

Rule Reference (15A NCAC)	Rule Name (Abbreviated)	Responsible DEQ Division and Branch	Staff Contact	Number of Local Programs	Program Scope	Associated DEQ Guidance	NC Statutory Authorities	Local Program Evaluation Procedures	Notes / Downward Delegation of Program Approvals from EMC
02B .0715	Neuse NMS - Buffer Delegation	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	5 Delegated	This Rule sets out the requirements for delegation of the responsibility for implementing and enforcing the Neuse Basin riparian buffer protection (Rule 02B .0714) program to local governments.	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-214.7; 143-214.23; 143-214.23A; 143-215.3(a)(1); 143-215.3(a)(4); 143B-282(d); S.L. 1998-221;	Note 1 , DWR face-to-face audits 2017-2018. 2020-2021 DWR conducted virtual outreach training on Riparian Buffer Rules to local governments. 3 Sessions, Planning upcoming Q/A Virtual Session in a few months. Created Outreach Materials and Education webpage: https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting/riparian-buffer-protection-program/riparian-buffer-rules-education-and-outreach	Delegated local programs: Hillsborough, Johnston County, Morrisville, Pitt County, Orange County; EMC has delegated to DWR the authority to approve future modifications of previously delegated riparian buffer protection programs
02B .0735	Tar-Pamlico NMS - Buffer Delegation	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	1 Delegated	This Rule sets out requirements for delegation of responsibility for implementing and enforcing the Tar-Pamlico River Basin riparian buffer protection (Rule 02B .0734) program to local governments	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-214.7; 143-214.23; 143-214.23A; 143-215.3(a)(1); 143-215.3(a)(4); 143B-282(d); S.L. 1999-329, s. 7.1;	See Note 1 .	Delegated local program: Pitt County; EMC has delegated to DWR the authority to approve future modifications of previously delegated riparian buffer protection programs
02B .0267	Jordan Lake NMS - Buffer Protection	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	33 Designated	The purposes of this Rule shall be to protect and preserve existing riparian buffers throughout the Jordan watershed as generally described in 15A NCAC 02B .0262, in order to maintain their nutrient removal and stream protection functions. Additionally this Rule will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed. Local governments shall establish programs to meet or exceed the minimum requirements of this Rule. The requirements of this Rule shall supersede all locally implemented buffer requirements stated in 15A NCAC 02B .0214 through .0216 as applied to WS-II, WS-III, and WS-IV waters in the Jordan watershed. Local governments subject to this Rule may choose to implement more stringent requirements, including requiring additional buffer width.	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-214.5; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d) S.L. 1999-329, s. 7.1; S.L. 2005-190; S.L. 2006-259; S.L. 2009-216; S.L. 2009-484; S.L. 2013-395;	See Note 1 .	Designated local governments (all muni's and counties in Jordan Lake watershed): (Alamance Village, Alamance County, Apex, Burlington, Carrboro, Cary, Caswell County, Chapel Hill, Chatham County, Durham, Durham County, Elon, Gibsonville, Graham, Green Level, Greensboro, Guilford County, Haw River, Kernersville, Mebane, Morrisville, Oak Ridge, Orange County, Ossipee, Pittsboro, Pleasant Garden, Reidsville, Rockingham County, Sedalia, Stokesdale, Summerfield, Wake County, Whitsett); EMC delegated authority to DWR for approval of revisions to local Jordan Buffer Programs
02B .0614	Catawba - Buffer Protection	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	2 Delegated	The purpose of this Rule shall be to maintain and protect existing riparian buffers along the Catawba River mainstem below Lake James and along mainstem lakes from and including Lake James to the North Carolina and South Carolina border in the Catawba River Basin in order to maintain their pollutant removal functions as an aid in protecting the water quality of the lakes and connecting river segments.	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); S.L. 1999-329; S.L. 2013-413; S.L. 2017-209;	See Note 1 .	Delegated local programs: Burke County, McDowell County
02B .0724	Randleman WSW - Buffer Protection	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	11 Designated	Protection of the pollutant removal and other water quality services provided by riparian buffers throughout the watershed is an important element of the overall Randleman Lake water supply pollutant strategy. The purposes of this Rule shall be for the local governments listed in this Rule, and in certain cases stated in this Rule the Division, to maintain and protect existing riparian buffers throughout the Randleman Lake watershed as generally described in this Rule, in order to maintain their nutrient removal and stream protection functions. Additionally, this Rule will help protect the water supply uses of Randleman Lake and of designated water supplies throughout the Randleman Lake water supply watershed.	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-214.5; 143-215.3(a)(1);	See Note 1 .	Designated local programs: Archdale, Forsyth County, Greensboro, Guilford County, High Point, Jamestown, Kernersville, Randleman, Randolph County, Trinity, Winston-Salem
