



Michael F. Easley
Governor

William G. Ross, Jr., Secretary
Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

June 28, 2007
Buffer Interpretation/Clarification #2007-006

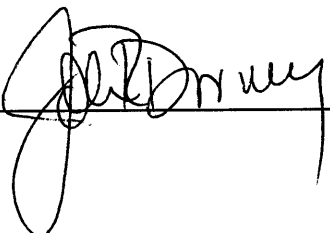
MEMORANDUM

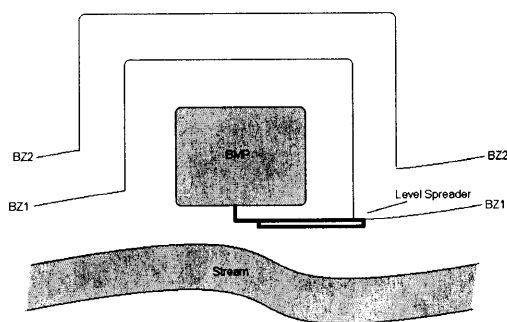
Background: According to the table of uses in the Neuse Buffer Rules 15A NCAC 02B.0233(6), the Tar-Pamlico Buffer Rules 15A NCAC 02B.0259(6), and the Catawba Buffer Rules 15A NCAC 02B.0243(6), stormwater management ponds, excluding dry ponds installed in the buffer are considered allowable if diffuse flow is maintained through the buffer and if there is a Zone 1 and Zone 2 adjacent to the pond. Stormwater management ponds installed in the buffer are considered allowable with mitigation if diffuse flow cannot be maintained through the buffer and if a Zone 1 and Zone 2 buffer is not established adjacent to the pond.

Problem: There has been misinterpretation as to what is considered a dry pond in the above-mentioned buffer rules. Specifically, the misinterpretation is whether or not an infiltration basin is considered a dry pond.

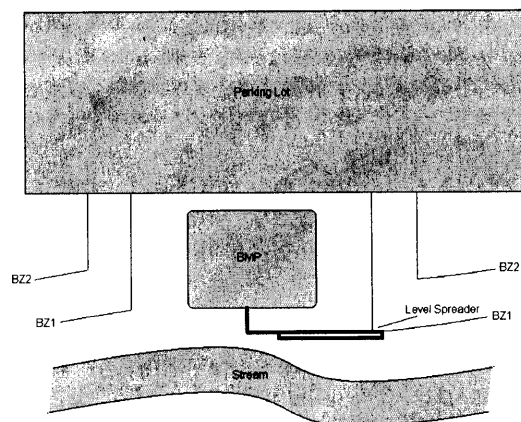
Solution:

Infiltration basins allow penetration of water through the ground surface into sub-surface soil, which provides nutrient absorption in the sub-surface soil layers. Therefore, infiltration basins in the buffer that provide diffuse flow at the outlet and Zone 1 and Zone 2 buffers adjacent to the infiltration basin are allowable. Infiltration basins in the buffer that do not provide diffuse flow at the outlet and/or Zone 1 and Zone 2 buffers adjacent to the infiltration basin are allowable with mitigation.

Signature:  Date: 6/29/07



BMP with Diffuse Flow and Adjacent Buffer
Allowable



BMP with Diffuse Flow and no Adjacent Buffer
Allowable with Mitigation