

PART I – NCG01 PERMIT COVERAGE

This permit applies to all owners or operators of stormwater discharges associated with construction activities such as clearing, grading, and excavation, that result in the disturbance of a land area greater than or equal to one acre, or that are part of a common plan of development of that size or greater **that are also subject to the North Carolina Sedimentation Pollution Control Act of 1973 (SPCA)**. This permit may also be issued to stormwater discharges from like activities deemed by the Division of Energy, Mineral, and Land Resources (DEMLR) to be similar to these operations in process or stormwater discharges. This permit shall not apply to land-disturbing activities that are covered under the NCG020000 (Mining Activities) permit or the NCG120000 (Landfills) permit.

The SPCA requires that the persons engaged in subject construction activities develop and adhere to an Erosion and Sedimentation Control (E&SC) Plan. The Sedimentation Control Commission and DEMLR have created and adopted a North Carolina Erosion and Sediment Control Planning and Design Manual describing recommended sedimentation control techniques for construction activities.

A person seeking coverage under this permit shall take the following steps in the following order:

1. Develop an E&SC plan that adheres to the SWPPP requirements of this permit, the SPCA and 15A NCAC 04B .0101-.0132. The North Carolina Erosion and Sediment Control Planning and Design Manual shall be used as guidance in meeting the applicable requirements.
2. Obtain approval of the E&SC plan by either DEMLR or the appropriate state delegated local entity (hereafter known as the "E&SC plan authority").
3. Submit an electronic Notice of Intent (e-NOI) to DEMLR with documentation of the E&SC plan approval scanned and uploaded. The e-NOI is available at <https://deq.nc.gov/NCG01>. In addition, pay the general annual permit fee provided for in § 143-215.3D. DEMLR shall email the COC within three business days (or 24 business hours for a project being reviewed under DEMLR's Express review program) after the submittal of a complete and correct e-NOI and the receipt of the general permitting fee.
4. Commence the construction activity after receipt of the COC.
5. Abide by the conditions of both the NCG01 permit and the E&SC plan until completion of the construction activity and establishment of permanent ground stabilization.
6. Contact the E&SC plan authority after construction is complete and the site is permanently stabilized, contact the E&SC plan authority for the final/close out inspection of the E&SC plan.
7. Submit an electronic Notice of Termination (e-NOT) with a scan of the close-out inspection report uploaded. The e-NOT is available at <https://deq.nc.gov/NCG01>. DEMLR shall email confirmation of the close-out of the COC within three business days after the submittal of a complete and correct e-NOT.

The discharges allowed by this General Permit shall not cause or contribute to violations of North Carolina Water Quality Standards for surface waters and wetlands (15A NCAC 02B .0200). Discharges allowed by this permit must meet all applicable water quality certification or permit requirements as outlined in 15A NCAC 02H .0500 and 02H .1300. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. This General Permit does not cover any other point source discharge to surface waters of the state, nor does it cover activities or discharges that are covered by an individual NPDES permit.

Any owner or operator of a subject construction activity not wishing to be covered or limited by this General Permit may apply for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 02H .0100, stating the reasons supporting the request. Any application for an individual permit

should be made at least 180 days prior to the time the permit is needed unless waived by the Director (see Part IV Section B of this permit).

PART II – STORMWATER POLLUTION PREVENTION PLAN

The Stormwater Pollution Prevention Plan for this permit shall include the approved **Erosion and Sedimentation Control (E&SC) Plan** as well as any requirements in this Part that exceed the approved E&SC Plan. Items that are required in the SWPPP but are not part of the approved E&SC Plan may include, at a minimum, Section E, Item (2) [*Required Timeframes for Temporary Ground Stabilization*], Section F [*Materials Handling*]. DEMLR provides two sample plan sheets that permittees may add to their E&SC Plan set to fulfill Sections E(2) and F of this permit at <https://deq.nc.gov/NCG01>.

Recommendations for preparing the E&SC plan as well as for designing, constructing, and maintaining the erosion and sedimentation control practices are contained in the North Carolina Erosion and Sediment Control Planning and Design Manual.

SECTION A: REQUIRED COMPONENTS OF THE STORMWATER POLLUTION PREVENTION PLAN

The E&SC Erosion and Sedimentation Control Plan shall include, at a minimum, the following components and **those components shall be in compliance with all conditions of this permit**. Hard and/or digital copies shall be submitted in accordance with the specifications of the E&SC plan authority.

1. Location Information

- Project location & labeled vicinity map (roads, streets, landmarks)
- North arrow and scale
- Identification of the River Basin
- A copy of site disturbed area located on applicable USGS quadrangle and hardbound copy of the NRCS Soils maps to scale
- Latitude and longitude (in decimal degrees) at the project entrance

2. Narrative and Construction Sequence

- Narrative describing the nature & purpose of the construction activity
- Construction sequence related to erosion and sediment control (including installation of critical measures prior to the initiation of the land-disturbing activity & removal of measures after areas they serve are permanently stabilized). Address all phases of construction and necessary practices associated with temporary stream bypasses and/or crossings
- Estimated start and end dates

3. General Site Features

- Property lines
- Existing and proposed contours (topographic lines)
- Stockpiled topsoil or subsoil locations
- Limits of disturbed area (with acreage labeled) within which all construction, material storage, grading, and related activities occur, including the following items as applicable:
 - Access to E&SC measures, lots that will be disturbed, and utilities that may extend offsite.
 - Temporary access and haul roads, other than public roads, constructed or used in connection with the land-disturbing activity

- Borrow and waste areas created by the applicant. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
- Offsite borrow pits if the borrow pit is a construction support activity to the development

- ___ Planned and existing building locations and elevations, if applicable
- ___ Planned & existing road locations & elevations, including temporary access roads, if applicable
- ___ Profiles of streets, utilities, and permanent ditch lines, if applicable
- ___ Lot lines and/or building numbers, if applicable
- ___ Easements and drainageways, particularly required for offsite affected areas, if applicable
- ___ Location and details associated with any onsite stone crushing or other processing of material excavated, if applicable. A mining permit will be required if the affected area associated with excavation, processing, stockpiles and transport of such materials comprises one or more acres, and materials will be leaving the development tract

4. Site Drainage Features

- ___ Existing and planned drainage patterns (include off-site areas that drain through project and address temporary and permanent conveyance of stormwater over graded slopes)
- ___ Drainage area map
- ___ Surface waters, including the limits of wetlands, streams, lakes and ponds and all required local or state buffer zones as well as impact maps by the construction activity to these sensitive areas.
- ___ Method used to determine acreage of land being disturbed and drainage areas to all proposed E&SC measures (e.g. delineation map)
- ___ Size, pipe material and location of culverts and sewers
- ___ Soil information throughout the site and below culvert storm outlets, including soil type and special characteristics
- ___ Name and classification of receiving water course where discharges are to occur

5. Plans Showing E&SC Measures

- ___ Legend (provide appropriate symbols for all measures and reference them to the construction details)
- ___ Location of temporary and permanent E&SC measures
- ___ Location of permanent stormwater quality and quantity control measures
- ___ Construction drawings and details for temporary and permanent measures, including outlet structures. Show measures to scale on plan and include proposed contours where necessary. Ensure design storage requirements are maintained through all phases of construction.
- ___ Specifications for ground stabilization
- ___ Maintenance requirements for measures
- ___ Contact person responsible for maintenance, if the permittee wishes to designate one. If not, the financially responsible organization will be the contact for maintenance.
- ___ A note stating that material handling procedures for the items required in Part II, Section F will be followed.
- ___ Standard details for structural BMPs to be installed to manage the anticipated materials listed in Part II, Section F such as construction debris management, concrete washout, paint washout, petroleum product storage and pesticide/herbicide handling, along with spill prevention practices.

6. Calculations

- ___ Calculations for peak discharges of runoff from each outlet at pre-development, during construction and at completion. Provide all supporting data for the computation methods used (rainfall data for required storm events, time of concentration/storm duration, and runoff coefficients).

- ___ Design calculations for culverts and storm sewers (include headwater, tailwater and outlet velocities)
- ___ Discharge and velocity calculations for open channel and ditch flows (easement & rights-of-way)
- ___ Design calculations for cross sections and method of stabilization for existing and planned channels (include temporary linings). Include appropriate permissible velocity and shear stress.
- ___ Design calculations and construction details for energy dissipaters below culvert and storm sewer outlets (include stone/material specs & apron dimensions). Avoid discharges on fill slopes.
- ___ Design calculations and dimensions for sediment traps and basins
- ___ Total and disturbed drainage areas for silt fencing and other sediment controls

7. Vegetative Stabilization Shown on Plans

- ___ Area & acreage to be stabilized with vegetation
- ___ Method of soil preparation
- ___ Seed type & rates (temporary & permanent)
- ___ Fertilizer type and rates
- ___ Mulch type and rates (include mulch anchoring methods)

8. Documentation

- ___ Completed, signed & notarized **Financial Responsibility/Ownership Form**
- ___ Certificate of assumed name, if the owner is a partnership
- ___ Name of Registered Agent (if applicable)
- ___ Copy of the most current Deed for the site. Please make sure the deed(s) and ownership information are consistent between the plan sheets, local records and this form.
- ___ Provide latitude & longitude (in decimal degrees) at the project entrance.
- ___ Army Corps 404 permit and Water Quality 401 certification, if required for project, or a complete application if these items are not yet issued.
- ___ DWR Buffer Authorization, if required for project
- ___ Copies of any recorded easements and/or agreements with adjoining property owners for landlocked parcels

SECTION B: DESIGN AND CONSTRUCTION STANDARDS FOR EROSION AND SEDIMENT CONTROL MEASURES

1. Objective of E&SC Measures

E&SC Measures shall be designed and constructed to prevent off-site sedimentation damage.

2. Area to Be Covered by the E&SC Plan

The E&SC plan shall include the limits of disturbed area within which all construction, material storage, grading, and related activities occur, including the following items as applicable:

- (a) Access to E&SC measures, lots that will be disturbed, and utilities that may extend offsite,
- (b) Temporary access and haul roads, other than public roads, constructed or used in connection with the land-disturbing activity
- (c) Borrow and waste areas created by the applicant. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
- (d) Offsite borrow pits if the borrow pit is a construction support activity to the development

3. Angle for Graded Slopes

The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other erosion control devices or structures. (NCGS 113A-57(2))

4. Upslope Areas

Runoff originating upslope of the disturbed areas shall be either diverted away from the construction activity or E&SC measures shall be sized sufficiently to handle the runoff. Any diversion measures shall be shown on the plans.

5. Design Standard for E&SC Measures

Plans shall include measures necessary to prevent erosion at the limit of disturbance during the 10-year storm or the 25-year storm in HQW Zones and the Falls Lake Watershed.

6. Calculation Method

Hydrologic calculations for designing E&SC measures shall be in accordance with the procedures in the United States Department of Agriculture, Natural Resources Conservation Service's "National Engineering Field Manual Handbook 630" which is herein incorporated by reference including subsequent amendments and editions, and may be accessed at: <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/hydrology/?cid=stelprdb1043063> or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

7. Stormwater Conveyances

Any increase in stormwater runoff velocity resulting from a land-disturbing activity shall not result in accelerated erosion of the receiving stormwater conveyance during the 10-year storm or the 25-year storm in HQW Zones. The following additional requirements apply to stormwater conveyances:

- (a) The velocity in the receiving stormwater conveyance shall not exceed the maximum permissible velocity per Table 1 except for sinuous channels. For sinuous channels, multiply allowable velocity in Table 1 by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels

Table 1: Maximum Permissible Velocities

Stormwater conveyance in-situ material	Maximum Permissible Velocity	
	Feet per second	Meters per second
Fine sand (noncolloidal) Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam Alluvial silts (noncolloidal)	3.5	1.1
Fine gravel Stiff clay (very colloidal) Alluvial silts (colloidal)	5.0	1.5
Graded, silt to cobbles (colloidal) Cobbles and shingles	5.5	1.7
Coarse gravel (noncolloidal) Shale and hard pans	6.0	1.8

- (b) Conveyances may be stabilized by planting vegetation, enlarging cross sections, and/or providing erosion-resistant lining. Any erosion-resistant linings shall be shown on the plans.

8. Sediment Basin Outlet Structures

Sediment basins and traps with drainage areas of one acre or greater shall use outlet structures that withdraw water from the surface.

9. Lower Portions of the Site

Portions of a site that are lower in elevation than adjacent discharge locations and are not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the approved E&SC plan or added by the E&SC plan authority.

SECTION C: ADDITIONAL DESIGN AND CONSTRUCTION STANDARDS IN HIGH QUALITY WATER (HQW) ZONES

1. Extent of the HQW Zone

HQW Zones are those areas in the 20 Coastal Counties that are within 575 feet of High Quality Waters and for the remainder of the state, areas that are within one mile of and drain to HQWs.

2. Disturbed Area Limits in HQW Zones

Disturbed areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the construction activity within a HQW zone shall be subject to the 20-acre limit. Larger disturbed areas may be allowed with the written approval of the Director upon providing adequate engineering justification with a specific construction sequence that addresses phasing, limited exposure, weekly submitted self-inspection reports and/or more conservative design than the 25-year storm. The Director may also include other conditions as necessary based on specific site conditions.

3. Additional Sediment Basin Requirements in HQW Zones

Sediment basins that discharge to HQW Zones shall be designed and constructed to meet the following criteria unless the permittee demonstrates to the E&SC plan authority that meeting each of the basin design conditions below would result in design or operational hardships. Alternative control measures, such as quicker application of ground cover or use of sediment flocculants, shall be allowed as a substitute on a case-by-case basis if it can be shown that use of the alternate practices is expected to result in an equal or better sediment discharge reduction from the site.

- (a) Use a surface withdrawal mechanism except when the basin drainage area is less than 1.0 acre.
- (b) Have a minimum of 1800 cubic feet per of storage area per acre of disturbed area.
- (c) Have a minimum surface area of 325 square feet per cfs for the peak flow from the 25-year storm.
- (d) Have a minimum dewatering time of 48 hours.
- (e) Incorporate three baffles unless the basin is less than 20 feet in length, in which case two baffles are sufficient.

4. Open Channels in HQW Zones

Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. The angle for side slopes shall be sufficient to restrain accelerated erosion.

SECTION D: CONSTRUCTION ACTIVITY BUFFERS

The requirements in Section D below shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse (NCGS 113A-57).