02B .0607	Goose Creek - Buffer Protection - Managing Activities	DWR - 401 & Buffer Permitting Branch	Paul Wojoski	1 Delegated	The purposes of this Rule shall be to protect and preserve existing riparian buffers throughout the Goose Creek watershed as generally described in 15A NCAC 02B .0605 and .0607, in order to maintain their nutrient and pollutant removal and stream protection functions while protecting the water quality conditions and habitat that are necessary for the Carolina heelsplitter mussel and many other kinds of native freshwater mussels, several of which are listed as species of concern, threatened or endangered. This rule in particular allows local governments to request authority to implement riparian buffer requirements in their jurisdiction.	https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/401-buffer-permitting-statutes-rules#StatutesRules_RiparianBuffers	N.C.G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A; 143-214.7; 143-214.23; 143-214.23A, S.L. 2013-413; S.L. 2017-209;	See Note 1 .	Delegated local program: (Mecklenburg County in Town of Mint Hill's Jurisdiction Only)
02H .0153	NPDES MS4 Program Implementation	DEMLR - Stormwater Program	Jeanette Powell	121 MS4 permittees covered under 113 MS4 permits: 6 Large Phase I MS4s, 115 Small Phase II MS4s including 111 cities/towns, 1 county, NCDOT, 4 military bases, 2 universities, 1 community college, 1 statutory New Urban Waterfront Development	121 NPDES MS4 permittees subject to permit requirements for local implementation of six minimum control measures: Public Education & Outreach, Public Involvement & Participation, Illicit Discharge Detection & Elimination, Construction Site Controls, Post-Construction Controls, and Pollution Prevention & Good Housekeeping. EMC approves stormwater management plan that satisfies these measures required by 40 CFR 122.34(b). State stormwater programs are qualifying alternatives to meet MS4 Post-Construction requirements.	MS4 Toolbox https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/npdes-ms4-program-0	N.C.G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1); S.L. 2006-246; S.L. 2014-1; Eff. July 3, 2012;	Each permittee is audited for permit compliance once per permit term and annual status reports are required to be submitted to DEMLR.	EMC has delegated authority to DEMLR to approve local government ordinances
02H .1018	NPDES Urbanizing Areas Delegation	DEMLR - Stormwater Program	Jeanette Powell	6 Counties Delegated	Rule 02H .1016 applies post-construction requirements to development in unincorporated areas of counties outside of NPDES MS4 permitted areas where EMC delineates regulated coverage (commonly referred to as Tipped Counties and Municipal Sphere of Influence). Rule establishes authority for qualifying alternative programs (state stormwater programs) to meet MS4 post-construction requirements. EMC approves local program delegation. DEMLR implements in areas not delegated local authority. Failure to administer and enforce a delegated local program reverts it back to DEMLR for implementation.		N.C.G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1); S.L. 2006-246; S.L. 2011-220;		Delegated local programs (tipped counties): Buncombe County, Durham County, Gaston County, Guilford County, Henderson County, Mecklenburg County, Wake County. EMC has delegated authority to DEMLR to approve local government ordinances
02H .1019	Coastal Counties Stormwater	DEMLR - Stormwater Program	Jeanette Powell	18 NPDES MS4 Designated, 0 Delegated	Post-construction permitting program for development and redevelopment projects in the 20 coastal counties that are either subject to CAMA Major, SPCA, or add more than 10K of built upon area. Local government implementation by 18 NPDES MS4 permittees and 0 delegated local programs. DEMLR implements elsewhere.		N.C.G.S. 143-214.1; 143-214.5; 143-215.3(a)(1); S.L. 2008-211; S.L. 2017-211;		EMC delegates local program to non-MS4 permittees that request it.
02H .1020	Universal Stormwater Management Program (USMP)	DEMLR - Stormwater Program	Jeanette Powell	6 MS4s voluntarily implement	Optional local government post-construction program that is more restrictive than and replaces other state stormwater programs except WSWP and NSW. Also a qualifying alternative program for NPDES MS4 Post-construction requirements. There are 6 USMP local programs. [Note: There is an error in this rule, DEQ does not have authority to implement or enforce the required local ordinance(s).]		N.C.G.S. 143-214.1; 143-214.5; 143-214.7; 143-215.1; 143-215.3(a); 143-215.6A; 143-215.6B; 143-215.6C;		Delegated MS4s implement USMP: Archdale, Butner, DOD-Camp Lejeune (USMC), Kure Beach, Monroe, Trinity. EMC approves local ordinances when local government requests adoption of a USMP. EMC has delegated authority to DEMLR to approve local government ordinances
02H .1021	Non-Coastal HQW & ORW Stormwater	DEMLR - Stormwater Program	Jeanette Powell	0 Delegated	Post-construction permitting program for development projects in non-coastal county High Quality Waters (HQW) and Outstanding Resource Waters (ORW). DEMLR implements.		N.C.G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a);		EMC delegates local program to non-MS4 permittees that request it.
