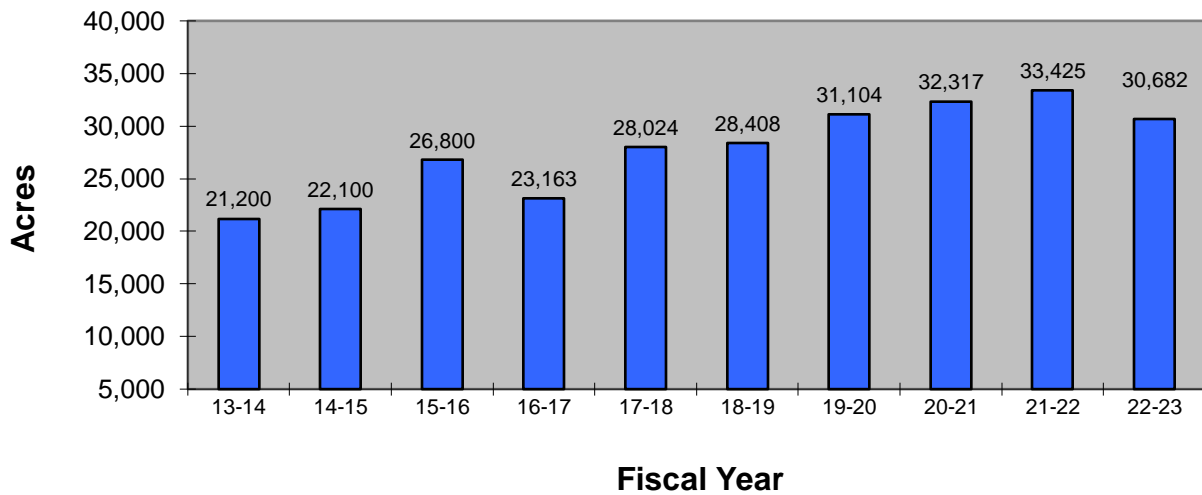
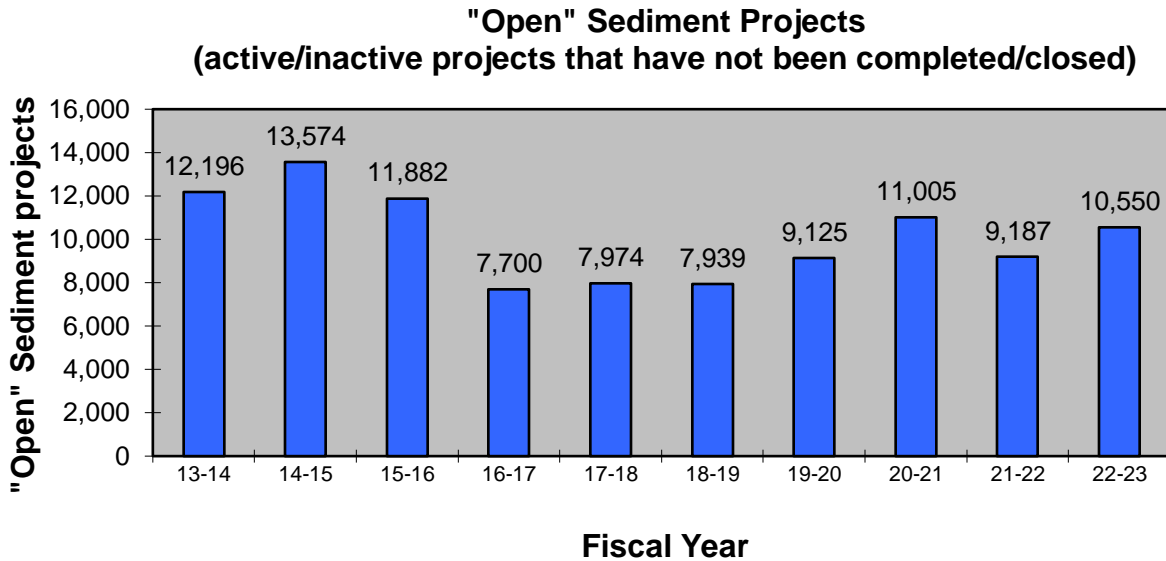