1. Buffers in Non-Trout Waters

Unless wider buffers are required per NC rules or statutes, the width of the buffer shall be sufficient to confine visible sedimentation to the 25 percent of the strip closest to the land-disturbing activity. The width of a buffer adjacent to a non-trout water shall be measured from the edge of the water to the nearest edge of the disturbed area.

Recommended buffer widths to achieve this standard are shown in Table 2 below.

Table 2: Recommended Buffer Widths

Slope of Buffer (%)	Recommended Width of Undisturbed Vegetation Adjacent to Non-Trout Waters
0-1	15 feet
1-3	20 feet
3-5	25 feet
>5	25 feet + (% of slope - 5)

2. Buffers in Trout Waters





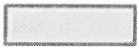
Unless wider buffers are required per NC rules or statutes, the minimum width for an undisturbed buffer adjacent to trout waters shall be 25 feet. The width of a buffer adjacent to a trout water shall be measured horizontally from the top of bank to the nearest edge of the land-disturbing activity. However, the Sedimentation Control Commission may approve plans that include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. (NCGS 113A-57(1)).

SECTION E: GROUND STABILIZATION

1. Ground Stabilization Timelines

Ground stabilization shall be achieved on any area of a site where land disturbing activities have ceased within the timeframes listed in Table 3 below. It is recommended to stabilize the ground more quickly if practicable. Extensions of time may be approved by the E&SC plan authority based on weather or other site-specific conditions that make compliance impracticable. Portions of a site that are lower in elevation and not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the E&SC plan and approved by the E&SC plan authority.

Table 3: Required Ground Stabilization Timeframes

Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe Variations
 (a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
 (b) High Quality Water (HQW) Zones	7	None
 (c) Slopes steeper than 3:1	7	<ul style="list-style-type: none"> • If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
 (d) Slopes 3:1 to 4:1	14	<ul style="list-style-type: none"> • 7 days for slopes greater than 50' in length and with slopes steeper than 4:1 • 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed
 (e) Areas with slopes flatter than 4:1	14	<ul style="list-style-type: none"> • 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed unless there is zero slope.

2. Permanent Ground Stabilization Timeline

After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

SECTION F: MATERIALS HANDLING

Any structural controls installed to manage construction materials stored or used on site shall be included in the field copy of the E&SC plan. Requirements for handling materials on construction sites shall be as follows:

1. Polyacrylamides (PAMS) and Flocculants

Polyacrylamides (PAMS) and flocculants shall be:

- (a) stored in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures designed to protect adjacent surface waters,
- (b) selected from the *NC DWR List of Approved PAMS/Flocculants* list, available at: https://files.nc.gov/ncdeq/Water%20Quality/Environmental%20Sciences/ATU/ApprovedPAMS4_1_2017.pdf, and

- (c) used at the concentrations specified in the *NC DWR List of Approved PAMS/Flocculants* and in accordance with the manufacturer's instructions.

2. Equipment Fluids

- (a) ***Fuels, lubricants, coolants, and hydraulic fluids, and other petroleum products*** shall be handled and disposed of in a manner so as not to enter surface or ground waters and in accordance with applicable state and federal regulations. Equipment used on the site must be operated and maintained properly to prevent discharge of fluids.
- (b) ***Equipment, vehicle, and other wash waters*** shall not be treated in a sediment basin or sediment trap. Alternative controls should be provided such that there is no discharge of soaps, solvents, or detergents.

3. Waste Materials

- (a) ***Building material and land clearing waste*** shall be disposed of in accordance with North Carolina General Statutes, Chapter 130A, Article 9 - Solid Waste Management, and rules governing the disposal of solid waste (15A NCAC 13B). Areas dedicated for managing building material and land clearing waste shall be at least 50 feet away from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available.
- (b) ***Paint and other liquid building material waste*** shall not be dumped into storm drains. It is recommended to locate paint washouts at least 50 away from storm drain inlets unless there is no alternative. Other options are to install lined washouts to use portable, removable bags or bins.
- (c) ***Hazardous or toxic waste*** shall be managed in accordance with the federal Resource Conservation and Recovery Act (RCRA) and NC Hazardous Waste Rules at 15A NCAC, Subchapter 13A.
- (d) ***Litter and sanitary waste*** shall be managed in a manner to prevent it from entering waters and shall be disposed of offsite.

4. Herbicide, Pesticide, and Rodenticides

Herbicide, pesticide, and rodenticides shall be stored and applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act and label restrictions.

5. Concrete Materials

Concrete materials onsite, including excess concrete, shall be controlled and managed to avoid contact with surface waters, wetlands or buffers. No concrete or cement slurry shall be discharged from the site. (Note that discharges from onsite concrete plants require coverage under a separate NPDES permit – NCG140000.) Any hardened concrete residue will be disposed of, or recycled on site, in accordance with local and state solid waste regulations.

6. Earthen Material Stock Piles

Earthen material stock piles shall be located at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.

SECTION G: OPERATION AND MAINTENANCE

1. Modifications to the E&SC Plan

Modifications to the approved E&SC plan that require changes to the E&SC measure designs, the drainage areas, or the disturbed areas draining to E&SC measures shall be approved by the E&SC plan authority. Deviations from the approved E&SC plan, or approved revised E&SC plan, shall constitute a violation of this permit unless the deviation is to correct an emergency situation where sediment is being discharged off the site. The E&SC plan authority may allow deviations from the E&SC plan on a case-by-case basis if the deviations are minor adjustments to

address minor deficiencies. A minor adjustment shall be the addition of E&SC measures (e.g., silt fence, inlet protection, check dams, rolled erosion control practices, etc.), or the relocation of E&SC measures that would improve the overall stormwater management and sediment control onsite. Minor adjustments shall be noted on the approved E&SC plan and maintained at the job site.

2. Operation and Maintenance

The permittee shall install and maintain all temporary and permanent E&SC measures as required by this permit and the approved E&SC plan.

3. Corrective Actions

If self-inspections required by this permit identify a need for maintenance of control measures, modifications or additions to control measures, or corrective actions to control sediment or other pollutants, these actions shall be performed as soon as possible considering adverse weather and site conditions.

4. Draw Down of Sediment Basins for Maintenance or Close Out

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

- (a) The E&SC Plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items,
- (b) The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit,
- (c) Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems,
- (d) Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item(c) above,
- (e) Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
- (f) Sediment removed from dewatering treatment devices described in Item(c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

5. Bypass of E&SC Measures

Diversions of stormwater from E&SC measures *when the design storm has not been exceeded* are not allowed. Bypasses of E&SC measures shall be reported in accordance with Part III, Section C, Item (2)(c) and (d) of this permit.

6. Unavoidable Bypass for Public Safety

A bypass may be allowed by the Director if the Director determines that all of the following conditions were met:

- (a) The bypass is unavoidable to prevent loss of life, personal injury or severe property damage,
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgement to prevent a bypass

which occurred during normal periods of equipment downtime or preventative maintenance, and

- (c) the permittee submitted a notice of the bypass per the record-keeping requirements in Part III, Section C, Item (2)(c) and (d) of this permit.

7. Upset of E&SC Measures

Diversions of stormwater from E&SC measures may be considered as an upset if the permittee can demonstrate that all of the following conditions have been met. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (a) The permittee submitted notice of the upset as required in this general permit and identifies the cause(s) of the upset.
- (b) The permittee demonstrates that the upset was not caused by operational error, improperly designed treatment or control facilities, lack of preventive maintenance, or careless or improper operation.
- (c) The permittee agrees to take remedial measures if necessary.

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTIONS

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Table 4: Self-Inspection Requirements

Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those unattended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event \geq 1.0 inch in 24 hours	<ol style="list-style-type: none"> 1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating properly, 5. Description of maintenance needs for the measure, 6. Description, evidence, and date of corrective actions taken.
(3) Stormwater discharge outfalls (SDOs)	At least once per 7 calendar days and within 24 hours of a rain event \geq 1.0 inch in 24 hours	<ol style="list-style-type: none"> 1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5. Indication of visible sediment leaving the site, 6. Description, evidence, and date of corrective actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event \geq 1.0 inch in 24 hours	<p>If visible sedimentation is found outside site limits, then a record of the following shall be made:</p> <ol style="list-style-type: none"> 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 2. Description, evidence, and date of corrective actions taken, and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event \geq 1.0 inch in 24 hours	<p>If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made:</p> <ol style="list-style-type: none"> 1. Description, evidence and date of corrective actions taken, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit of this permit.

(6) Ground stabilization measures	After each phase of grading	<ol style="list-style-type: none"> 1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.
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NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The items listed in Table 5 pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.

Table 5: Recordkeeping Requirements

Item to Document	Documentation Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures or if the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC Plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspections at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- (a) This General Permit as well as the Certificate of Coverage, after it is received.
- (b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records

in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records

3. Documentation to be Retained for Three Years

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

SECTION C: REPORTING

1. Occurrences that Must be Reported

Permittees shall report the following occurrences:

- (a) Visible sediment deposition in a stream or wetland.
- (b) Oil spills if:
 - They are 25 gallons or more,
 - They are less than 25 gallons but cannot be cleaned up within 24 hours,
 - They cause sheen on surface waters (regardless of volume), or
 - They are within 100 feet of surface waters (regardless of volume).
- (c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act Ref: 40 CFR 110.3 and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.
- (d) Anticipated bypasses and unanticipated bypasses.
- (e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed in Table 6 below. Occurrences outside normal business hours may also be reported to the Department’s Environmental Emergency Center personnel at (800) 858-0368.

Table 6: Reporting Requirements

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. • If the stream is named on the <u>NC 303(d) list</u> as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none"> • A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.

<p>(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]</p>	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that includes an evaluation of the quality and effect of the bypass.
<p>(e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(l)(7)]</p>	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6). • Division staff may waive the requirement for a written report on a case-by-case basis.

PART IV STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS

SECTION A: COMPLIANCE AND LIABILITY

1. Continuation of Previously Permitted Projects

Projects and their corresponding activities permitted under the previous version of the NC general permit for construction activities will automatically be considered covered under this general permit without the submittal of a Notice of Intent form. In addition, an annual general permit fee shall not be required for projects covered under the previous version of the NC general permit for construction activities.

2. Projects Submitted Prior to this Permit's Effective Date

Complete project applications that were received prior to the effective date of this permit, but not approved by the E&SC plan authority until after approval of this NPDES permit, can rely on design and management practices effective at the time of application submittal.

3. Duty to Comply

The permittee must comply with all conditions of this general permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit upon renewal application. [40 CFR 122.41]

- (a) The permittee shall comply with standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the general permit has not yet been modified to incorporate the requirement. [40 CFR 122.41]
- (b) The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. [33 USC 1319(d) and 40 CFR 122.41(a)(2)]
- (c) The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)]
- (d) Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)]
- (e) Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the

case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [40 CFR 122.41(a)(2)]

- (f) Under state law, a civil penalty of not more than \$25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [North Carolina General Statutes § 143-215.6A]
- (g) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$20,628 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$51,570. Penalties for Class II violations are not to exceed \$20,628 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$257,848. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)]

4. Non-Stormwater Discharges

If a storm event monitored in accordance with this general permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under all other applicable discharge permits and provide this information with the stormwater discharge monitoring report.

5. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this general permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below general permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

6. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

7. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this general permit. [40 CFR 122.41(c)]

8. Civil and Criminal Liability

Except as provided in Part II, Section B of this general permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C, or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the

permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

9. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

10. Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations [40 CFR 122.41(g)].

11. Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby [NCGS 150B-23].

12. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the general permit issued pursuant to this general permit or to determine compliance with this general permit. The permittee shall also furnish to the Division upon request, copies of records required to be kept by this general permit [40 CFR 122.41(h)].

13. Inspection and Entry

The permittee shall allow the Director, an authorized representative (including an authorized contractor acting as a representative of the Director), or an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge (if applicable), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [40 CFR 122.41(i)]

14. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR 122.41].

15. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

16. Onshore or Offshore Construction

This general permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

17. Duty to Reapply

Dischargers covered by this general permit need not submit a new Notice of Intent (NOI) or renewal request unless so directed by the Division. If the Division chooses not to renew this general permit, the permittee will be notified to submit an application for an individual permit. [15A NCAC 02H .0127(e)]

18. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged [40 CFR 122.41(l)]. This notification requirement includes pollutants which are not specifically listed in the general permit or subject to notification requirements under 40 CFR Part 122.42 (a).

19. Anticipated Noncompliance

The permittee shall give advanced notice to the Director of any planned changes at the permitted facility which may result in noncompliance with the general permit. [40 CFR 122.41(l)(2)]

SECTION B: PERMIT ADMINISTRATION**1. General Permit Expiration**

General permits will be effective for a term not to exceed five years, at the end of which the Division may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by the Division. New applicants seeking coverage under a renewed general permit must submit a Notice of Intent to be covered and obtain a Certificate of Coverage under the renewed general permit. [15A NCAC 02H .0127(e)]

2. Transfers

This general permit is not transferable to any person without prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in particular NCGS 143-215.1(b)(4) b.2., and may require modification or revocation and reissuance of the Certificate of Coverage, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute. **The Permittee is required to notify the Division in writing in the event the permitted facility is sold or closed.**

3. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this general permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to take action under this paragraph. [15A NCAC 02H .0127(i)-(j)] Cases where an individual permit may be required include, but are not limited to, the following:

- (a) The discharger is a significant contributor of pollutants;
- (b) The receiving stream is of a unique quality and the standard conditions may not provide adequate protection;
- (c) Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a general permit;
- (d) The discharge violates the terms or conditions of this general permit;
- (e) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (f) Effluent limitations are promulgated for the point sources covered by this general permit;
- (g) A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this general permit;
- (h) The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

Any permittee operating under this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this general permit is automatically terminated on the effective date of the individual permit. [15A NCAC 02H .0127(h)]

5. Impacts or Potential Impacts to Surface Waters or Wetlands

If evidence indicates that the stormwater discharges from the site are impacting or have the potential to impact surface waters or wetlands, then the Division may take appropriate actions including any or all of the following:

- a) take compliance and enforcement action;
- b) require the permittee to include and implement appropriate control and restoration measures;
- c) require the permittee to develop and implement additional site-specific stormwater pollution prevention measures;
- d) require the permittee to obtain an individual permit.

