



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
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Director

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Secretary

September 20, 2010  
Buffer Interpretation/Clarification #2010-002

**MEMORANDUM**

Background: During the construction of projects in basins with protected riparian buffer rules (which currently include the Neuse River Buffer Rule 15A NCAC 02B .0242, Catawba River Buffer Rule 15A NCAC 02B .0244, Tar-Pamlico River Buffer Rule 15A NCAC 02B .0260, Jordan Lake Buffer Rule 15A NCAC 02B .0267, and the Goose Creek Buffer Rule 15A NCAC 02B .0607) it is often necessary to relocate, pipe, or modify an existing drainage ditch, roadside ditch, or stormwater outfall (henceforth collectively referred to as "conveyance") through the riparian buffer. In the Table of Uses for these buffered basins, the construction of conveyances through riparian buffers is considered allowable provided they control pollutants and attenuate flow, while existing conveyances through riparian buffers are considered exempt provided they are managed to minimize pollutants to surface waters.

Problem: It is unclear what constitutes a new conveyance and what modifications are allowed to an existing conveyance before it is considered to be a new conveyance.

Solution: If a new conveyance is constructed or an existing conveyance is modified then it is considered new. A conveyance is considered new if 1) constructed where one did not previously exist, 2) an existing conveyance is relocated or re-aligned, or 3) the carrying capacity of an existing conveyance is modified. Under the Table of Uses construction of new conveyances is allowable provided that nutrient reduction is achieved, but requires written authorization from the Division. If no modifications are made to an existing conveyance, or if an existing conveyance is piped in its current location such that the capacity of the conveyance does not change, then it is not considered new and is exempt according to the Table of Uses in the aforementioned buffer rules.

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