

**A RESOLUTION FINALIZING COMMENTS ON THE
TOWN'S DRAFT NPDES PERMIT
Draft Resolution No. 87/2010-11**

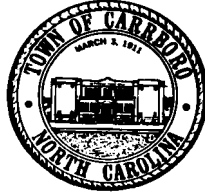
WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the Town has been operating under an NPDES permit regarding stormwater management responsibilities and requirements since 2005, and;

WHEREAS, the permit is to be updated and reissued every five years; and

WHEREAS, a draft permit has been prepared and released for public comment.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen direct staff to submit the letter providing comments on permit coverage, relationship to Jordan Lake rules for nutrient impaired waters, and the need for flexibility in annual reporting to the Division of Water Quality, Stormwater Permitting Unit.



TOWN OF CARRBORO
NORTH CAROLINA
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Mr. Mike Randall,
N. C. Department of Environment and Natural Resources
Division of Water Quality
Stormwater Permitting Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Dear Mr. Randall,

I am writing to offer the Town of Carrboro's response to the Draft NPDES Stormwater Permit (NCS000450) issued by NCDENR/DWQ. The Town appreciates the opportunity to comment, and fully shares in the intent of the permit, and looks forward to working with NCDENR/DWQ to manage stormwater to the highest of standards. Carrboro has been at the forefront of responsible municipal environmental practices, and we look forward to continuing this direction during the period of this permit. The Town is prepared to comply in large part with the provisions in this permit. The Town does request the following modifications prior to final issuance.

Under Part 1.4. The Town requests that the language provided be replaced with the following for the purpose of clarity. "This permit covers activities associated with the discharge of stormwater owned and operated by the permittee within the Town Corporate Limits. In addition, The Town is authorized to operate, administer, and enforce a Post Construction Site Runoff Control Program as required and specified by this permit within the Town's Planning Jurisdiction." The Town understands that there is a precedent for this interpretation with at least one large NC Phase I community (Raleigh).

Under Sections H and I, the Town requests that the following language specifically be included in the draft permit under 2. BMPS, immediately before the tables: "Nothing in the following requirements shall require action on the part of the Town above and beyond implementation requirements for existing Jordan Lake rules for nutrient impaired waters."

The permit itself requests submittal of an annual report and outlines content to include in the report (Part IV, page 1). The Town does not object to these permit provisions, but does seek clarification. The permit also mentions that the Stormwater Management Program Assessment meets the reporting requirement. The

accompanying documents posted for public comment contain information about this reporting system that DWQ has been using to allow permittees to conduct self-assessments. The Town is not clear from this information if DWQ is including as a permit condition that the completion of annual reports use this reporting system. The Town has, during the previous permit cycle, found this system to be cumbersome and of limited utility for the Town's purposes, and has also not experienced a productive exchange of information between the Town and DWQ or EPA through using the system. The Town therefore requests that the permit include the following language under IV.3.a: "The Town may use an alternative to the SMPA as the basis for annual reporting." The Town requests this in order to develop an annual report that fulfills the intent and conditions established in the permit, and also is much more responsive to reporting in a way that is helpful to the Town and its citizens in permit implementation and assessment. It would be the full intent of the Town that an alternative assessment and reporting protocol would also be of added value to DWQ and EPA.

Finally, the Town wishes to provide a general comment that the permit as written represents a significant increase in Town fiscal and labor responsibility, especially when considered in conjunction with the recently adopted Jordan Lake rules. The Town urges NCDENR and EPA to recognize the burden this places on a small local government, especially in the current socioeconomic climate, by making additional resources available to the Town to support implementation of these efforts, and by working in a collaborative and not heavy handed way in the implementation of the permit. Carrboro recognizes the challenges faced in the responsible stewardship of the streams that flow through Carrboro, and looks forward to continuing its leadership and partnership-based approach, with DWQ, EPA, and other stakeholders, in the protection and restoration of all surface waters

Sincerely yours,

Steven Stewart, Carrboro Town Manager

SS/rd

Cc: Department Heads, Board of Aldermen,