6. Signatory Requirements

All applications, reports, or information submitted to the Permitting Issuing Authority shall be signed and certified. [40 CFR 122.41(k)]

- (a) All Notices of Intent to be covered under this general permit shall be signed as follows:
 - **For a corporation:** by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively; or

- ***For a municipality, State, Federal, or other public agency:*** by either a principal executive officer or ranking elected official. [40 CFR 122.22]
- (b) All reports required by the general permit and other information requested by the Director shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- The authorization is made in writing by a person described above;
 - The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - The written authorization is submitted to the Director. [40 CFR 122.22]
- (c) If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. [40 CFR 122.22]
- (d) Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. **General Permit Modification, Revocation and Reissuance, or Termination**

The issuance of this general permit does not prohibit the Division 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 Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et al.

After public notice and opportunity for a hearing, the general permit may be terminated for cause. The filing of a request for a general permit modification, revocation and reissuance, or termination does not stay any general permit condition. The **Certificate of Coverage** shall expire when the general permit is terminated.

8. **Certificate of Coverage Actions**

The general permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any general permit condition [40 CFR 122.41(f)].

9. Annual Administering and Compliance Monitoring Fee Requirements

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(2) may cause this Division to initiate action to revoke coverage under the general permit.

10. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

11. Omissions

Where the Permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this general permit, or submitted incorrect information in that Notice of Intent application or in any report to the Director, it shall promptly submit such facts or information. [40 CFR 122.41(l)(8)]

PART V DEFINITIONS

1. **Act**
See Clean Water Act.
2. **Adverse Weather**
Climate conditions that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, winter weather conditions, or situations that otherwise make inspections impractical. When adverse weather or site conditions prevent or restrict access to complete a regular or rain event inspection, this should be clearly documented on the next issued report. Documentation should include the inspector's name, the date and time, and a written narrative of the adverse weather or site condition. Adverse weather or site conditions do not exempt the permittee from having to file an inspection report in accordance with Section II. B of this permit.
3. **Allowable Non-Stormwater Discharges**
This general permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:
 - (a) All other discharges that are authorized by a non-stormwater NPDES permit.
 - (b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, and irrigation waters, flows that do not result in a water quality standards violation.
 - (c) Discharges resulting from fire-fighting or fire-fighting training, or emergency shower or eye wash as a result of use in the event of an emergency.
4. **Best Management Practices (BMPs)**
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure
5. **Bypass**
The known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.
6. **Certificate of Coverage**
The cover sheet that accompanies a general permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the general permit and is signed by the Director.
7. **Clean Water Act**
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
8. **Common Plan of Development**
A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels..

9. Concrete Washout

Wastewater resulting from the washing of equipment such as trucks, chutes, hoses, mixers, hoppers, wheelbarrows, and tools that are used to produce, handle, or store concrete and other cementitious materials such as mortar, plaster, stucco, or grout.

10. Control Measure

Any BMP or other structural or non-structural practice or procedure used to prevent or reduce the discharge of pollutants including practices to control erosion and sedimentation.

11. Division or DEMLR

The Division of Energy, Mineral, and Land Resources of the NC Department of Environmental Quality (DEQ).

12. Director

The Director of the Division of Energy, Mineral, and Land Resources of the NC Department of Environmental Quality (DEQ).

13. EMC

The North Carolina Environmental Management Commission.

14. Erosion and Sedimentation Control (E&SC) Plan

A plan developed in compliance with the North Carolina Sedimentation Pollution Control Act of 1973 in G.S. 113A-50 et seq. to prevent sediment resulting from accelerated erosion from being transported off the site of the land-disturbing activity or in waters.

15. Erosion and Sedimentation Control (E&SC) Plan Authority

The entity responsible for reviewing and approving the Erosion and Sediment Control Plan. Within some local governments' jurisdictions, this will be a delegated program. Elsewhere, it will be the Division.

16. Erosion and Sediment Control (E&SC) Measure

Temporary and permanent practices and devices to prevent sediment resulting from accelerated erosion from being transported off the site of the land-disturbing activity or in waters of the State of North Carolina. E&SC measures, include, but are not limited to, sedimentation traps, sedimentation ponds, rock dams, temporary diversions, temporary slope drains, rock check dams, sediment fence or barriers, all forms of inlet protection, storm drainage facilities, energy dissipaters and stabilization methods of open channels.

17. Ground Cover

Any vegetative growth or other material which, when applied to the soil surface, renders the soil surface stable against accelerated erosion.

18. Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

19. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

20. Normal Business Hours

These are generally considered to be between the hours of 6 a.m. and 6 p.m., or when workers are normally present on the construction site. Weekends, state and federal holidays are not considered normal business hours unless construction activities are taking place on the site during those times.

21. Notice of Intent

The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a general permit.

22. Permanent Stabilization

When all soil disturbing activity is completed and exposed soils have been stabilized with a vegetative cover with a density of at least 80% or covered with a structural stabilization method. Permanent perennial vegetation may include the use of sod, shrubs and ground cover plants mixed with mulching, aggregate or other landscaping techniques. Structural methods include concrete, asphalt, retaining wall or other stabilization techniques.

23. Permittee

The person, firm or organizational entity that signed as the financially responsible party on the Erosion and Sedimentation Control Plan.

24. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater associated with industrial activity is or may be discharged to waters of the state.

25. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

26. Section 313 Water Priority Chemical

A chemical or chemical category which:

- (a) Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- (b) Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- (c) Meets at least one of the following criteria:
 - Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - Is a pollutant for which EPA has published acute or chronic water quality criteria.

27. Soil Stabilization

The use of vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.

28. Stormwater Discharge Outfall (SDO)

The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters.

29. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

30. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

31. Stormwater Pollution Prevention Plan (SWPPP)

The elements of the State's stormwater pollution prevention program that provide the technology-based requirements designed to protect the state's waters from the adverse impacts of sediments. In North Carolina, the SWPPP for construction activities includes the Erosion and Sedimentation Control Plan, Ground Stabilization, Materials Handling, and Disturbed Area Limit for Special and Threatened Waters.

32. Temporary Stabilization

When the establishment of ground cover over all disturbed areas (such as mulching, rolled erosion control products, vegetation, or other material) renders the surface stable against accelerated erosion. Stabilization shall be achieved with the establishment of a uniform and evenly-distributed (i.e., without large bare areas) ground cover with a cover density of at least 80%.

33. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

34. Upset

An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

35. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin that can be seen with the unaided eye.

36. 25-year, 24-hour Storm Event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.

Appendix H

Post Construction Runoff Program

CITY OF BELMONT POST CONSTRUCTION RUNOFF PROGRAM

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Post-Construction Site Runoff Controls

1. Objectives for Post-Construction Site Runoff Controls

- a. Implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program shall ensure that controls are in place that would prevent or minimize water quality impacts.
- b. Implement Strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the community;
- c. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects; and
- d. Ensure adequate long-term operation and maintenance of BMPs

2. BMPs for Post-Construction Site Runoff controls

The permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program. To the extent there is any conflict between this permit and the post-construction ordinances adopted by the permittee as approved by the NC Division of Water Quality, the post-construction ordinances shall apply with regard to permit compliance.

BMP	Measurable Goals
<p>a. Adequate Legal Authorities</p>	<ul style="list-style-type: none"> • The City of Belmont currently enforces a Watershed Protection Ordinance modeled after regulations established by the NCDENR and as approved by that agency. This ordinance provides regulations meant to protect a public water supply, in this case, Belmont’s Catawba River source. The ordinance includes provisions that limit maximum imperviousness in new development and requires engineered stormwater controls for developments exceeding a two-dwelling-unit-per-acre limit. The City of Belmont Watershed Protection Ordinance address stormwater runoff from new development and redevelopment projects that require an erosion/sedimentation control plan under State law or approved local program and are required to meet the provisions of the Watershed Protection Ordinance when located in a WS-IV watershed. • On June 11th 2007 the City of Belmont resolved to adopt the Gaston County Stormwater Ordinance and enter into an Inter-local Agreement with Gaston County for Enforcement Services of the Gaston County Stormwater Ordinance within City of Belmont jurisdiction. Gaston County implements the Post-Construction Runoff element of our Phase II Permit through the above mentioned Inter-local Agreement for Enforcement Services of the Gaston County Stormwater Ordinance within City of Belmont jurisdictions. The City of Belmont fully cooperates and coordinates with Gaston County on plan review and reporting. However, Gaston County issues and holds all permits and enforces the Post-Construction rules as documented in the Gaston County Stormwater Ordinance. The adopted Gaston County Stormwater Ordinance addresses stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale.

	<ul style="list-style-type: none"> • Per Section 6 of the adopted Gaston County Stormwater Ordinance Gaston County Natural Resources will administer this ordinance. The Director of Gaston County Natural Resources will designate a Stormwater Administrator. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this ordinance: <ul style="list-style-type: none"> a. To review and approve or disapprove applications for approval of plans pursuant to this ordinance. b. To make determinations and render interpretations of this ordinance. c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and approve applications. d. To enforce the provisions of this ordinance in accordance with its enforcement provisions e. To make records, maps and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance. f. To provide expertise and technical assistance to Gaston County. g. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator. h. To take any action necessary to administer the provisions of this ordinance • Per Section 18g of the Gaston County Stormwater ordinance the developer must record easements for access, maintenance, inspections and conduct monitoring or other activities approved by the Stormwater Administrator by any property owners association and by the Gaston County Government and or the municipality.
<p>b. Strategies which include BMPs appropriate for the MS4</p>	<ul style="list-style-type: none"> • The City requires all structural post construction stormwater BMPs be designed in accordance with the DWQ BMP Manual.
<p>c. Plan Reviews</p>	<ul style="list-style-type: none"> • Watershed Site Plan Reviews are conducted by City Staff on all development and redevelopment projects that require an erosion/sedimentation control plan under State law or approved local program and are required to meet the provisions of the Watershed Protection Ordinance when located in a WS-IV watershed. § 153.11 SUBDIVISION APPLICATION AND REVIEW PROCEDURES. (A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this Ordinance and may be recorded provided the Watershed Administrator initials the vicinity map. In addition,

	<p>subdivisions within a WS-IV watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required under the provisions of State law, or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Subchapter and all other state and local requirements that may apply.</p> <p>(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, 2 copies of the plat and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board.</p> <p>(C) The Watershed Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Watershed Administrator shall take final action within 45 days of submission of the application. The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. The district highway engineer with regard to proposed streets and highways. 2. The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department. 3. The state Division of Water Infrastructure with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general. 4. Any other agency or official designated by the Watershed Administrator or Watershed Review Board. <p>(D) If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Watershed Administrator:</p> <p style="text-align: center;">Certificate of Approval for Recording</p> <p style="text-align: center;">I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date Watershed Administrator</p> <p style="text-align: center;">NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.</p> <p>(E) If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review and application fees.</p> <p>(F) All subdivision plats shall comply with the requirements for recording of the Gaston County Register of Deeds.</p> <p>(G) The plat shall be recorded within 30 days of approval. The subdivider shall provide the Watershed Administrator with evidence the plat has been recorded with the Register of Deeds within 5 working days. Penalty, see §153.05 and Remedies, see §153.06.</p>
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	<ul style="list-style-type: none">• Phase II Site Plan Reviews are conducted by Gaston Natural Resources and appropriate City Staff on all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development or sale) per the inter-local agreement. Per the Gaston County Stormwater Ordinance Section 9: <p>A. The stormwater permit application and plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill the drainage and stormwater management requirements of this article. This shall include but not be limited to:</p> <ol style="list-style-type: none">1. Location and topographic maps with the total drainage area delineated including both on site and off site areas and sufficient information to define all ridges, existing streams, location of the 100-year floodplain and floodway, drainage ways, wetland areas, existing springs, and elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system, which may include a soil analysis2. Architectural and engineering drawings showing plan, profile and details of piping; drainage structures; swales, and channels tying into a network of pre-existing manmade or natural channels3. Written project specifications governing work performance and materials.4. Computations and assumptions sufficient to support the design of piping, drainage structures, retention/detention ponds and permanent erosion control measures.5. Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this article. <p>B. The stormwater permit application and plan shall be prepared by and shall bear the seal and signature of a professional engineer or landscape architect licensed in the state of North Carolina; competent to perform all aspects of design.</p> <p>C. The stormwater permit application and plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in this ordinance.</p> <p>D. The stormwater permit application and plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The plan drawings shall be presented at a scale no smaller than 1 inch = 50 feet.</p> <ul style="list-style-type: none">• Per the Gaston County Stormwater Ordinance Section 10 Maintenance Manual: <p>A. The stormwater permit application and plan shall be accompanied by an operations and maintenance manual. The manual shall contain a narrative describing each installed measure and device</p>
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	<p>and its design specifications. The manual shall indicate for each installed measure and device what operation and maintenance actions are needed and what specific quantitative criteria will be used to determine when these actions will be taken. The manual must indicate the steps that will be taken to restore a measure or device to the design specifications if a failure occurs.</p> <p>B. After the permit and plan is approved and installation is complete, if changes have been made to any installed measure or device, the manual shall be revised to reflect these changes, and such changes shall be subject to the review and approval of the Stormwater Administrator.</p> <ul style="list-style-type: none"> • Per the City of Belmont’s Land Development Standards Manual: 6 ♣ STORMWATER IMPROVEMENTS <p>6.01 General Requirements</p> <p>A. In addition to the standards contained in this Land Development Standards Manual, the design of stormwater systems is also governed by several ordinances and regulations.</p> <ol style="list-style-type: none"> 1. Projects falling under the City of Belmont Watershed Protection Ordinance shall include water quality measures and buffers as established therein. 2. Projects lying outside of the designated Watershed Protection Ordinance zones shall be designed in conformance of the Gaston County Stormwater Ordinance and are subject to review by the Gaston Natural Resources Department. Simultaneously with the submittal of a permit application to Gaston Natural Resources Department, the design professional shall submit copies of all permit application materials to the City, including calculations. 3. Additional stormwater requirements may be applicable if wetlands and streams are impacted. These requirements are dictated by the US Army Corps of Engineers and the NC Division of Water Quality under the 404 permitting and 401 certification processes. 4. Furthermore, North Carolina riparian buffer rules as contained in 15A NCAC 02B.0243 and 15A NCAC 02B.0244 apply to the Catawba River Basin including Lake Wylie and the South Fork of the Catawba in Belmont. <p>A. The design professional shall complete a downstream stormwater impact analysis to demonstrate by calculations that the project stormwater discharge points and offsite drainage systems are adequate to handle the runoff flow from the development without damaging downstream property owners.</p> <p>B. The design professional shall submit complete calculations for all drainage features including erosion control measures, the piped drainage system, and detention/water quality measures. These</p>
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	<p>calculations shall be contained in a design report that is signed and sealed by a Professional Engineer, Professional Land Surveyor, or Professional Landscape Architect as applicable per state law. At a minimum, the report must contain:</p> <ol style="list-style-type: none"> 1. Cover and table of contents. 2. Narrative describing the project, its location, river and stream basins affected, method of calculation, and design professional’s conclusion regarding the predevelopment and post-development discharge rates from the project. 3. Vicinity map indicating project location, downstream water course and river basin designation. 4. Drainage map with sub-basins delineated for each corresponding to drainage system components. 5. Design calculations for all channels, pipes, water quality measures, and detention facilities.
<p>d. Inventory of projects post-construction structural stormwater control measures</p>	<ul style="list-style-type: none"> • Maintain inventory of post-construction structural stormwater control measures • Update inventory as new control measures come on line
<p>e. Deed Restrictions and Protective Covenants f. Provide a mechanism to require long-term operation and maintenance of structural BMPs</p>	<ul style="list-style-type: none"> • Watershed Protection: Per the Watershed Protection Ordinance the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. The Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Gaston County Register of Deeds by the Watershed Review Board. § 153.49 MAINTENANCE AND UPKEEP. (A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs. (B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure. (C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect the completed