Figure 2 - Disturbed Acres Per Year

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

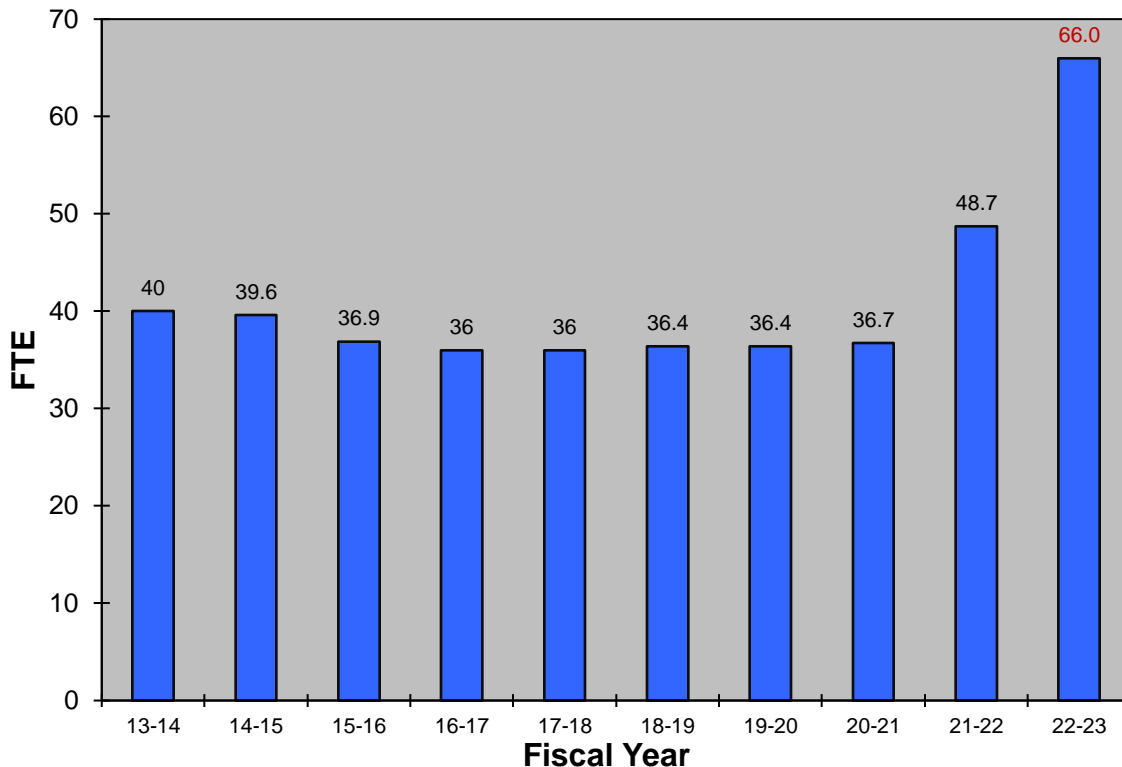
during fiscal year of 2016-17. This was the result of improved database management and an increased effort to inspect and close out completed and stabilized projects that had remained inactive during and following the Great Recession. The number of open projects for FY 2022-23 is 10,550.



*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. More recently, the number of positions available has escalated due to a combination of fee increases and temporary funding as a result of The American Rescue Plan Act of 2021 (ARPA) which provides, in part, pandemic-associated fiscal relief to state and local government infrastructure.

### Sediment Program Full-Time Equivalent Positions



*Figure 4 - Sediment Program Full-Time Equivalent Positions*  
*\*Latest count reflects available positions yet to be hired*

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. In November of 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 some relief for the backlog of incoming applications and the resulting growing size and number of open projects within the state to monitor. This year, the number of full-time equivalent positions available to contribute to the program increased to 66 and include 13 federal ARPA-funded positions to assist with the plan review workload. Hiring is on-going at this time and has been challenging due to limited resources and competition for qualified staffing from higher resourced Local Governments and Private Consulting. Our current overall vacancy rate is approximately 20% with an estimated Engineer Class vacancy rate over 30%. Figure 4 reflects the increase in the FTE count for this reporting period.