02B .0623, .0624	Water Supply Watershed Protection: Program Admin; Stormwater Control	DEMLR - Stormwater Program	Paul Clark	290 Designated: 82 counties, 207 municipalities, 1 airport authority	Approximately 290 local governments (counties and municipalities) implement WSWP program. This is primarily a post construction stormwater program. These are to be audited to determine how effectively local governments are implementing the program.	Water Supply Watershed Protection Program website	N.C.G.S. 143-214.1; 143-214.5; 143-215.3(a)(1);	Water Supply Watershed Protection program reviews/audits use a simplified version of the NPDES Phase II MS4 audit.	EMC has delegated the authority to DEMLR-Stormwater Unit of enforcement authority, and to approve local ordinances and water supply watershed boundaries from division level to WSWP coordinator
02B .0721	Randleman WSW - Stormwater	DEMLR - Stormwater Program	Paul Clark	11 Designated	All local governments with jurisdiction in the Randleman Lake watershed shall implement and maintain stormwater management plans that meet or exceed the criteria set forth in this item of this Rule. If local government fails to implement, the local government would be petitioned into the MS4 permitting program.		N.C.G.S. 143-214.1; 143-214.5; 143-214.7; 143-215.1; 143-215.3(a)(1);	See Note 1 .	Designated local programs: Archdale, Forsyth County, Greensboro, Guilford County, High Point, Jamestown, Kernersville, Randleman, Randolph County, Trinity, Winston-Salem
02B .0711	Neuse NMS - New Development Stormwater	DWR - NPS Planning Branch	Trish D'Arconte	30 Designated	Nutrient export target for new development is 3.6lb N/ac/yr, above which stormwater treatment or nutrient offsets are required; LGs must require development that meets Rule applicability/thresholds and exceeds target export to acquire nutrient offsets (if below BUA threshold) or have onsite stormwater treatment + offset remaining nutrient reduction; runoff volume match can be used to meet development stormwater requirements; LGs must implement IDDE program, stormwater mapping, and public ed program	EMC-Approved Mar. 2021: Local Program Development Guide; Model Stormwater Ordinance; Model Stormwater Management Template; Stormwater Nitrogen & Phosphorus Tool 4.1 and User's Manual_SMAP 4.2 and User's Manual to be released mid-2022. https://deq.nc.gov/nps -> Neuse Nutrient Strategy	N.C.G.S. 143-214.1; 143-214.7; 143-214.26; 143-215.1; 143-215.3(a)(1); 143-215.6A; 143B-282; S.L. 1995, c. 572;	Annual reports required to be submitted by LGs describing implementation; DEQ evaluates proposed Local Program prior to implementation by LG	Designated local governments specified in Rule: Apex, Cary, Clayton, Craven County, Durham, Durham County, Fuquay-Varina, Garner, Goldsboro, Greenville, Havelock, Holly Springs, Johnston County, Kinston, Knightdale, Morrisville, Nash County, New Bern, Orange County, Pitt County, Raleigh, Rolesville, Smithfield, Wake County, Wake Forest, Wayne County, Wendell, Wilson, Wilson County, Winterville
02B .0731	Tar-Pamlico NMS - New Development Stormwater	DWR - NPS Planning Branch	Trish D'Arconte	12 Designated	Nutrient export targets for new development are 4.0lb N/ac/yr and 0.8lb P/ac/yr, above which stormwater treatment or nutrient offsets are required; LGs must require development that meets Rule applicability/thresholds and exceeds target export to acquire nutrient offsets (if below BUA threshold) or have onsite stormwater treatment + offset remaining nutrient reduction; runoff volume match can be used to meet development stormwater requirements; LGs must implement IDDE program, stormwater mapping, and public ed program	EMC-Approved Mar. 2021: Local Program Development Guide; Model Stormwater Ordinance; Model Stormwater Management Template; Stormwater Nitrogen & Phosphorus Tool 4.1 and User's Manual_SMAP 4.2 and User's Manual to be released mid-2022. https://deq.nc.gov/nps -> Tar-Pamlico Nutrient Strategy	N.C.G.S. 143-214.1; 143-214.7; 143-214.26; 143-215.1; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; S.L. 1997-458; S.L. 2006-246;	Annual reports required to be submitted by LGs describing implementation; DEQ evaluates proposed Local Program prior to implementation by LG	Designated local governments specified in Rule: Beaufort County, Edgecombe County, Franklin County, Greenville, Henderson, Nash County, Oxford, Pitt County, Rocky Mount, Tarboro, Washington, Wilson County