	<p>improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the NCGS 89A, allow) designated by the Watershed Review Board.</p> <p>(D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the NCGS 89A, allow) and submitted to and reviewed by the Watershed Administrator prior by the Watershed Review Board.</p> <ol style="list-style-type: none"> 1. If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator. 2. (2) If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant. <p>(E) If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Gaston County Register of Deeds, the Office of the Watershed Administrator and the owning entity.</p> <ul style="list-style-type: none"> • Per the adopted Gaston County Stormwater Ordinance, Section 10 Maintenance Manual: <ol style="list-style-type: none"> a. The Stormwater permit application and plan shall be accompanied by an operations and maintenance manual. The manual shall contain a narrative describing each installed measure and device and its design specifications. The manual shall indicate for each installed measure and device what operation and maintenance actions are needed and what specific quantitative criteria will be used to determine when these actions will be taken. The manual must indicate the steps that will be taken to restore a measure or device to the design specifications if a failure occurs. b. After the permit and plan is approved and installation is complete, if changes have been made to any installed measure or device, the manual shall be revised to reflect these changes, and such changes shall be subject to the review and approval of the Stormwater Administrator. • Per the adopted Gaston County Stormwater Ordinance, Section 18 Assurance that Improvements will be Maintained: <p>All stormwater improvements must be maintained so they will continue to serve their intended function.</p> <ol style="list-style-type: none"> A. The developer must maintain stormwater improvements until accepted by a property owners association or lot owner. The developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan. The
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	<p>developer will be responsible for the installation, operations, and maintenance of the stormwater controls until ownership is conveyed. The responsibility and agreement for operations and maintenance for the stormwater system is transferred with title, as each property is conveyed. The developer will guarantee the stormwater improvements for 2 years after transfer of ownership.</p> <p>B. Before improvements are accepted for maintenance by the property owners association or lot owner, the developer or the developer's engineer or landscape architect, must certify to the property owners association or lot owner and to the County that improvements are complete and functioning as designed.</p> <p>C. The developer must record; and reference on the record plat, an operations and maintenance plan that instructs the property owners association or lot owner about the required operations and maintenance tasks.</p> <p>D. The person responsible for maintenance of any stormwater structure or feature installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report annually from a qualified registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The report shall contain the following:</p> <ol style="list-style-type: none"> 1. The name and address of the land owner. 2. The recorded book and page number of the lot of each stormwater control. 3. A statement that an inspection was made of all stormwater controls and features. 4. The date the inspection was made. 5. A statement that all inspected controls and features are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance. 6. The signature and seal of the engineer, surveyor, or landscape architect All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification. It will be the responsibility of the property owners association or lot owner to update the plan annually. <p>E. The developer must record, and reference on the record plat, a maintenance agreement, or restrictive covenant that sets forth the property owners association's or lot owner's continuing responsibilities for maintenance, including specifying how cost will be apportioned among lot owners served.</p> <p>F. The maintenance agreement must provide that the association and its individual members are jointly and severably liable for maintenance.</p> <p>G. The developer must record easements for access, maintenance, inspections and conduct monitoring or other activities approved by the Stormwater Administrator by any property owners</p>
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	<p>association and by the Gaston County Government and or the municipality.</p> <p>H. All maintenance documents required by this article must be submitted to the Stormwater Administrator before record plat approval, and such documents must be referenced on the record plat, or; in the case of single-lot developments not requiring record plats, documentation must be submitted to the Stormwater Administrator before building permit issuance. This ordinance shall be effective upon adoption.</p> <p>I. Gaston County or the municipality may create special tax assessments for residential subdivisions to fund maintenance. Municipalities may choose to fund maintenance for stormwater systems through their respective stormwater utilities.</p> <p>J. Municipalities within Gaston County may have additional requirements such as maintenance escrow accounts, additional design standards and vested rights claims.</p>
<p>g. Inspections</p>	<ul style="list-style-type: none"> • Per the Watershed Protection Ordinance 153.1 (E) All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Energy, Mineral, and Land Resources. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure. (F) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the NCGS 89A, allow) designated by the Watershed Review Board. • Phase II Annual inspections for structural post-construction stormwater controls are monitored and enforced by Gaston County Natural Resources per the inter-local agreement as described in Section 2.a. Adequate Legal Authorities. Per the Gaston County Stormwater Ordinance Section 18: d. The person responsible for maintenance of any stormwater structure or feature installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report annually from a qualified registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The report shall contain the following: <ul style="list-style-type: none"> i. The name and address of the land owner. j. The recorded book and page number of the lot of each stormwater control.

	<p>k. A statement that an inspection was made of all stormwater controls and features.</p> <p>l. The date the inspection was made.</p> <p>m. A statement that all inspected controls and features are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance.</p> <p>n. The signature and seal of the engineer, surveyor, or landscape architect. All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification. It will be the responsibility of the property owners association or lot owner to update the plan annually.</p>
<p>h. Educational materials and training for developers</p>	<ul style="list-style-type: none"> • Ordinances, post-construction requirements, design standards, plan review process, and other materials appropriate for developers are located on the City’s Planning and Zoning and/or Stormwater Management web pages and are available for download. • Gaston Natural Resources offers an Annual Stormwater and Erosion Control Workshop geared toward developers, contractors, and engineers.
<p>i. Enforcement</p>	<ul style="list-style-type: none"> • Watershed Protection Ordinance as enforced by the City of Belmont: § 153.06 REMEDIES. (A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the City Council may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$1,000.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with NCGS 143-215.6(a). Each day that the violation continues shall constitute a separate offense. (B) If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. They shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board. § 153.52 SANCTIONS. In addition to the remedies described in § 153.06 of this Ordinance and consistent with NCGS 160A-175, the Watershed Review Board may seek enforcement of this Ordinance through the City Council by assessing a

	<p>civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement with the time allowed by the court, the defendant may be cited for contempt and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved. By the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offence.</p> <ul style="list-style-type: none"> • Phase II Stormwater: Work with Gaston Natural Resources, the permitting authority, to enforce the Gaston County Stormwater Ordinance. • Maintain files and database of Notice of Violations and Enforcement Actions • Per Section 8 of the Gaston County Stormwater Ordinance: <ul style="list-style-type: none"> A. Civil penalties may be imposed as follows: <ol style="list-style-type: none"> 1. Any person who violates any of the provisions of this article, or rules or orders adopted or issued pursuant to this article, or who initiates or continues a development for which a stormwater plan is required, except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty. Each day of a continuing violation shall constitute a separate violation. Additional fees may be charged for remedies and enforcement of this ordinance. 2. Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which Gaston County and municipalities with Stormwater Inter-
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	<p>local Agreements with Gaston County is subject of violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.</p> <ol style="list-style-type: none">3. No penalty shall be assessed until the applicant has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation can be corrected, and warn that failure to correct the violation with the time period will result in the assessment of further civil penalties or other enforcement actions.4. If the violation has not been corrected within the designated time period, a civil penalty may be assessed from the date the violation is detected.5. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator’s obligation to pay such a penalty.6. The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for any building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant has taken the remedial measures set forth in the notice of violation and cured the violations described therein. <p>B. Criminal Penalties: Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.</p>
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3. Post-construction Stormwater Runoff Controls for New Development
 - a. In order to fulfill the post-construction minimum measure program requirement the permittee may use the Department's model ordinance, design its own post-construction practices that meet or exceed the Department's Stormwater Best Management Practices Manual on scientific and engineering standards, or develop its own comprehensive watershed plan that is determined by the Department to meet the post-construction stormwater management measure required by 40 Code of Federal Regulations 122.34(b)(5) (1 July 2003 Edition).
 - b. Approval of the post-construction site runoff control for new development projects to be built within the permittee's corporate limits by entities with eminent domain authority, shall be referred to the Division of Water Quality.
 - c. The permittee shall meet the requirements of the post-construction program for construction projects that are performed by or under contract for the permittee. To meet this requirement, the permittee may either develop the necessary requirements for post-construction controls that will pertain to their own projects, or develop procedures to ensure that the permitted meets these requirements by complying with another entity's Phase II Stormwater Management Programs for post-construction. If the permittee decides to rely on another program for compliance with these program areas for their own projects, they shall indicate in their Stormwater Management Program that the permittee will fully comply with the requirements of the second party's post-construction programs.
 - d. Adoption of the Universal Stormwater Management Program (USMP) meets the requirement to develop and implement a post-Construction Program by the local government adopting an ordinance that complies with the requirements of 15A NCAC 02H .1020 and the requirements of 15A NCAC 02B .0104(f). Adoption of the USMP may not satisfy water quality requirements associated with the protection of threatened or endangered species or those requirements associated with a Total Maximum Daily load (TMDL).
 - e. Compliance with the stormwater management and water quality protection required by Session Law 2006-246, effectively meets the Post-construction Stormwater Runoff control requirements within the Non Coastal Counties.

Appendix H.1

Adoption of Gaston County Stormwater Ordinance

And

Inter-Local Agreement with Gaston County to Enforce the Ordinance within Municipal Boundaries



City of Belmont

115 N. MAIN STREET
POST OFFICE BOX 431
BELMONT, N.C. 28012
PHONE (704) 825-5586

CITY OF BELMONT
CITY COUNCIL MEETING
BELMONT CITY HALL
COUNCIL CHAMBERS
JUNE 11, 2007

6:30 P.M. – COUNCIL WORK SESSION
7:00 P.M. – COUNCIL MEETING

CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE

CONSENT AGENDA:

- a. Approval of Regular Meeting Minutes: May 7, 2007
- b. Approval of Closed Session Minutes: May 7, 2007
- c. Approval of Special Meeting Minutes: May 7, 2007
- d. Acceptance of Petition Requesting Annexation and Authorization for Clerk to Investigate Sufficiency
- e. Approval of Surplus Property Declaration and Authorization for Disposal
- f. Adoption of Sewer Use Ordinance for the City of Belmont

AGENDA:

1. Public Comment
2. Presentation of Draft Comprehensive Land Use Plan – Donal Simpson, HNTB
3. Consider Approval of Montcross Subdivision Final Plat
4. Public Hearing on Proposed Annual Budget for Fiscal Year 2007-2008
5. Public Works Committee Report
 - a. Consider Request from Downtown Merchants Regarding Street Closing for Concert Series
6. Consider Adoption of Resolution to Adopt the Gaston County Stormwater Ordinance and Approve the Interlocal Agreement with Gaston County to Enforce the Ordinance within Municipal Boundaries
7. Consider Approval of an Amendment to the City of Belmont Code of Ordinances Regarding Emergency Water Regulations
8. Planning Board Report
9. Manager's Report
10. Other Business

Barry Webb asked David Isenhour to give Council a status report on the Main Street DOT road closing. David stated that DOT has drilled through the rock and should finish their portion of this project around July 4th. David stated that the City would come in immediately to complete its portion.

Barry Webb also asked Police Chief David James to give Council a report on the vandalism to vehicles over the weekend. Chief James stated that approximately 30 vehicles were damaged by vandals shooting into car windows.

Item #10: Other Business

Irl Dixon stated that shrubbery at the intersection of South Main and Eagle Road is overgrown. Mr. Dixon inquired about the status of the "islands". City Attorney Parks Wilson stated that we are still in the information stage, with condemnation a possibility.

Dick Cromlish inquired about a possible water interconnect with Mt. Holly. City Manager Barry Webb stated that engineer Jerry Hatton will be meeting with Mt. Holly this week regarding this issue.

Alex Robinson and David Isenhour discussed areas of concern with the building of the Belmont Reserve Subdivision.

With no further business Council voted to adjourn at 9:00 p.m.


CLERK


MAYOR

The Belmont City Council met in regular session on June 11, 2007 in the Council Chambers at Belmont City Hall. Members of Council present: Dick Cromlish, Charlie Martin, Charlie Flowers, Becky Burch and Irl Dixon. Also present: Mayor Richard Boyce, City Attorney Parks Wilson, City Manager Barry Webb, City Clerk Mozelle Lingafeldt, as well as concerned citizens and members of the press. Mayor Boyce called the meeting to order. Oscar Reid gave the invocation. Mayor Boyce led in the Pledge of Allegiance.

Barry Webb requested that the Consent Agenda be amended to defer or remove item (d). Mayor Boyce entertained a motion to approve the Consent Agenda as amended. Charlie Flowers so moved, seconded by Charlie Martin and unanimously approved by Council.

CONSENT AGENDA:

- a. Approval of Regular Meeting Minutes: May 7, 2007
- b. Approval of Closed Session Minutes: May 7, 2007
- c. Approval of Special Meeting Minutes: May 16, 2007
- d. Acceptance of Petition Requesting Annexation and Authorization for Clerk to Investigate Sufficiency (deferred)
- e. Approval of Surplus Property Declaration and Authorization for Disposal
- f. Adoption of Sewer Use Ordinance for the City of Belmont
Ordinance on file Ordinance Book 7 Page 11

AGENDA:

Item #1: Public Comment

Sherry Alexander, 209 6th Street, addressed Council regarding the repaving of streets in town. Ms. Alexander requested that when possible streets that are to be repaved be taken down to the base to avoid buildup.