Regional activities for the 2022-23 fiscal year include:

- 2,389 new sedimentation and erosion control plan reviews
- 438 sedimentation express plan reviews

- 1,074 revised sedimentation and erosion control plan reviews
- 9,975 sedimentation site inspections
- 348 notices of violation
- 4 enforcement case referrals

## Plan Approval

The SPCA requires review of a proposed sedimentation and erosion 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 sedimentation and erosion control plans received was 2,550 (down from 2,600 in FY 2021-22). 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.

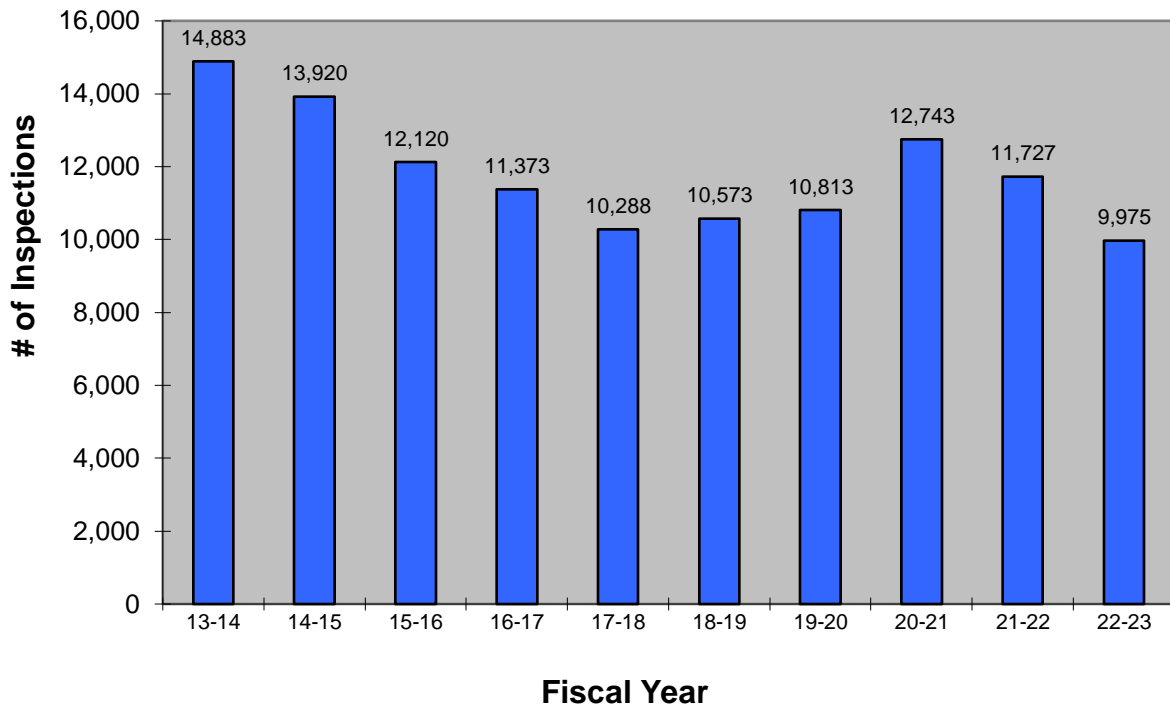
The Express Permitting Program for sedimentation and erosion control plans provides for plan review within as little as three working days. During FY 2022-23, 438 Express Permit reviews were conducted. This is a decrease of 183 requests in express permit reviews from the 621 express reviews completed in 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 Raleigh and Fayetteville Regional Offices conducted the most express reviews.

## Inspections

Regional staff conducted 9,975 inspections last year, a decrease of 1,752 inspections from the previous year. This is down substantially due to excessive vacancies as mentioned previously and the resource challenges for recruitment and retention. Inspection reports document field observations and compliance or non-compliance with the SPCA. Based upon current staffing levels, open sedimentation and erosion control projects are inspected, on average, once every 12 - 13 months. Those under enforcement are routinely inspected more frequently.



