



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

MEMORANDUM

Date: July 24, 2009

Subject: **Stormwater BMP Reviewer Certification Policy**

1. Purpose of Local Government Stormwater Certification

The local government certification program allows the NC Division of Water Quality's (DWQ) 401 Oversight/Express Permitting Unit to work more closely with other stormwater programs implemented throughout the state. Under the certification program, the DWQ 401 Oversight/Express Permitting Unit may accept stormwater management plan (SMP) approvals that have been issued by certified local governments to meet the stormwater requirements associated with the 401 Water Quality Certification and Isolated Wetlands Permit program.

The two purposes of local government certification are:

- To streamline the permitting process for the applicant, and
- To use the limited resources of the State and local governments for SMP review and approval in the most efficient manner possible.

2. Requirements for a Local Government to Obtain Stormwater Certification

In order to become certified, a local government must have all three of the following items:

- One of the following approved locally implemented State stormwater programs:
 - Water Supply Watershed II, III and IV,
 - Local Implementation of the NPDES Phase 2 Program,
 - Universal Stormwater Management Program,
 - Nutrient Sensitive Waters (NSW) Stormwater Nutrient Loading Limits,
 - Randleman Lake Water Supply Watershed Stormwater Requirements, or
 - Local Implementation of the Goose Creek Watershed Program;
- At least one stormwater BMP plan reviewer currently on staff (or a designated consultant) who has successfully completed the stormwater BMP Reviewer Certification program; and
- A self-certified stormwater BMP Manual that at a minimum meets state standards.

If a local government utilizes a consultant to conduct reviews of their SMPs, either in-lieu of or to supplement local government staff, then

- The consultant must have successfully completed the stormwater BMP reviewer certification program and
- The consultant must use the local government's certified stormwater BMP manual to determine approval of the SMPs.

Consultants utilized by local governments may not review SMPs prepared by their parent company.

3. Requirements for a Local Government to Retain Stormwater Certification

Local Governments will only remain certified as long as the local government has:

- An approved state-delegated local stormwater program,
- A self-certified stormwater BMP manual that at a minimum meets state standards, and
- At least one stormwater BMP plan reviewer currently on staff has successfully completed the stormwater BMP Reviewer Certification program.

- If a certified local government undergoes staff changes that result in a loss of all certified stormwater BMP reviewers, then that certified local government must contact the DWQ immediately to be removed from the list of Stormwater Certified Local Governments.
- There is no expiration date for this certification; however, in order to retain certification, each certified stormwater BMP reviewer must complete a continuing education class at least once a year. The continuing education class will focus on keeping local government staff informed of changes in stormwater BMP design requirements and provide a forum for discussion.

A list of all the currently certified local governments is posted on the 401 Oversight/Express Permitting Unit website at <http://h2o.enr.state.nc.us/ncwetlands/>.

4. Rescission of Stormwater Certification*

If a certified local government fails to comply with any of the conditions listed in #3 above, then the DWQ may rescind their stormwater certification.

If the certified local government is found to be repeatedly approving SMPs that do not comply with state or local requirements, then the DWQ may rescind their stormwater certification.

- Upon the first incident when DWQ staff determine that the certified local government has approved a deficient SMP, the issue will be discussed with the certified local government and a record of the deficiency will be made. The SMP will be required to be redesigned to meet current state standards prior to approval by the DWQ 401 Oversight/Express Permitting Unit.
- Upon the second incident when DWQ staff determine that the certified local government has approved a deficient SMP, their stormwater certification will be rescinded.

5. Restoring Stormwater Certification

Once a stormwater certification of a local government is rescinded, the certification may be restored if the local government sends one or more of its stormwater BMP reviewers to the stormwater BMP Reviewer Certification Class and that individual(s) passes the certification exam. The local government must also continue to have an approved state-delegated local stormwater program and a self-certified stormwater BMP manual that at a minimum meets state standards.

* Please note: "Rescission of Stormwater Certification" only applies to the DWQ 401 Oversight/Express Permitting Unit accepting stormwater management plan approvals from local governments. The local government will still implement their approved state-delegated local stormwater program.*

Signature: Matt Mant Date: 7/27/2009

Signature: Chad Walsh Date: 7/27/09