Ms. Alexander also addressed the number of pin oak trees currently in the Adam's Bluff Subdivision. Ms. Alexander stated that pin oak trees drink several hundred gallons of water daily and that their leaves do not decay as other tree leaves do, therefore they are more likely to clog storm drains.

Discussion followed with Public Works Director David Isenhour stating that the Street Department will look at re-milling streets that are scheduled to be repaved where funds permit.

Bob Clay, 110 Heritage Court, addressed Council as a concerned citizen regarding the Belmont Reserve Subdivision. Mr. Clay stated it is apparent to him that what the developer of this project proposed to build and what he is actually building are not the same. City Planner Elson Baldwin was instructed to check the drawings of this project to make sure the developer is in compliance.

Item #2: Presentation of Draft Comprehensive Land Use Plan – Donal Simpson, HNTB
Donal Simpson of HNTB gave Council a presentation of the draft Comprehensive Land Use Plan.

Mr. Vince Hill, a representative of the downtown merchants appeared before Council requesting the closing of a portion of Main Street (South of the RR tracks) for a series of "Alive After 5" concerts. Mr. Hill stated that these events would be held every other Friday evening for approximately a 2-3 hour period beginning July 20th and running through September. Mr. Hill stated that it is also part of the merchants' request that they be allowed to sell alcohol (beer and wine) on the street during these events. Mr. Hill stated that alcohol would only be sold in an area on Airline Street which would be roped off and would be a "hospitality area". Mr. Hill stated this area would be monitored so that no one would be allowed to exit the hospitality area with an alcoholic beverage. Mr. Hill stated that a member of the merchants association will be providing insurance coverage for these events, and that the proceeds would go to the merchants association to provide scholarships for students at South Point High School.

Mr. Hill stated that approximately four (4) off duty police officers would be employed to patrol this event.

Discussion followed with Dick Cromlish requesting that the merchants look at having the event at different locations downtown to allow all merchants to benefit from the additional patrons.

Barry Webb stated that the City's Ordinance requires the adoption of a Resolution to allow alcohol consumption on the street. Dick Cromlish moved to approve a Resolution permitting the sale and consumption of alcohol at the Friday Night Alive Event as outlined by the merchants' request. Irl Dixon seconded the motion. Dick Cromlish, Irl Dixon and Charlie Martin voted affirmative. Charlie Flowers and Becky Burch voted nay. The motion passed.

Item #6: Consider Adoption of Resolution to Adopt the Gaston County Stormwater Ordinance and Approve the Interlocal Agreement with Gaston County to Enforce the Ordinance Within Municipal Boundaries

City Manager Barry Webb stated that one of the required elements of our Phase II Stormwater Program calls for the implementation of "Post-Construction Site Runoff Controls." These controls must be designed to manage stormwater runoff from new development or redevelopment that disturbs an acre or more of land surface. They must also provide a mechanism to require long-term operation and maintenance of structural Best Management Practices (BMPs). Since this section of the Phase II program also applies to the unincorporated sections of Gaston County, the Quality of Natural Resources Commission (QNRC) and the County's Natural Resources Department have worked to develop a stormwater ordinance addressing post-construction site runoff that can also be adopted by the municipalities in the County. Enforcement would be handled through staff of the Natural Resources Department. Mr. Webb stated that approval of this resolution adopts both the County Stormwater Ordinance and an interlocal agreement allowing enforcement within the municipal boundaries. This will allow the City to meet the post-construction requirements without having to establish our own separate program and will also help address illicit discharges, another required program element. Mr. Webb stated that funds to pay for this program will be derived from permit fees paid to

the County at the time that development/redevelopment plans are submitted for approval in the same manner as is done with the County's enforcement of erosion control.

Jerry Hatton addressed Council stating that the County would have no control over the City's Watershed Ordinance. Mr. Hatton stated this Resolution is renewable annually, and that a permit change needs to be added.

Discussion followed with Charlie Martin moving to approve the Resolution as submitted. Dick Cromlish seconded the motion. Council unanimously approved. Resolution on file Exhibit Book 7 Page 36.

Item #7: Consider Approval of an Amendment to the City of Belmont Code of Ordinances Regarding Emergency Water Regulations

City Manager Barry Webb addressed Council stating that in 2002, Council approved an amendment to the City's ordinance pertaining to Emergency Water Regulations. This Ordinance amendment established a series of staged water use restrictions that could be imposed to address water emergency conditions in a manner appropriate to the severity of the conditions at any point in time. Mr. Webb stated that these staged water use restrictions ranged from a call for voluntary water conservation practices to the imposition of mandatory restrictions under which the use of public water for any purpose other than the maintenance of public safety is prohibited. The designation of the four levels of water use restrictions as established in the 2002 ordinance replaced former ordinance wording whereby the imposition of mandatory restrictions was the only available remedy for dealing with water emergencies.

Mr. Webb stated that with the City's participation in and adoption of Duke Energy's Comprehensive Re-licensing Agreement for the Catawba-Wataree Hydro Project, we are now required to bring our emergency water regulations into conformity with the Low Inflow Protocol (LIP) requirements found in that agreement. Mr. Webb stated there is no significant difference between the City's current regulations and the proposed wording to achieve compliance.

Discussion followed with Irl Dixon moving to adopt the Amendment to the City of Belmont Code of Ordinances regarding emergency water regulations as submitted. Dick Cromlish seconded the motion. Council unanimously approved. Ordinance on file Ordinance Book 7 Page 12.

Item #8: Planning Board Report

Minutes of this meeting were included in Council packages.

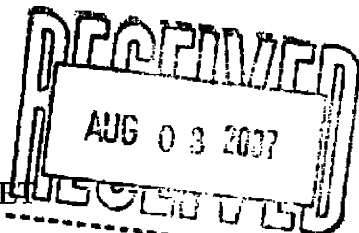
Item #9: Manager's Report

City Manager Barry Webb requested Council set the following meetings:

Water & Sewer Committee Meeting – June 19, 2007 at 8:30 A.M.

Special City Council Meeting – June 19, 2007 at 9:30 A.M.

Special City Council Meeting to Adopt FY 2007-2008 Budget – June 21, 2007 at 5:00 P.M.



CONTRACT CONTROL COVER SHEET

Contract Title: Interlocal for Enforcement Services of Gaston County Stormwater Ordinance

Department: Natural Resources

Department Director Sign-Off: _____

Vendor: City of Belmont

Vendor Address: PO Box 431 Belmont NC 28012
Address City State Zip

Vendor's Contact Person & Phone #: Mozelle Lingafeldt, City Clerk

- ALL AGREEMENTS WILL BE RETURNED TO THE ORIGINATING DEPARTMENT FOR ROUTING -

Contract/Agreement Funded Through:
() Federal Grantor _____ %
() State Grantor _____ %
() Local Funds _____ %
() Other _____ %

Contract/Agreement For:
() Service () Equipment () Other: _____

Responsible for payment of contract/agreement: _____

Contract/Agreement is:
() New
() Renewal - Original Contract # _____
() Amendment - Original Contract # _____

Department Name _____ Project Number _____

Effective Date: 7/1/2007
Termination Notice Date: _____
Expiration Date: _____

Account Number: _____
Fund Dept Subdept Division Account Subacct
Total Cash outlay/capped amount: _____
Frequency of Payments: () Monthly () Quarterly
() Annual () Progress Billing () Other: _____

Special Instructions: _____
Record Retention Date: _____
(Date by which agreement may be destroyed)

DO NOT WRITE BELOW THIS LINE

County Attorney's Use Only:
Date Approved as to form: 7/7/07

By: [Signature]

Routed for Approval and Signature:

Finance Director for Pre-Audit Certification:

By: [Signature] 8/20/07 (Date)

County Manager for Signature:

By: [Signature] _____ (Date)

Clerk to the Board of Commissioners:

By: _____ (Date)

Contract Control No. 2007-262

NORTH CAROLINA
GASTON COUNTY

INTERLOCAL AGREEMENT FOR
ENFORCEMENT SERVICES OF
GASTON COUNTY STORMWATER
ORDINANCE

This Agreement made and entered into on the 11th day of June, 2007, by and between **GASTON COUNTY** a corporate and political body and a subdivision of the State of North Carolina, hereafter referred to as "County", and the **CITY OF BELMONT**, a municipal corporation having a charter granted by the State of North Carolina, hereinafter referred to as "Municipality".

WITNESSETH:

WHEREAS, Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the contractual exercise by one unit of local government for one or more other units of any administrative or governmental power, function, public enterprise, right, privilege, or immunity of local government; and,

WHEREAS, the Municipality has requested that the County provide enforcement services within the corporate boundaries of the Municipality for Gaston County Stormwater Ordinance; and,

WHEREAS, pursuant to N.C. Gen Stat. Chapter 160A, Article 20 upon official request of the governing body of any municipality within the County, the Gaston County Board of Commissioners may by agreement exercise enforcement powers within said municipality and upon such direction may do so until such time as the Municipal governing body officially withdraws its request; and,

WHEREAS, the Gaston County Board of Commissioners upon approval of a resolution, and with written notice, may withdraw the offering of the service to the Municipality.

NOW, THEREFORE, it is agreed by the parties hereto that the County through the Gaston County Department of Natural Resources will provide enforcement services for Gaston County Stormwater Ordinance in the corporate limits of the Municipality on the terms and conditions set forth below:

1. **Purpose.** The purpose of this Agreement is to set forth the terms and conditions for the Municipality to contract with the County for enforcement services for Gaston County Stormwater Ordinance inside its corporate limits and to confer to the County the necessary geographical and subject matter jurisdiction to carry out the intent of this Agreement.
2. **Term.** The term of this Agreement is July 1, 2007 through June 30, 2008. This Agreement shall automatically renew each year hereafter for successive one year terms unless terminated as provided herein.

3. **Responsibilities.**

A. **Municipality.** The Municipality agrees to:

- (1) allow the County to retain any fees or fines collected in accordance with the law;
- (2) defend all claims against it and its employees for incidents that occur prior to the date of this Agreement and indemnify and hold the County harmless from any judgments against it and said employees. The County agrees to defend all claims against the Municipality arising out of like incidents that occur from and after the date of this Agreement, and further agrees to indemnify and hold the Municipality harmless from any judgments against the Municipality resulting therefrom, unless the County is not at fault.

B. **County.** The County through the County Department of Natural Resources agrees to:

- (1) provide enforcement services for Gaston County Stormwater Ordinance;
- (2) seek civil and criminal enforcement of the law when necessary in the County's discretion;

4. **Geographic And Subject Matter Jurisdiction.** To the fullest extent permitted by the laws of the State of North Carolina and the United States, the Municipality hereby grants to the County the authority to enforce the Gaston County Stormwater Ordinance as it now exists or as it may hereinafter be adopted within the Municipality's incorporated area, and the County accepts the authority herein granted and agrees fully and faithfully to perform the duties and responsibilities implied by the acceptance of this grant subject to the terms and conditions of this Agreement.

5. **Amendment.** This Agreement may only be amended in writing upon the signature of both parties. No oral agreements or resolutions shall have any effect.

6. **Entire Agreement.** This Agreement is the only agreement between the parties and contains all the terms agreed upon, and replaces any previous agreements regarding the subject matter. This Agreement has no effect upon enforcement of codes or ordinances not specifically mentioned. If any part of this Agreement is held invalid such decision shall not render the document invalid.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate for themselves for their duly authorized officers of the day and year first above written.

GASTON COUNTY

By: Phillip Ponder 8/20/07
Phillip Ponder, Asst. County Manager

ATTEST:

Martha M. Jordan 8/21/07
Martha M. Jordan, Clerk to the Board

APPROVED AS TO FORM:

Sam Shames
Sam Shames, Assistant County Attorney

CITY OF BELMONT

By: Richard N. Boyce
Richard N. Boyce, Mayor

ATTEST:

Mozelle Lingafeldt
Mozelle Lingafeldt, City Clerk

APPROVED AS TO FORM:

Parks H. Wilson, Jr.
Parks H. Wilson, Jr., City Attorney

**CITY OF BELMONT RESOLUTION TO ADOPT THE GASTON COUNTY
STORMWATER ORDINANCE AND APPROVE THE INTERLOCAL AGREEMENT
WITH GASTON COUNTY TO ENFORCE THE ORDINANCE WITHIN
MUNICIPAL BOUNDARIES**

WHEREAS, a major challenge facing our region is the protection of the quality of our water resources in the face of explosive growth; and

WHEREAS, construction runoff and urban stormwater are the primary non-point sources of pollution in Gaston County; and

WHEREAS, the costs of poor stormwater control include higher water treatment costs, degraded fish populations, and lower real estate values; and

WHEREAS, after examining the subject for over a year, the Quality of Natural Resources Commission at their March 2007, voted to recommend that Gaston County adopt a local stormwater control program and for the County's Natural Resources Department to administer the program; and

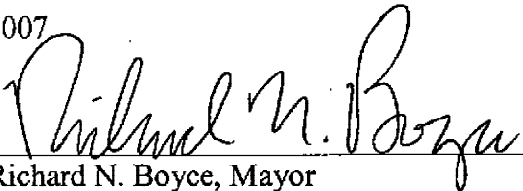
WHEREAS, the City of Belmont supports the adoption of the Gaston County Stormwater Ordinance by the Gaston County Board of Commissioners to be enforced by the Gaston County Natural Resources Department; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-122, a city may by resolution permit a county ordinance adopted pursuant to NC statutes to be applicable within the city; and


WHEREAS, pursuant to N.C. Gen. Stat. §160A-461, any unit of local government in this State may enter into contracts or agreements with each other in order to execute any undertaking.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby adopts the Gaston County Stormwater Ordinance and approves the Interlocal Agreement with Gaston County to enforce the Gaston County Stormwater Control Ordinance within the city jurisdictions.