## Inspections



*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 9,975 inspections conducted during FY 2022-23, 348 (3.5%) resulted in a Notice of Violation (NOV). The NOV's led to 4 requests from the regional offices for additional enforcement action (1.2% of NOV's issued). Four 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 sedimentation and erosion 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.

Sixteen formal local program reviews were conducted during FY 2022-23.

## **Training and Education**

In the Fall of 2022, the hybrid in-person and virtual North Carolina Erosion and Sediment Control workshop was held in Raleigh. The DEMLR helped plan the workshop aimed at design professionals, contractors, and developers. It is 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. A wide range of experts presented on common E&SC issues and on solutions based on design and solid research. Approximately 143 people, including vendors and speakers, attended the in-person workshop with approximately 43 people attending the online morning presentations. State and local program representatives provided updates on the latest regulatory changes and approaches to successful plan approval.

The 2023 Annual Local Program Workshop was held April 19-20 in Raleigh. The event attracted 85 in-person participants both days with a maximum virtual daily rate of 100 participants. State program representatives provided regulatory updates and discussed audit procedures and best management practices on construction sites. Water Resources Research Institute Director and Sedimentation Control Commission Chair, Susan White, was the keynote speaker.



*Figure 14 – 2023 Local Program Workshop*

Training and education efforts also included working with Human Resources to recruit talent to the Department. The Sedimentation Program hosted interns willing to learn and create helpful resources for small builders that could also be disseminated to the public. In return, the interns gained an understanding and appreciation for the work of DEQ personnel.

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 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. Furthermore, in-person trainings have returned to the regional offices to assist with the expedited training of new staff.

In an effort to provide training and ensure consistency, DEMLR program staff started statewide Sediment Program meetings last year. Meetings have been held quarterly via Microsoft Teams, providing a convenient online meeting platform for personnel across the state. Topics thus far have included updates regarding anticipated ARPA-funded projects and the Permit Transformation Program (discussed below), announcements regarding the design manual and stream reclassifications, and training opportunities.

As part of the division's customer service obligations, the regional offices provided 10,637 hours of technical assistance in FY 2022-23 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**

Efforts are well underway to move the Sedimentation Program to an electronic permitting system. Through an agreement between the Department of Information Technology and the Department of Environmental Quality, the Permit Transformation Program (PTP) aims to streamline the application and approval processes for those needing sedimentation and erosion control certificates of plan approvals. Applicants will soon be able to complete their applications and upload plans through an online portal. The new permitting system is designed to enable the tracking of permits, communications, complaints, compliance efforts, and reporting. Similar efforts are underway in the Stormwater Program whereby a combined application will also provide for coverage under the statewide construction stormwater general permit (NCG010000) thus, eliminating any administrative duplication of efforts by persons applying for land-disturbing activities regulated under both the Sedimentation Pollution Control Act and the Clean Water Act NPDES program. These efforts are currently being developed with results to follow that of the Sedimentation Program within 30 days of initiation and all planned for in October and November of 2023.

## **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, some **accomplishments** of the Stormwater Program for the year are as follows:

### ***Webinar series to increase knowledge of stormwater***

The Stormwater Program’s “WOW Webinar” series has continued to be 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.

### ***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. The Stormwater Program continues to transition permittees into an electronic reporting process already established in the agency and is continuing to register all users.

### ***Timely renewal of NPDES General Permits with improvements***

On June 1, 2023, the Stormwater Program renewed five (5) industrial general permits. Each of these permits has been reorganized and improved so that it is easier to understand and reference in order to assist the industrial permittees.

### ***Programmatic updates to the MS4 Program***

After officially taking over the MS4 Program Coordinator position on October 1, 2022, the Coordinator immediately began creating a plan for the coming years to renew the expired permits, update the current permits, and identify areas where the program could be improved and run more efficiently. While several additional program improvements have been made, a summary of four of these improvements is provided later in the report.

