

**SWIG Meeting  
June 15, 2005  
UNC-Chapel Hill, School of Government**

UNC-SOG faculty member Jeff Hughes gave an overview of the agenda, and participants and attendees introduced themselves.

**Melinda Clark - Presentation on Phase II implementation in Wake County**

Wake County submitted a joint Phase II application with the county school system and Wake Tech Community College. The population of the county is about 725,000. Water supply watershed areas and the areas outside the municipalities are in Wake's jurisdiction.

Wake County inventoried properties that it owns. A flow chart for making decisions about each site was developed.

- Is the site co-owned?
- Is it in the Urbanized Area ("UA") as defined by EPA?
- Is it outside the municipal boundary?
- Does the site discharge to the MS4 of another entity?
- Does it discharge to "waters of the state"?

Examples of county-owned sites examined by the County:

Yates Mill Recycling Center

Swales at this site go to the DOT right-of-way. There was potential to generate pollutants because the dumpsters have hydraulic fluid in their parts. The site was not in the UA; however, the possibility existed that anyone could petition to require a discharge permit for the site (upon a showing by the petitioner that a problem exists). For example, DOT, as a permitted MS4 under Phase I, could demonstrate that the site ties in to their system.

Wake has decided to implement the same BMPs at each of its 12 recycling facilities regardless of whether in or out of the UA.

Baileywick Elementary School.

A pond at the school drains directly to a blueline stream; thus, the site is subject to Phase II.

Brassfield Elementary School

The parking lot drains to the DOT right-of-way. A pipe releases water into a swale that flows to a blueline stream. However, the County is inclined to say this site is not covered by Phase II because the flow becomes sheet flow before reaching the stream.

Outstanding issues generally identified by Wake County in its analysis:

- What constitutes a discharge to waters of the state? Does sheet flow take discharges out of this category or not?
- What if the site discharges to the MS4 of another entity?
- What if that discharge has the potential to discharge pollutants to the MS4 of the other entity?

### **Dave Canaan – Presentation on approach taken by Charlotte-Mecklenburg Stormwater Services**

The city and county submitted a joint permit application with six towns in the county. Char-Meck has had a water quality program in existence 30 years.

In 1995, only 15% of the waters were suitable for prolonged human contact. The county board really didn't like the situation. It issued a water quality directive, the "Creek Use Policy," that (1) the creeks should be a natural resource for the community, and (2) they are only secondarily for stormwater conveyance.

Charlotte is a Phase I community. It works hand-in-hand with Mecklenburg County on all the issues. Although the two are separately permitted, Mecklenburg administers most of the permit requirements.

They are now developing a post-construction ordinance for use by jurisdictions in the county. Going along with it is a recommendation to the governing board that the stormwater utility maintain detention ponds for single-family residential properties. 20% of the stormwater fee will likely go to maintaining ponds. They have decided to program it in, because failing ponds end up in public maintenance anyway.

The detention requirement will have improved peak and volume reduction requirements. Under the current 2-year and 10-year requirements (threshold site size 20,000 square feet), the streams are getting blown out and degraded with this standard. 3 districts are proposed, depending on the watershed, for new requirements.

Under the ordinance, the developer builds facilities; after they pass inspection, the developer then must warranty them for two years. Then the stormwater fees essentially go to local governments for use in maintaining the ponds within their jurisdictions. The towns readily accepted this role when the county said it would help with the funds. The fee is about \$2.10 monthly per house for maintenance. The 15 to 20% of houses that don't have either sewer or water service receive a semiannual bill.

Under its environmental leadership policy, the county will build well beyond standards for private developers and retrofit its own facilities. Good housekeeping training extends beyond supervisors to frontline staff of each town.

Private action to dig out ditches is controlled through fines.

## **Mike Randall (DWO) – Presentation on Phase II implementation**

The questions to ask in determining whether a site is “in” or “out” are:

- Is the site county-owned?
- Is the site in the Urbanized Area (UA)?
- Is there a stormwater conveyance?
- Is there a discharge?
- Is there a potential for pollutants?

For property located in the city’s jurisdiction:

- Who owns the stormwater conveyance system?
- Is there a “single building at a discrete location”?
- Is there potential for discharge of pollutants?

For property located in jurisdiction of a regulated Phase I or Phase II entity:

- Is the site a “single building in a discrete location”?
- Is there potential for discharge of pollutants?
- What minimum measures are in place?

The permit issued to local governments will state “urbanized area”; then the stormwater management plan will state which areas are actually in the UA. This is because the permit is difficult to amend to include new areas, and, once a site has been included, it can’t be taken out. The permit does not include the stormwater management plan, but rather the SMP is the means of complying with the permit.

There were questions regarding:

- Whether a county must control illicit discharge from a site that is owned by the County or is in an urbanized area
- How the State will coordinate and administer its enforcement of post-construction rules on sites outside municipalities
- What is the best guidance document to go to for making site-by-site determinations
- What does “single building in a discrete location” mean