ADOPTED this the 11th day of June, 2007


Richard N. Boyce, Mayor _____ Date

ATTEST:


Myrtle Ruffield _____
City Clerk Date

MB 16
Pg. 79



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 Fee Amt: \$0.00 Page 1 of 19
 Instr# 200700005539
 Gaston, NC
 Susan S. Lockridge Register of Deeds

BK 9 PG 790-808

19
 RECORDING FEE NC

RESOLUTION TITLE: NATURAL RESOURCES – ADOPTION OF THE GASTON COUNTY STORMWATER ORDINANCE

WHEREAS, on April 12, 2007, the Gaston County Board of Commissioners adopted the Gaston County Stormwater Ordinance per Resolution 2007-148 to be submitted to North Carolina Environmental Management Commission; and,

WHEREAS, the changes have been submitted to the North Carolina Environmental Management Commission for its approval and said approval was granted on July 12, 2007 as set forth in the attached document; and,

WHEREAS, to complete the process, per North Carolina General Statutes, the Gaston County Board of Commissioners is required to adopt the ordinance as approved by the North Carolina Environmental Management Commission.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners:

- 1) Rescinds the Gaston County Stormwater Ordinance adopted on April 12, 2007;
- 2) Adopts the attached Gaston County Stormwater Ordinance pursuant to North Carolina General Statutes and as approved by the North Carolina Environmental Management Commission;
- 3) This Ordinance is effective upon its adoption;
- 4) The Clerk to the Board is required to forward the Ordinance to the Register of Deeds to be officially registered.

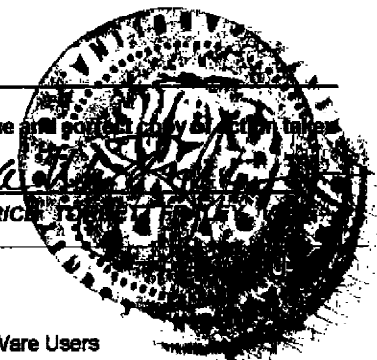
DO NOT TYPE BELOW THIS LINE

I, Martha M. Jordan, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of the action taken by the Board of Commissioners as follows:

Martha M. Jordan

NO. DATE M1 M2 CARPENTER FLOYD KEIGHER BROWN PRICE

2007-271 7/26/2007 TK PF



DISTRIBUTION: Susan Lockridge, Register of Deeds; Municipal Code Corporation; DocuWare Users



GASTON COUNTY
128 W. MAIN AVE.
P.O. BOX 1578
GASTONIA, NC 28053-1578

COUNTY MANAGER
TELEPHONE: (704) 866-3101
FAX: (704) 866-3147
COUNTY MANAGERS OFFICE

2007 AUG 20 A 10:37

August 13, 2007

MEMORANDUM

TO: *Mozelle Lingafeldt, Clerk*
~~David Freeman, Natural Resources~~

FROM: Samuel J. Shames, Asst. County Attorney *SJS/MB*

SUBJECT: Stormwater Ordinance Enforcement Services With City of Belmont

Attached is a fully-executed original of the above document. ~~Please send the Vendor the enclosed original for their file.~~ The County has retained an original signature copy.

cc: Wilson L. Bradley III, Finance Director

Attachments

FEMEMOTODEPARTMENTTHEYSEND

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

Appendix H.2

Gaston County Stormwater Ordinance

Stormwater Ordinance

For

Gaston County, North Carolina



STORMWATER ORDINANCE FOR GASTON COUNTY, NORTH CAROLINA

Article I

Section 1 Title

This Ordinance may be cited as the Gaston County Stormwater Ordinance.

Section 2 Purpose

This ordinance is adopted for the purposes of:

- a. The stormwater management regulations of this article shall protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with new development. Proper management of stormwater runoff will protect property, control stream channel erosion, prevent increased flooding associated with new development, protect floodplains, wetlands, water resources, riparian and aquatic ecosystems, and otherwise provide for environmentally sound use of the county's natural resources; and
- b. Establishing procedures through which these purposes can be fulfilled.

Section 3 Jurisdiction

The Gaston County Board of Commissioners hereby adopts this Ordinance. The ordinance applies to all portions of Gaston County, except for that property within water supply watersheds or the city limits of the incorporated municipalities of Gaston County. However, this Ordinance may later be adopted to also apply within other regions upon proper resolution duly adopted by the governing bodies of the respective regions and the Commissioners. Wherever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural SCMs permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or SCM shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

Section 4 **Definitions**

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply:

- a. Applicant - An owner or developer of a site who executes the Stormwater Permit application pursuant to Gaston County's Stormwater Ordinance.
- b. Buffer Zone - means the strip of land adjacent to a lake or natural watercourse.
- c. Connection - Any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation or maintenance of the drainage ways.
- d. Conveyance - Any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow.
- e. Detain - To store and slowly release stormwater runoff following precipitation by means of a surface depression or tank and an outlet structure.
- f. Development - Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, or increases total runoff from the site, other than a rebuilding activity that does not qualify as redevelopment. Drainage structures shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed or used to convey stormwater.
- g. Environmental Review Advisory Board - means the Gaston County Environmental Review Advisory Board.
- h. Final Certificate of Occupancy - means the document required by the North Carolina State Building Code certifying that a new building shall not be occupied or a change made in occupancy, nature or use of a building until after all required building and services systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Gaston County Code Enforcement Department.
- i. High-density Development - A project is high-density if it contains more than twenty-four percent (24%) built-upon area or more than two dwelling units per acre.
- j. High Quality Waters - means those classified as such in 15A NCAC 2B.0101 (e) (5) - General Procedures, which is incorporated herein by reference to include further amendments.

Gaston County, North Carolina
Stormwater Ordinance

- k. High Quality Water (HQW) Zones - means areas in the Coastal Counties that are within 575 feet of High Quality Waters and for the remainder of the state areas that are within one mile and drain to HQW's
- l. Impervious Surface - Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures.
- m. Lake or Natural Watercourse - means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
- n. Land Disturbing Activity - Any use of, or operations on, the land by any person in residential, industrial, educational, institutional, or commercial development, including road construction and maintenance, that result in a change in the natural cover or topography.
- o. Local Government - means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
- p. Low-density Development – A project is low-density if it has no more than twenty-four percent (24%) built-upon area or no more than two dwelling units per acre.
- q. May – means contingent upon the discretion of the Gaston Natural Resources Department Director.
- r. One-year, 24-hour storm - The surface runoff resulting from a 1year, 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24-hours and 25-year, 24-hour storm means a precipitation event that has a probable recurrence interval of once in 25 years as determined by the National Weather Service of the National Oceanic and Atmospheric Administration of the United States Department of Commerce.
- s. Parent - an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
- t. Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- u. Plan – means a Stormwater Control Plan.
- v. Recurring Violation – means a violation that has not been corrected within the time specified by the Gaston Natural Resources Department, or, a reoccurrence of a violation from which a previous notice has been issued, notwithstanding natural occurrences exceeding design requirements.

Gaston County, North Carolina
Stormwater Ordinance

- w. Retain - To capture and hold stormwater runoff following precipitation by means of surface depression allowing the water to infiltrate into the soil, thus reducing the hydrologic and pollution impacts downstream.
- x. Shall – means a requirement.
- y. Stormwater - Any surface flow, runoff, and drainage consisting entirely of water from rainfall events.
- z. Velocity – means the average speed of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel shall be that area defined by the geometry of the channel plus the area of the flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Section 5 **Scope and Exclusions**

The stormwater management regulations of this article do not apply to any of the following development activities:

- a. Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:
 - Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
 - Dairy animals and dairy products.
 - Poultry and poultry products.
 - Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
 - Bees and apiary products.
 - Fur producing animals.
- b. Activities undertaken on forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality.
- c. Activities for which a permit is required under the Mining Act, G.S. 74-46 et seq.
- d. Commercial development on lots less than one acre that are not part of a larger common plan of development or sale.

- e. Residential development that disturbs less than one acre, including total buildout of the site that are not part of a larger common plan of development or sale.
- f. Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the Planning Board that meets the required specifications and standards of Gaston County ordinances, or a Land Disturbing Permit has been issued pursuant to Gaston County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this ordinance, and that such plan or permit remains unexpired.
- g. A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this ordinance may appeal to the Gaston County Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop his site under plans submitted prior to the effective date of this ordinance.
- h. Redevelopment or expansions to uses included in the above categories are not subject to the stormwater requirements unless it would result in an expansion of impervious surface on commercial lots in size equal to or greater than one acre.

Section 6 Review and Decision-Making Entities

Gaston County Natural Resources Department will administer this ordinance. The Director of Natural Resources will designate a Stormwater Administrator. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this ordinance:

- a. To review and approve or disapprove applications for approval of plans pursuant to this ordinance.
- b. To make determinations and render interpretations of this ordinance.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and approve applications.
- d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.
- e. To make records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance.
- f. To provide expertise and technical assistance to Gaston County.

- g. To designate appropriate other person(s) who shall carry out the powers duties of the Stormwater Administrator.
- h. To take any action necessary to administer the provisions of this ordinance.

Section 7 Review and Appeals Procedures

- a. A stormwater permit is required for all development and redevelopment which equals or exceeds one acre of disturbance for residential or commercial development and projects less than an acre that are part of a larger common plan of development or sale, unless exempt pursuant to this ordinance.
- b. The Gaston County Board of Commissioners shall establish permit review fees. The Gaston County Environmental Review Advisory Board shall recommend fees and the Gaston County Natural Resources Department shall establish policies and procedures.
- c. For all activities which are subject to this ordinance, no person shall initiate, proceed, or undertake any land disturbing or development activity for which a permit is required without first being issued a written stormwater control permit. All other required applications must be received and permits must be obtained prior to the start of the work. These may include but are not limited to Soil Erosion and Sedimentation Control, Flood Damage Prevention, Subdivision, Building Permits and Inspections, NC Department of Transportation, NC DEQ - Water Resources, US Army Corps of Engineers, and NC DEQ - Dam Safety.
- d. Plan review fees shall be double the amount when activity subject to this ordinance begins before a stormwater permit is obtained from the county. Re-inspection fees will be charged for follow-up inspections when required, due to deficiencies discovered upon initial routine inspections.
- e. Two (2) copies of the stormwater plan submittal shall be submitted to the Natural Resources Department for review.
- f. The Department shall review the plan for completeness and for compliance with the requirements of this ordinance. An incomplete or nonconforming stormwater plan will be returned to the applicant prior to review with an explanation of issues requiring resolution before plan review can be initiated.
- g. Within forty-five (45) days of receipt of application for stormwater plan approval, the Natural Resources Department shall take action on the plan.
- h. Approval, approval with modifications, or denial of the proposed stormwater plan shall be in writing. In the case of denial, the reasons for denial shall be clearly stated. The applicant may appeal the decision of the Stormwater Administrator to the Gaston County Environmental Review Advisory Board within 15 days after

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receipt of written notice of disapproval or approval with modifications. Only the applicant can appeal the decision of the Stormwater Administrator. A condition of plan approval will be the right to physical inspection of the drainage structures and stormwater management measures during and after construction.

- i. Hearings held pursuant to this section shall be conducted by the Environmental Review Advisory Board within 30 days after the date of the appeal or request for hearing.
- j. The Environmental Review Advisory Board shall decide appeals within 15 days after the date of the hearing on any stormwater plan.
- k. The Environmental Review Advisory Board will conduct a hearing in the nature of a quasi-judicial proceeding with all findings of fact supported by material evidence.
- l. Decisions appealing the final decision by the Environmental Review Advisory Board may be filed in Gaston County Superior Court, to be reviewed by proceedings in the nature of certiorari, within thirty (30) days of the final decision of the Environmental Review Advisory Board.
- m. The Stormwater Administrator shall take action on revisions to a stormwater plan which has been previously denied, within fifteen (15) days of receipt of the revised plan application for approval.
- n. If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee and pursuant to the current standards.
- o. Application for an amendment to a stormwater plan in written and graphic form may be made at any time. Until such time that any amendment is approved by the Stormwater Administrator, it shall be unlawful to deviate from the approved plan.
- p. An approved plan shall become null and void if the applicant has failed to make progress on the site within six months after the date of approval. The Stormwater Administrator may grant a single, six-month extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.
- q. Residential High Density development plans located in unincorporated parts of the county shall not be approved until a variance is received from the Gaston County Planning Board.
- r. Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed development project. This consultation meeting should take place

at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced.

Section 8 **Penalties for Violation**

- a. Civil penalties may be imposed as follows:
1. Any person who violates any of the provisions of this article, or rules or orders adopted or issued pursuant to this article, or who initiates or continues a development for which a stormwater plan is required, except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty. Each day of a continuing violation shall constitute a separate violation. Additional fees may be charged for remedies and enforcement of this ordinance.
 2. Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which Gaston County and municipalities with Stormwater Inter-local Agreements with Gaston County is subject for violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.
 3. No penalty shall be assessed until the applicant has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation can be corrected, and warn that failure to correct the violation within the time period will result in the assessment of further civil penalties or other enforcement actions.
 4. If the violation has not been corrected within the designated time period, a civil penalty may be assessed from the date the violation is detected.
 5. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator's obligation to pay such a penalty.
 6. The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for any building or other improvements constructed or being constructed on the site and served by the

stormwater practices in question until the applicant has taken the remedial measures set forth in the notice of violation and cured the violations described therein.

- b. Criminal Penalties: Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 9 Permit Application and Plans

- a. The stormwater permit application and plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill the drainage and stormwater management requirements of this article. This shall include but not be limited to:
 - 1. Location and topographic maps with the total drainage area delineated including both on site and off site areas and sufficient information to define all ridges, existing streams, location of the 100-year floodplain and floodway, drainage ways, wetland areas, existing springs, and elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system, which may include a soil analysis.
 - 2. Architectural and engineering drawings showing plan, profile and details of piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.
 - 3. Written project specifications governing work performance and materials.
 - 4. Computations and assumptions sufficient to support the design of piping, drainage structures, retention/detention ponds, and permanent erosion control measures.
 - 5. Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this article.
- b. The stormwater permit application and plan shall be prepared by and shall bear the seal and signature of a professional engineer or landscape architect licensed in the state of North Carolina, competent to perform all aspects of design.
- c. The stormwater permit application and plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in this ordinance.

- d. The stormwater permit application and plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The plan drawings shall be presented at a scale no smaller than 1 inch = 50 feet.

Section 10 **Maintenance Manual**

- a. The stormwater permit application and plan shall be accompanied by an operations and maintenance manual. The manual shall contain a narrative describing each installed measure and device and its design specifications. The manual shall indicate for each installed measure and device what operation and maintenance actions are needed and what specific quantitative criteria will be used to determine when these actions will be taken. The manual must indicate the steps that will be taken to restore a measure or device to the design specifications if a failure occurs.
- b. After the permit and plan is approved and installation is complete, if changes have been made to any installed measure or device, the manual shall be revised to reflect these changes, and such changes shall be subject to the review and approval of the Stormwater Administrator.