### ***Water Supply Watershed Protection Model Ordinance approved by EMC***

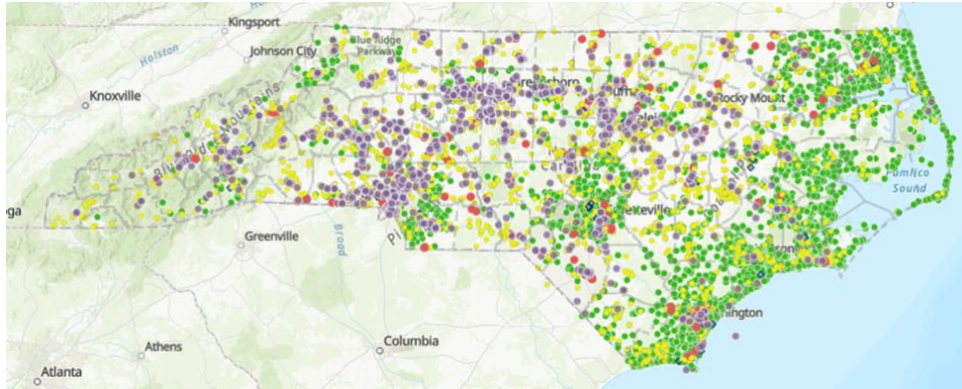
On March 9, 2023, the Environmental Management Commission approved an updated and revised WSWP model ordinance. The ordinance is the primary tool that enables local governments to implement the WSWP program within their jurisdictions. It was last updated in 1995.

## 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](#): Currently covers 4,605 active permits or certifications (3,267 facilities under general permits, 152 under individual permits, and 1,186 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 approved Sedimentation and Erosion 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 121 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 and was updated in February 2023.
- [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 292 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.

### [Webinar series to increase knowledge of stormwater](#)

The Stormwater Program launched the WOW (**World of Water**) Webinar series in September 2020 to continue its communication with permittees, consultants, local governments, and the public during the pandemic and has continued 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 2023-2024 webinar series starts in October 2023. Information about the previous webinars is available on the [WOW Webinar web page](#), including recordings and presentations. The new upcoming WOW Webinar Schedule is in the process of being formulated. Some of the dates and topics are listed below:

- ***Can We Map Streambank Erosion Hotspots from the Sky? Sept. 20<sup>th</sup>, 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 Devrity and spatial extent of streambank erosion along streams flowing through Raleigh.
- ***Characterizing Macro and Microplastic Pollution in the Neuse River Basin. Oct. 18<sup>th</sup>, 2023***  
 Dr. Barbara Doll, Associate Professor in the Biological & Agricultural Engineering Department for NC Seas Grant for NC State University will discuss how research has shown that plastics are ubiquitous in our natural environment. How



microplastics (<5mm) have been found on every continent and in some of the most pristine areas of the planet and documentation of the prevalence and impacts of microplastics in marine environment. She will also speak about during the storm events, litter can be mobilized and transported by runoff to nearby waterways, eventually making its way to estuaries and the ocean.

- **Assessing and Addressing Litter in Durham's Waterways. Nov. 15<sup>th</sup>, 2023**  
Nancy Lauer Staff Scientist and Michelle B. Nowlin Clinical Professor and Co-Director with Duke Environmental Law and Policy Clinic will discuss their work to quantify and characterize litter in urban waterway in Durham NC. Their presentation will also detail the upstream and downstream legal and policy tools available to local governments to clean up our streams.
- **Industrial Stormwater Permitting and Compliance. Jan. 18<sup>th</sup>, 2024**  
Greg Kanellis, Professional Engineer & Project Manager at Hart & Hickman will provide an overview of the National Pollutant Discharge Elimination System (NPDES). Including applicability, regulated industries, general permits, Stormwater Pollution Prevention Plans (SWPPPs) sampling, discharge monitoring reports, tiered responses, no exposure certifications, and site-specific examples.  
Below are several potential topics and presenters that will be added to the WOW (World of Water) 2023/2024 Webinar Series.  
**Jonathan Hinkle with GPI** will speak about Resiliency.  
**Melanie McCaleb with NTU Inc. & Kristi Anspach with Summit** will discuss correctly completing NPDES Inspection/Monitoring forms and most common mistakes.  
**Christopher White with Stantec** discussing Sample Monitoring.  
**Sue Homewood with DWR** discussing 401 Buffer Permitting.

