

# BOARD OF ALDERMEN

ITEM NO.: D(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: **FEBRUARY 11, 2003**

**TITLE: Public Hearing to Receive Public Comment on the Town's Draft Stormwater Management Plan**

<b>DEPARTMENT:</b> PLANNING	<b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<b>ATTACHMENTS:</b> A. Resolution B. NC DENR Stormwater Rules C. November 6, 2002 letter from NC DENR D. Draft Plan Summary	<b>FOR INFORMATION CONTACT:</b> <b>PHILIP J. PRETE, 918-7326</b>

### PURPOSE:

State rules require that all municipalities with a population greater than 10,000 apply to be covered by a permit for stormwater management under the Federal Clean Water Act. To meet the requirements of the rules, the Town must submit a plan that identifies actions that will be taken over the course of the next five years to improve stormwater management. The purpose of tonight's hearing is to receive public input on the measures proposed in the draft stormwater management plan summary. The Administration recommends that the Aldermen direct staff to take public comments into consideration in finalizing the plan to bring back to the Board for consideration on March 4, 2003.

### INFORMATION:

The Federal Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) Program in 1972 to control point source discharges (pipes, ditches, etc.) to rivers, lakes, estuaries, and other surface waters. The state of North Carolina is delegated by the Environmental Protection Agency to implement the NPDES permit program, which consists of several component programs – including stormwater - primarily through the issuance and enforcement of permits. Phase II of the NPDES Stormwater program was signed into law in December of 1999 requiring small (population 10,000 to 100,000) Municipal Separate Storm Sewer Systems (MS4s) to be permitted and establishes a deadline for submission of a permit application and a stormwater management plan by March 10, 2003.

The North Carolina Environmental Management Commission approved temporary rules for implementation of the Phase II NPDES requirements on October 10, 2002, with an effective date of November 1, 2002 (copy of rules provided as Attachment B). The Department of Environment and Natural Resources Division of Water Quality (DWQ) Stormwater Unit issued a required format for the submission of the application, and the plan on November 5, 2002. Carrboro was notified by letter addressed to Mr. Robert W. Morgan, dated November 6, 2002, from the Stormwater Unit Supervisor (Attachment C) of Carrboro's designation as a regulated community, and that the Town is subject to the requirements of the Phase II Rules.

Small MS4s under Phase II are required to develop and implement a comprehensive stormwater management program that includes six minimum measures:

- (1) Public education and outreach on stormwater impacts,
- (2) Public involvement/participation,
- (3) Illicit discharge detection and elimination,
- (4) Construction site stormwater runoff control,
- (5) Post-construction stormwater management for new development and redevelopment, and
- (6) Pollution prevention/good housekeeping for municipal operations.

The rules require a public participation process. A draft summary (Attachment D) of the plan under development by the Planning Department for submission to DWQ to meet the requirements of the rule is provided for public review and was scheduled for Joint Review by the Environmental Advisory Board and the Planning Board on February 6, 2003.

**FISCAL IMPACT:**

The full extent of the requirements in implementing this program are not known. The plan was developed with the intent of implementing it using existing staff resources; however, depending on details of strategies, full implementation may require additional staff and equipment expenditures, or contractual arrangements to implement the inspections and enforcement component in future years. Some additional engineering fees will also be required.

**ADMINISTRATION RECOMMENDATION:**

The Administration recommends that the Board of Aldermen receive citizen comments and direct staff to take all comments into consideration in finalizing the plan to bring back to the Board on March 4, 2003 for consideration prior to the deadline for submission.