Section 11 **As-built Plans and Specifications**

- a. The designer of the stormwater control plans shall provide as-built plans of all stormwater control and management plans showing the field location, size, depth, and planted vegetation of all measures and devices as installed. If the previously submitted plans remain unchanged, an as-built certification to the existing plans will be required. No certificate of compliance or occupancy shall be issued without said as-built plans.
- b. The designer shall certify, under seal, that the as-built stormwater measures and devices and their installation are in compliance with the County's Stormwater Ordinance.
- c. The designer shall submit a final electronic file of the stormwater plan that is readable by GIS systems, geo-referenced to the NC State Plane 1983 (Feet).

Section 12 **Stormwater Management Objectives**

- a. In order to reduce drainage related damage and hazards, adequate natural drainage systems or stormwater management installations are required to collect and transmit stormwater flows into either existing drainage facilities or a natural drainage system.

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- b. All storm drainage facilities shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such improvements. Specifically:
 - 1. Offsite areas which drain to or across a site proposed for development must be accommodated in the stormwater plans for the development. The stormwater management system must be capable of conveying the existing offsite flows through or around the development such that the volume and rate of flow from the adjacent property is not altered. If offsite flows are carried in the site system any detention system shall be sized to accommodate this flow. The flow must be released to the original drainage area.
 - 2. Storm drainage facilities shall be designed to limit the discharge from the site to the rate for the 1 year, 24 hour storm that existed prior to development of the site. For projects that are redeveloping a developed site, the discharge will be limited to that which occurs before any new development. The type and location of the discharge will be as occurred before the current development unless the discharge is to a manmade conveyance system.
- c. All site improvements shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site.
- d. These goals for discharge can be accomplished by designing, constructing and maintaining all stormwater management installations to the extent practicable:
 - 1. Avoid increases in surface runoff volume and velocity by including measures which promote the infiltration of stormwater,
 - 2. Maximize the time of concentration of stormwater runoff, and
 - 3. Promote the filtration and precipitation of pollutants from stormwater runoff in order to protect the water quality of the receiving watercourse.
- e. Whenever practicable, the drainage system of a development site shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets. Permission must be received from other applicable entities for connection.
- f. To the extent practicable, all site improvements shall conform to the natural contours of the land, and without disturbance, utilize the preexisting natural and preexisting manmade drainage ways.
- g. To the extent practicable, lot boundaries within subdivisions shall be made to coincide with natural and preexisting man made drainage ways to avoid creation

of lots that can only be built upon by altering such drainage ways.

- h. Stormwater shall not be diverted from one natural drainage basin into another.
- i. Stormwater shall not be channeled or directed into sanitary sewers.
- j. Streams shall not be relocated unless it is demonstrated that the relocation of the stream will have a positive impact on water quality while reducing velocity. All other applicable permits must be received.
- k. High-density projects shall be required to adopt or install storm drainage facilities pursuant to this section, paragraph b.2.

Section 13 Stormwater Management Design Standards

- a. Design standards are established for the purpose of promoting sound development practices which respect, preserve and enhance the County's watercourses and are not intended to prohibit the use of innovative and alternative techniques which can be demonstrated to have the potential for successfully achieving the objectives stated in Section 1.
- b. Design Storm:
 - 1. The measures shall control and treat at a minimum the stormwater runoff from the first inch of rainfall volume leaving the project site. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.
 - 2. All structural stormwater control measures used to meet the requirements of this ordinance shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS).
 - 3. The design of drainage facilities in flood hazard areas shall be consistent with the requirements of Gaston County's Flood Damage Prevention Ordinance.
 - 4. The computation of stormwater runoff shall follow established engineering practice. Acceptable methods of computation include the Rational Method, the Peak Discharge Method as described in USDA Technical Release Number 55 (TR-55), and USGS Regression Equations, where applicable. If an alternate method is proposed, the method should be described and justification for using this method should

be provided. The same method must be used for both the pre- and post-development conditions.

5. Runoff coefficients shall be based on full development of the project and of the watershed to the extent of the current zoning or land use patterns, and shall include the complete development of the site through build-out, including roof tops and other impervious areas that may be proposed.
6. Stormwater detention shall be provided to insure that the rate of discharge for the 1 year, 24 hour storm does not exceed the pre-development rate of discharge. In order to demonstrate this, inflow-outflow calculations shall also be submitted for any stormwater detention ponds.
7. All stormwater systems shall be designed and built to route at a minimum the 25 year 24 hour storm safely.

Section 14: Stormwater Design Manual

The Gaston County Natural Resources Department may furnish additional guidance and standards for the proper implementation of the regulations of this article and may provide such information in the form of a Stormwater Design Manual. Stormwater management practices that are designed, constructed, or maintained in accord with the Stormwater Design Manual must be presumed to comply with these regulations. However, the Stormwater Administrator shall have the right to consult other engineers and duly qualified professionals, and to impose any conditions or require any modifications deemed necessary to meet the purpose, intent and requirements of this ordinance.

Section 15 Construction of Stormwater Management Structures

- a. Stormwater management facilities shall be constructed in accordance with approved plans and maintained in proper working condition. The applicant/property owner is responsible for ensuring that the construction of drainage structures and stormwater control measures are completed in accordance with the approved plan and specifications. Inspections which may be performed by Gaston County during construction will not relieve the developer of the responsibility to install stormwater control measures and drainage facilities in accordance with the approved plan.
- b. In response to a complaint, or as a compliance check with the requirements of the ordinance, the Stormwater Administrator or the designee shall perform a physical inspection of the construction of drainage structures and stormwater control measures, or monitor long term maintenance procedures.
- c. The property owner will be notified in writing of any substandard and/or nonconforming work identified by the Stormwater Administrator. The notification

shall state the specific work that is out of compliance, the specific reasons for noncompliance, and the corrective measures necessary to bring the work into compliance.

- d. Failure of the property owner or developer to correct substandard and/or nonconforming work identified by the Stormwater Administrator shall be sufficient reason to refuse any action or services such as, but not limited to building permits, or occupancy permits for buildings serviced by said work. Appeals on determination of nonconforming or substandard work and/or the adequacy of the corrective measures executed shall be made in accordance with Section 2, of this ordinance. Pending the ruling on the appeal, the determination of the Stormwater Administrator remains in effect.
- e. Revisions which affect the intent of the design or the capacity of the system shall require prior written approval by the Stormwater Administrator.

Section 16 Performance Security for Installation

- a. Gaston County will require the submittal of a surety performance bond made by a surety bonding company licensed and authorized to do business in North Carolina, a bond of the owner/developer with an assignment to the county of a certificate of deposit as security for the bond, a bond of the owner/developer by an official bank check drawn in favor of the county and deposited with the county, or cash or an irrevocable letter of credit deposited with the county prior to issue of a permit in order to ensure that the stormwater control measure is installed by the developer and functions as required by the approved stormwater plan.
- b. The amount of an installation performance security shall be the total estimated construction cost of the stormwater control measure and devices approved under the permit, plus 25%. Bonds may be reviewed 24 months after issuance and subsequent 24 month periods.
- c. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant in accordance with this ordinance.
- d. Upon default of the applicant to construct, maintain, repair, and if necessary reconstruct any stormwater control measure in accordance with the applicable permit, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the applicant to

comply with the permit. In the event of a default triggering the use of installation of performance security, Gaston County shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

- e. If Gaston County takes action upon such failure by the applicant, Gaston County may collect the difference should the amount of the reasonable cost of such action exceed the amount of the security held. This difference will be collected from the applicant.
- f. Notwithstanding default, within sixty (60) days of the expiration of the guarantee, the installation performance security shall be refunded to the applicant or terminated.

Section 17 Completion

The property owner/developer is responsible for completing all stormwater improvements in accordance with the requirements of this article and other applicable ordinance and laws.

Section 18 Assurance that Improvements will be Maintained

All stormwater improvements must be maintained so they will continue to serve their intended functions.

- a. The developer must maintain stormwater improvements until accepted by a property owners association or lot owner. The developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan. The developer will be responsible for the installation, operations, and maintenance of the stormwater control measures until ownership is conveyed. The responsibility and agreement for operations and maintenance for the stormwater system is transferred with title, as each property is conveyed. The developer will guarantee the stormwater improvements for 2 years after transfer of ownership.
- b. Before improvements are accepted for maintenance by the property owners association or lot owner, the developer or the developer's engineer or landscape architect, must certify to the property owners association or lot owner and to the County that improvements are complete and functioning as designed.
- c. The developer must record, and reference on the record plat, an operations and maintenance plan that instructs the property owners association or lot owner about the required operations and maintenance tasks.
- d. The person responsible for maintenance of any stormwater control measure or feature installed pursuant to this ordinance shall submit to the Stormwater Administrator an inspection report annually from a qualified registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The report shall contain the following:

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1. The name and address of the land owner.
 2. The recorded book and page number of the lot of each stormwater control measure.
 3. A statement that an inspection was made of all stormwater control measures and features.
 4. The date the inspection was made.
 5. A statement that all inspected measures and features are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance.
 6. The signature and seal of the engineer, surveyor, or landscape architect. All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification. It will be the responsibility of the property owners association or lot owner to update the plan annually.
- e. The developer must record, and reference on the record plat, a maintenance agreement, or restrictive covenant that sets forth the property owners association's or lot owner's continuing responsibilities for maintenance, including specifying how cost will be apportioned among lot owners served.
 - f. The maintenance agreement must provide that the association and its individual members are jointly and severally liable for maintenance.
 - g. The developer must record easements for access, maintenance, inspections and conduct monitoring or other activities approved by the Stormwater Administrator by any property owners association and by the Gaston County Government and or the municipality.
 - i. All maintenance documents required by this article must be submitted to the Stormwater Administrator before record plat approval, and such documents must be referenced on the record plat, or, in the case of single-lot developments not requiring record plats, documentation must be submitted to the Stormwater Administrator before building permit issuance. This ordinance shall be effective upon adoption.
 - j. Gaston County or the municipality may create special tax assessments for residential subdivisions to fund maintenance. Municipalities may choose to fund maintenance for stormwater systems through their respective stormwater utilities.
 - k. Municipalities within Gaston County may have additional requirements such as maintenance escrow accounts, additional design standards and vested rights claims.

Article II

Section 19 Illicit Discharges and Connections

a. Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance other than stormwater; provided that they do not significantly impact water quality. The Following discharges are allowable:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water; and
19. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the state of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by Gaston County or municipality.

Prohibited substances include but are not limited to: oil, anti-freeze, chemical, animal waste, paints, garbage, and litter.

b. Illicit Connections

1. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in section 18 above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial

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vehicle washing or steam cleaning, and waste water from septic systems.

2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous material or other discharges which pose and immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
3. Where it is determined that said connection:
 - i. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
 - ii. Was made in violation of any applicable regulations or ordinance, other than this section;

The non-stormwater connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:

- i. The quantity and complexity of the work,
- ii. The consequences of delay,
- iii. The potential harm to the environment, to public health, and to public and private property, and
- iv. The cost of remedying the damage.

4. Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to a stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to preexisting conditions.

Persons in control of the polluting substances and persons owning the property on which the substances were released or discharged shall immediately notify Gaston County Emergency Management of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

5. Nuisance

Illicit discharges and illicit connections which exist within the jurisdiction of

Gaston County and this provision are hereby found, deemed and declared to be dangerous or prejudiced to public health or public safety and are found, deemed, and declared to be public nuisances.

Section 19 **Severability**

If any section or sections of this Ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

Section 20 **Effective Date**

This ordinance shall become effective on the 1st day of July 2007.

Appendix H.3

City of Belmont Watershed Ordinance

CHAPTER 153: WATERSHED PROTECTION ORDINANCE

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AUTHORITY AND GENERAL REGULATIONS

§ 153.01 AUTHORITY AND ENACTMENT.

The Legislature of the State of North Carolina has, in NCGS160A, Article 8, Section 174, General Ordinance Authority; and in NCGS 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City Council of Belmont does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of the city.

§ 153.02 JURISDICTION.

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of the City of Belmont, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the City Clerk.

§ 153.03 EXCEPTIONS TO APPLICABILITY.

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the city; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the city at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

(C) Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(D) If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum

extent practicable.

(E) In cases where average development density on up to two noncontiguous properties is use for the purposes of achieving compliance with the water supply watershed standards per the provisions of NCGS 143-214.5(d2) as follows:

- (1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
- (2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- (3) Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.
- (4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- (5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- (6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
- (7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- (8) A special use permit or other such permit or certificate shall be obtained from the local Watershed Review Board to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

§153.04 REPEAL OF EXISTING WATERSHED ORDINANCE.

This Ordinance in part carries forward by re-enactment, some of the **Watershed Ordinance of the City of Belmont, North Carolina** (adopted by the City Council on July 1, 1993 and as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All

provisions of the Watershed Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Watershed Protection Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

§ 153.05 CRIMINAL PENALTIES.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

§ 153.06 REMEDIES.

(A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the City Council may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$1,000.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with NCGS 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. They shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

§ 153.07 SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

SUBDIVISION REGULATIONS

§ 153.10 GENERAL PROVISIONS.

(A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded

by the Gaston County Register of Deeds until it has been approved in accordance with the provisions of this subchapter. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this subchapter.

(B) The approval of a plat does not constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

(C) All subdivisions shall conform to the mapping requirements contained in NCGS 47-30.

(D) All subdivisions of land within the jurisdiction of the city after the effective date of this Ordinance shall require a plat to be prepared, approved, and recorded pursuant to this Ordinance.

§ 153.11 SUBDIVISION APPLICATION AND REVIEW PROCEDURES.

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this Ordinance and may be recorded provided the Watershed Administrator initials the vicinity map. In addition, subdivisions within a WS-IV watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required under the provisions of State law, or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Subchapter and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, 2 copies of the plat and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board.

(C) The Watershed Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Watershed Administrator shall take final action within 45 days of submission of the application. The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

- (1) The district highway engineer with regard to proposed streets and highways.
- (2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.
- (3) The state Division of Water Infrastructure with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general.
- (4) Any other agency or official designated by the Watershed Administrator or Watershed Review Board.

(D) If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Watershed Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.

Date

Watershed Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

(E) If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review and application fees.

(F) All subdivision plats shall comply with the requirements for recording of the Gaston County Register of Deeds.