## [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, the data has 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 approximately 48% of its permittees registered in eDMR and a current participation rate of approximately 22%.

[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. In addition, as the agency transitions to a new permitting system anticipated for 2023-24 that will combine Sedimentation and erosion Control Plan with NPDES Construction Stormwater application processes, data flows to EPA's ICIS database will be coordinated more effectively by DEQ.

### **Timely renewal of NPDES General Permits with improvements**

On June 1, 2023, the Stormwater Program renewed five industrial general permits: NCG050000 (Apparel, Printing, Leather, Rubber & Miscellaneous Manufacturing), NCG070000 (Stone, Clay, Glass & Concrete Products), NCG110000 (Treatment Works), NCG130000 (Non-metal Waste & Scrap), and NCG210000 (Lumber & Wood Products). Our program introduced baseline quarterly analytical monitoring for pollutants of concern into four of the five renewed general permits, which previously only required analytical monitoring associated with onsite vehicle & equipment maintenance (NCG210000 already contained baseline analytical monitoring, frequency increased from semi-annual to quarterly). All five general permits have been improved and reorganized to reflect our most current standards and be easier to understand for our staff and permittees.

### **Programmatic updates to the MS4 Program**

1. An area of improvement identified immediately was the content and functionality of the State's 6 Phase I MS4 Permits (Charlotte, Raleigh, Durham, Greensboro, Winston Salem, and Fayetteville). Beginning in October 2022, multiple meetings were scheduled with Municipal and USEPA Staff to discuss the improvements and modifications needed for the program to better meet USEPA expectations and the needs of North Carolina. After several meetings to discuss permit modifications, the new and improved Phase I draft permits were sent to public comment on August 7, 2023. The finalized permits are anticipated to be in effect on October 10, 2023. In addition to creating a better understanding between Phase I MS4 staff and NCDEQ, this process has also helped foster a better relationship between NCDEQ and USEPA.

2. The second need for improvement identified was the multitude of methods by which MS4 permittees were submitting their annual reports. We developed a new annual report submittal interface where all of the MS4s can submit their annual reports and receive an immediate receipt/response. Feedback received from the MS4 Permittees has been overwhelmingly positive. Prior to finalizing the submittal portal on July 1, 2023, permittees were frustrated with the acknowledgement process and delay when they submitted their annual reports. The new interface eliminates the need for DEQ staff to locate, download, upload and send response emails for each annual report received. This modification will save the Department valuable man hours needed to better implement other parts of the program.
3. The third need for improvement identified was the Stormwater Management Plan review and approval process. Previously, the review process included disapproval letters, response to comment letters, multiple iterations, deadlines, and response documentation/tracking. This process was streamlined to a single virtual review of the SWMP, which includes real-time modification and revision of SWMP language. These virtual reviews cut the review time and approval process by months, as well as saving Department costs previously spent on certified mail tracking. This too has been met with an overwhelmingly positive reaction from the MS4 permittees.
4. The fourth need for improvement identified was the confusion surrounding the Department of Defense (DOD) MS4 permit requirements for the Post-Construction Stormwater Program. This issue affected the four DOD MS4s in the State (Cherry Point, Camp Lejeune, Seymour Johnson Airforce Base, and Fort Liberty). Once aware of this confusion, multiple meetings were scheduled with USEPA, Regional Office, Central Office, and DOD staff to work through the challenges, which were creating so much confusion. These issues have been resolved and the programs now have a much better defined and understood course of action for the future of their programs.

### **Water Supply Watershed Protection Model Ordinance approved by EMC**

Because the WSWP model ordinance had not been updated since 1995, there were changes that needed to be made. Statute and regulatory changes were incorporated into the most recent ordinance. In addition, changes were made to improve the clarity and usability of the ordinance. Local governments will be expected to revise their ordinances as necessary, especially to ensure that new program requirements are incorporated.

## 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.