

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY**

GENERAL PERMIT

**TO CONSTRUCT, OPERATE AND MAINTAIN
IMPERVIOUS AREAS AND BMPs ASSOCIATED WITH**

A RESIDENTIAL DEVELOPMENT DISTURBING LESS THAN 1 ACRE

UNDER 15A NCAC 2H .1000 and SESSION LAW 2008-211

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations promulgated and adopted by the North Carolina Environmental Management Commission.

All owners or developers of residential projects located within one-half mile and draining to Class SA waters, that do not require a Sediment and Erosion Control Plan, pursuant to G.S. 113A-57 or a CAMA Major Permit, pursuant to G.S. 113A-118, and have a built upon area greater than twelve percent (12%), and that will add more than 10,000 square feet of built upon area, are hereby authorized to construct, operate and maintain impervious areas and those certain Best Management Practices (BMPs) as required under Section 2.(c) of Session Law 2008-211 in compliance with the General Permit conditions and the provisions of 15A NCAC 2H .1000 and Session Law 2008-211 (hereafter referred to as the "*stormwater rules*"), the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this general permit.

The General Permit shall become effective on November 19, 2008.

Signed this 19th day of November, 2008.

Original signed by Chuck Wakild

for Coleen H. Sullins, Director

Division of Water Quality

By the Authority of the Environmental Management Commission

PERMITTED ACTIVITIES

Until this permit is modified or rescinded, permittees are authorized to construct, operate and maintain impervious surfaces and BMPs associated with the construction of a residential development, which has met the following standards. All stormwater runoff from these projects shall be in accordance with the attached schedules as follows.

Section A – Final Limitation and Controls for Stormwater Discharges

Section B – Schedule of Compliance

Section C – General Conditions

STANDARD CONDITIONS FOR GENERAL PERMITS

Any other discharge to surface waters of the state is prohibited unless covered by another permit, authorization or approval.

This General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgement, or decree.

GENERAL PERMIT COVERAGE

All persons desiring to be covered by this General Permit must register with the DWQ by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to the construction of any impervious surfaces or stormwater runoff associated with the construction of residential development.

Any owner or developer not wishing to be covered or limited by this General Permit may make application for an individual Stormwater Management Permit in accordance with the NCAC 2H .1000 and Session Law 2008-211, stating the reasons supporting the request. Any application for an individual permit should be made at least 90 days prior to the time the permit is needed.

This General Permit does not cover activities or discharges covered by an individual permit. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

The definition of any word or phrase in this General Permit shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. Other words and phrases used in the General Permit are defined in Session Law 2008-211.

SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES

During the period beginning on the effective date of the general permit, the Permittee is authorized to construct, operate and maintain impervious surfaces and BMPs associated with residential development. Stormwater runoff from the permitted impervious surfaces shall be in accordance with the following conditions:

1. The development activity shall disturb less than one (1) acre.
2. Recorded restrictions or protective covenants shall be recorded on the property that ensure that the plans and specifications approved are maintained.
3. The site drainage patterns will be constructed as shown in the approved plans.
4. Stormwater runoff shall be managed using any one or combination of the following practices:
 - a. Install rain cisterns or rain barrels designed to collect all rooftop runoff from the first one and one-half inches of rain. Rain barrels and cisterns shall be installed in such a manner as to facilitate the reuse of the collected rain water on site and shall be installed in such a manner that any overflow from these devices is directed to a vegetated area in a diffuse flow. Construct all uncovered driveways, uncovered parking areas, uncovered walkways, and uncovered patios out of permeable pavement or other pervious materials.
 - b. Direct rooftop runoff from the first one and one-half inches of rain to an appropriately sized and designed rain garden. Construct all uncovered driveways, uncovered parking areas, uncovered walkways, and uncovered patios out of permeable pavement or other pervious materials.
 - c. Install any other stormwater best management practice that meets the requirements of 15A NCAC 02H .1008 to control and treat the stormwater runoff from all built upon areas of the site from the first one and one-half inches of rain.
5. The approved Site & Grading plan shall contain the following items:
 - a. A clear vicinity map showing the direction and distance to the nearest town or city, street name, street number and the nearest intersection of two major roads.
 - b. The name of the receiving waters.
 - c. The site drawn to scale showing all proposed built-upon surfaces and dimensions.
 - d. All existing and proposed contours and spot elevations.
 - e. A legend of all symbols used on the site plan.
 - f. A delineation of the property lines with bearings and distances.
 - g. Show on the plans all jurisdictional 401/404 wetlands and coastal wetlands, or a note on the plans stating that none exist.
 - h. A delineation of the 575' AEC area as applicable.
 - i. A calculation of the proposed amount of built-upon area.
 - j. Easements for stormwater BMPs.
 - k. Designs, details and calculations for the stormwater management device(s) per Section A(4).

SECTION B: SCHEDULE OF COMPLIANCE

1. The permittee shall at all times provide adequate operation and maintenance of the stormwater management measures and erosion control measures shown on the approved Site & Grading Plan.
2. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.
3. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, including, but not limited to, the following items:
 - a. Any revision to the approved plans, regardless of size.
 - b. Project name change.
 - c. Transfer of ownership.
 - d. Redesign of, addition to or deletion of the approved amount of built-upon area, regardless of size.
 - e. Further subdivision of the project area.
 - f. Alteration of the proposed drainage.
4. The Director may determine that other revisions to the project will require a modification to permit coverage.
5. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the General Permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.

SECTION C: GENERAL CONDITIONS

1. Failure to abide by the conditions and limitations contained in the General Permit is considered a violation of NCAC 2H.1000 and Session Law 2008-211, and is grounds for enforcement action in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C, or for certificate of coverage termination, revocation and reissuance, or modification in accordance with NCGS 143-215.1.
2. The certificate of coverage is not transferable except after notice to and approval by the Director. In the event of an ownership change, the Director may require a separate Notice of Intent (NOI) and certificate of coverage. The approval of this request will be considered on its merits, and may or may not be approved. The permittee is responsible for compliance with all permit conditions until such time as the Director approves the transfer.
3. The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in NCGS 143-215.1, 15A NCAC 2H.1000 and Session Law 2008-211.
4. The certificate of coverage is issued in accordance with this general permit and may be modified, revoked and reissued, or terminated for cause. The notification of planned modifications or non-compliance does not stay any general permit condition.
5. Upon the presentation of proper credentials, and during normal business hours, the permittee shall allow the Director, an authorized representative of the Director, or DENR staff, to enter the property, inspect the project for compliance with the permit, and sample or monitor for water quality.
6. The permittee shall notify the Division in writing of any name, ownership or mailing address changes at least 30 days prior to making such changes.
7. Any person who knowingly makes any false statement, representation, or certification regarding the project shall be subject to a penalty of up to \$25,000 per day, per violation.
8. The General Permit, Notice of Intent, Certificate of Coverage, approved plans and supporting documentation are considered public record and are open for inspection.