02B .0277	Falls Lake NMS - New Development Stormwater	DWR - NPS Planning Branch	John Huisman	15 Designated	Nutrient export targets for new development are 2.2lb N/ac/yr and 0.33lb P/ac/yr, above which stormwater treatment or nutrient offsets are required; LGs must require development that meets Rule applicability/thresholds and exceeds target export to provide onsite stormwater treatment (dependent on various thresholds) and offset remaining nutrient reduction; runoff volume match can be used to meet development stormwater requirements; new development may not increase peak flow leaving site from pre-dev condition for 1yr 24hr storm event	EMC-Approved March 2011: Model Program and Model Ordinance; DWR Director-Approved Fall 2018: Stormwater Nitrogen & Phosphorus Tool 4.1 and User's Manual. https://deq.nc.gov/nps -> Falls Lake Nutrient Strategy	N.C.G.S. 143-214.1; 143-214.3; 143-214.5; 143-214.7; 143-215.1; 143-215.3(a); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d); S.L. 2005-190; S.L. 2006-259; S.L. 2009-337; S.L. 2009-486;	Annual reports required to be submitted by LGs describing implementation; DEQ evaluates proposed Local Program prior to implementation by LG	Designated local governments (all muni's and counties in Falls Lake watershed): Butner, Creedmoor, Durham, Durham County, Franklin County, Granville County, Hillsborough, Mebane, Orange County, Person County, Raleigh, Roxboro, Stem, Wake County, Wake Forest
02B .0278	Falls Lake NMS - Existing Development Stormwater	DWR - NPS Planning Branch	John Huisman	15 Designated	Stage 1 adaptive program: estimates of nutrient load increases during "interim period" (2006 until local New D implementation), plans for offsetting increases, reduce loading from discharging sand filters and from malfunctioning septic systems, accounting methods for various nutrient reduction practices, implementation schedule, funding mechanisms, ID opportunities for load reductions	EMC-Approved Jan 2021: Model Program; NC Catalog of Nutrient Reduction Practices. https://deq.nc.gov/nps -> Falls Lake Nutrient Strategy	N.C.G.S. 143-214.1; 143-214.5; 143-214.7; 143-214.12; 143-214.21; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d); S.L. 2005-190; S.L. 2006-259; S.L. 2009-337;	Annual reporting requirement for Existing Dev with an initial review and approval of the local governments Existing Dev local program. In Falls in the case of the ED Rule 13 of the 14 local governments will be operating under a Group Compliance Approach Program under the IAIA with only Roxboro implementing a Local Program.	Designated local governments (all muni's and counties in Falls Lake watershed): Butner, Creedmoor, Durham, Durham County, Franklin County, Granville County, Hillsborough, Mebane, Orange County, Person County, Raleigh, Roxboro, Stem, Wake County, Wake Forest
02B .0266	Jordan Lake NMS - Existing Development Stormwater	DWR - NPS Planning Branch	Patrick Beggs	33 Designated	Stage 1 adaptive program: public education, mapping, IDDE, retrofit ID, SCM maintenance; Stage 2 adaptive program not yet started	Nov 2009, last revised 2017: ED Program Guidance. https://deq.nc.gov/nps -> Jordan Lake Nutrient Strategy	N.C.G.S. 143-214.1; 143-214.5; 143-214.7; 143-214.12; 143-214.21; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d); S.L. 2005-190; S.L. 2006-259; S.L. 2009-216; See S.L. 2013-395;	Annual reports required to be submitted by LGs, usually met by submitting NPDES Phase 2 actions + ID potential retrofit projects	Designated local governments (all muni's and counties in Jordan Lake watershed): (Alamance Village, Alamance County, Apex, Burlington, Carrboro, Cary, Caswell County, Chapel Hill, Chatham County, Durham, Durham County, Elon, Gibsonville, Graham, Green Level, Greensboro, Guilford County, Haw River, Kernersville, Mebane, Morrisville, Oak Ridge, Orange County, Ossipee, Pittsboro, Pleasant Garden, Reidsville, Rockingham County, Sedalia, Stokesdale, Summerfield, Wake County, Whitsett)