(G) The plat shall be recorded within 30 days of approval. The subdivider shall provide the Watershed Administrator with evidence the plat has been recorded with the Register of Deeds within 5 working days. Penalty, see §153.05 and Remedies, see §153.06.

§ 153.12 SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS.

(A) *Adequate Building Space.* All lots shall provide adequate building space in accordance with the development standards contained in §153.25 through §153.34. Lots which are smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with §153.25 through §153.34.

(B) *Built-Upon Area.* For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) *Storm Water Drainage Facilities.* The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

(D) *Erosion and Sedimentation Control.* The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the Gaston Natural Resources Department.

(E) *Roads*. Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

§ 153.13 CONSTRUCTION PROCEDURES.

(A) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved.

(B) No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Watershed Administrator to provide for adequate inspection.

§ 153.14 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.

(A) Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the city, thereafter subdivides their land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor.

(B) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

(C) The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance.

DEVELOPMENT REGULATIONS

§ 153.25 ESTABLISHMENT OF WATERSHED AREAS.

(A) The purpose of this Subchapter is to list and describe the watershed areas herein adopted.

(B) For purposes of this Ordinance, the city and its one mile extraterritorial jurisdiction are hereby divided into the following areas, as appropriate:

(1) WS-IV-CA (Critical Area)

(2) WS-IV-PA (Protected Area)

§ 153.26 WATERSHED AREAS DESCRIBED.

(A) WS-IV Watershed Areas - Critical Area (WS-IV-CA). Only new development activities that

require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of 2 dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of 24% built-upon area. New residuals application sites and landfills are specifically prohibited.

(1) Allowed Uses:

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

(c) Residential.

(d) Non-residential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils.

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than 1/2 acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed 24% built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(c) High density options using engineered stormwater control devices are permitted in this district in accordance with §153.45 through §153.52

(B) WS-IV Watershed Areas - Protected Area (WS-IV-PA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. In order to accommodate moderate to high land use intensity, single family residential uses shall develop at a maximum of 2 dwelling units per acre (2 du/ac). All other residential and non-residential development shall be allowed at a maximum of 24% built-upon area. A maximum of 3 dwelling units per acre (3 du/ac) or 36% percent built-upon area is allowed for projects without a curb and gutter street system.

(1) Uses Allowed:

(a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

(c) Residential development.

(d) Non-residential development.

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed 2 dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than 1/2 acre (or 20,000 square feet excluding roadway right-of-way), or 1/3 acre for projects without a curb and gutter street system, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed 24% built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed 36% built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

(c) High density options using engineered stormwater control devices are permitted in this district in accordance with §153.45 through §153.52

§ 153.27 CLUSTER DEVELOPMENT.

Cluster development, if allowed under current city zoning and subdivision ordinances, is allowed in all Watershed Areas under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in §153.26. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.

(B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

(C) Areas of concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainage ways.

(D) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

(E) Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

§ 153.28 BUFFER AREAS REQUIRED.

(A) A minimum 100 foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum 50 foot buffer is required along the Catawba River mainstem per 15A NCAC 02B.0243 riparian buffer rule, and a minimum 30 foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

(B) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

§ 153.29 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the city as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than 25 feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

(D) Where the watershed area boundaries lie at a scaled distance of 25 feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

§ 153.30 APPLICATION OF REGULATIONS.

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this Ordinance shall be included in the area required for another building.

(C) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

§ 153.31 EXISTING DEVELOPMENT.

Existing development as defined in this Ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

(A) *Uses of Land.* This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

- (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (2) Such use of land shall be changed only to an allowed use.
- (3) When such use ceases for a period of at least one year, it shall not be reestablished.

(B) *Reconstruction of Buildings or Built-upon Areas.* Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- (1) Repair or reconstruction is initiated within 12 months and completed within 2 years of such damage.
- (2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

§ 153.32 WATERSHED PROTECTION PERMIT.

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this Ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this Ordinance.

(B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Watershed Administrator, and application fees as determined by City Council.

(C) Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within 12 months from the date of issuance.

§ 153.33 BUILDING PERMIT REQUIRED.

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

§ 153.34 WATERSHED PROTECTION OCCUPANCY PERMIT.

(A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within 10 days after the erection or structural alterations of the building.

(C) When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

(E) No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

§ 153.35 FEES.

City Council shall adopt from time to time, a schedule of fees for the permitting, enforcement and other requirements, as specified in this chapter.

HIGH DENSITY DEVELOPMENT

§ 153.45 HIGH DENSITY DEVELOPMENT STANDARDS.

(A) The Watershed Review Board may approve high density development proposals consistent with the following standards:

(1) *WS-IV Watershed Areas- Critical Area (WS-IV-CA)*. Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

(2) *WS-IV Watershed Areas- Protected Area (WS-IV-PA)*. Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

(B) High density development shall meet the requirements of this Ordinance.

§ 153.46 HIGH DENSITY DEVELOPMENT PERMIT APPLICATION.

(A) A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

(B) Application for a High Density Development shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator at least 30 days prior to a Watershed Review Board meeting. Application for High Density Development Permit shall be made on the proper form and shall include the following information:

(1) A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

(2) Two reproducible copies of the development plan within the drainage basin including the applicable information listed in the Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;

(3) Two reproducible copies of the plans and specifications of the stormwater control structure consistent with §153.47;

(4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

(5) Permit Application Fees consistent with §153.50.

(C) Prior to taking final action on any application, the Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.

(D) The Watershed Review Board shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Board

following its receipt. The Board shall take action on the application as its first consideration or within 65 days of its first consideration.

(1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond acceptable security as required in §153.48 (B)(1) and executes an Operation and Maintenance Agreement as required in §153.48 (C). A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

(2) If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing wither by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section, and shall be considered a new submittal subject to the requirements and application fees as set forth under this Ordinance.

(E) The Watershed Review Board shall issue a High Density Development Permit within sixty-five (65) days of its first consideration upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Ordinance and the following conditions are met:

(1) The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

(2) The use minimizes impacts to water quality through the use of best management practices, cluster development, and/or maximum setbacks from perennial waters;

(3) The use is consistent with the officially land use plan for the city.

If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

(F) In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

(G) The Board shall issue a written ruling and make copies available at the office of the Watershed Administrator and the City Clerk.

(H) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure(s). A High Density Development Permit shall be issued after the applicant

posts a performance bond or other acceptable security as required in §153.48 (B)(1) and executes an Operation and Maintenance Agreement as required in §153.48 (C). A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

§ 153.47 STORMWATER CONTROL MEASURES.

(A) All stormwater control measures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required. These registered professionals are defined as professional engineers, landscape architects, to the extent that the NCGS 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in NCGS 89 (C)-3(7).

(B) All stormwater runoff from new built-upon surfaces within the project at build-out shall be treated in a primary stormwater control measure (SCM). Primary SCMs shall include: wet ponds, stormwater wetlands, infiltration systems, sand filters, bioretention cells, permeable pavement, green roofs, and rainwater harvesting. Projects shall use an SCM or SCMs designed, constructed, and maintained so that the project achieves either runoff treatment or runoff volume match, and:

- (1) For projects that use an SCM or SCMs designed to achieve runoff treatment, the required storm depth shall be one inch.
- (2) For projects that use an SCM or SCMs designed to achieve runoff volume match, the post-development runoff volume shall not exceed the pre-development runoff volume for the 90th percentile storm.

(C) The required stormwater treatment volume to be controlled shall be calculated using either the Simple Method or the difference between pre- and post-development runoff volume computed using the discrete NRCS Curve Number Method.

- (1) SCMs shall meet the relevant "Minimum Design Criteria" set forth in the North Carolina Department of Environmental Quality Stormwater BMP Manual which is hereby incorporated by reference and is available at: <http://portal.ncdenr.org/web/lr/bmp-manual>.
- (2) Stormwater outlets shall be designed so that they do not cause erosion immediately downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

(D) All land areas outside of the Stormwater control measure shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in §153.49 (C).

(E) A description of the area containing the stormwater control measure shall be prepared and filed in consistent with §153.51 (A) and (B), as a separate deed with the Gaston County Register of Deeds along with any easements necessary for general access to the stormwater control measure. The

deeded are shall include the stormwater control measure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

(F) Qualifying areas of the stormwater control measure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon are for any other site or area.

§ 153.48 POSTING OF FINANCIAL SECURITY REQUIRED.

(A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.

(B) Financial assurance shall be in the form of the following:

(1) *Security Performance Bond or other security.* The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the city or placed in escrow with a financial institution designated as an official depository of the city. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(2) *Cash or Equivalent Security Deposited After the Release of the Performance Bond.* Consistent with §153.51 (C)(1), the permit applicant shall deposit with the city either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a 10 year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under §153.49 (A). The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by two-fifths or 0.4.

(C) Consistent with §153.46, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in the accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Gaston County Register of Deeds by the Watershed Review Board.

(D) *Default under the performance bond or other security.* Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The board shall return any funds not spent in completing the improvements to the owning entity.

(E) *Default under the cash security.* Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds. Penalty, see §153.05 and Remedies, see §153.06.

§ 153.49 MAINTENANCE AND UPKEEP.

(A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

(B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

(C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the NCGS 89A, allow) designated by the Watershed Review Board.

(D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the NCGS 89A, allow) and submitted to and reviewed by the Watershed Administrator prior by the Watershed Review Board.

(1) If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.

(2) If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.

(E) If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Gaston County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

§ 153.50 APPLICATION AND INSPECTION FEES.

(A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to the city. Applications shall be returned if not accompanied by the required fee.

(B) A permit and inspection fee schedule, as approved by the City Council shall be posted in the Office of the Watershed Administrator.

(C) Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with §153.49 (C), except in the case when a similar fee has been paid within the last 60 days.

§ 153.51 INSPECTIONS AND RELEASE OF THE PERFORMANCE BOND.

(A) The stormwater control structure shall be inspected by the Watershed Administrator, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Gaston County Register of Deeds;

(2) A certification sealed by an engineer or landscape architect (to the extent that the NCGS 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications

(B) The Watershed Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed, and easements, the Board shall file the deed and easements with the Gaston County Register of Deeds, release up to 75% of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with §153.34.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Board.

(C) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Watershed Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Watershed Administrator shall present the petition, inspection report, and recommendations to the Watershed Review Board.

(1) If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review Board a cash amount equal to that described in §153.48 (B)(2) after which, the Board shall release the performance bond or other security.

(2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

(D) A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the Watershed Review Board has approved the stormwater control structure, as provided in §153.51 (B).

(E) All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Energy, Mineral, and Land Resources. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.

(F) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the NCGS 89A, allow) designated by the Watershed Review Board.

(G) Appeals of any order, requirement, decision, or determination made by the Watershed Administrator may be made to and decided by the Watershed Review Board consistent with §153.71.

§ 153.52 SANCTIONS.

In addition to the remedies described in § 153.06 of this Ordinance and consistent with NCGS 160A-175, the Watershed Review Board may seek enforcement of this Ordinance through the City Council by assessing a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the

ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved. By the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offence.

PUBLIC HEALTH REGULATIONS

§ 153.60 PUBLIC HEALTH, IN GENERAL.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

§ 153.61 ABATEMENT.

(A) The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

(C) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ADMINISTRATION, ENFORCEMENT AND APPEALS

§ 153.70 WATERSHED ADMINISTRATOR AND DUTIES THEREOF.

(A) The city shall appoint a Watershed Administrator, who shall be duly sworn in.

(B) It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

(1) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

(2) The Watershed Administrator may serve as clerk to the Watershed Review Board.

(3) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Stormwater Permitting Program of the NC Division of Energy, Mineral, and Land Resources.

(4) The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of their responsibility the full police power of the city. The Watershed Administrator, or their duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.

(5) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Division of Energy, Mineral, and Land Resources on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

§ 153.71 APPEAL FROM THE WATERSHED ADMINISTRATOR.

(A) Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

(B) An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within 30 days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(C) An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in their ~~his~~ opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

(D) The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

§ 153.72 CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE.

(A) The City Council may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

(B) No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within 45 days after submission of the proposal to the Chairman of the Watershed Review Board, the City Council may proceed as though a favorable report had been received.

(C) Under no circumstances shall the City Council adopt such amendments, supplements or changes that would cause this Ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the Stormwater Permitting Program, N.C. Division of Energy, Mineral, and Land Resources.

§ 153.73 PUBLIC NOTICE AND HEARING REQUIRED.

Before adopting or amending this Ordinance, the City Council shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 nor more than 25 days before the date for the hearing.

§ 153.74 ESTABLISHMENT OF WATERSHED REVIEW BOARD.

There shall be and hereby is created the Watershed Review Board consisting of all members of the City Council.

§ 153.75 GENERAL PROCEEDINGS OF THE WATERSHED REVIEW BOARD.

The mayor shall be the chairman and the mayor pro tempore the vice-chairman of the board. The chairman in turn shall appoint a secretary, who may be an employee of the city, a city officer, or a member of the Watershed Review Board. The chairman, or in their absence the vice-chairman, may administer oaths and request the attendance of witnesses. The Board shall keep minutes of its proceedings, including the names of members present and absent, a record of the vote on every question, together with records of its examinations and other official actions.

§ 153.76 MEETINGS

(A) *Board Meetings.* The Board may hold regular monthly meetings at a specified time and place or special meetings of the Board may be called at any time by the chairman or by request of three or more members of the Board. At least 48 hours written notice of the time and place of meetings shall be given by the chairman to each member of the Board. All Board meetings are to be held in accordance with NCGS 143-33B, commonly referred to as the Open Meetings Law.

(B) *Cancellation of Meetings.* Whenever there are no appeals or other business for the Board, or

whenever so many members so notify the secretary of inability to attend that a quorum will not be available, the chairman shall dispense with a meeting giving written or oral notice to all members.

(C) *Quorum.* A majority of the actual membership of the Board plus the chairman, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present, shall be counted as present for purposes of determining whether or not a quorum is present.

(D) *Voting.* No member shall be excused from voting except upon matters involving the consideration of their own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the meeting chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. An affirmative vote equal to a majority of all members of the Board not excused from voting on the question in issue (including the chairman's vote in case of an equal division) shall be required to take any action.

§ 153.77 RULES OF CONDUCT FOR MEMBERS.

Members of the Board may be removed by the City Council for cause, including violation of the rules stated below:

(A) Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.

(B) No Board member shall take part in the hearing, consideration, or determination of any case in which they are personally or financially interested.

(1) *Financial Interest.* A Board member shall have a "financial interest" in a case when a decision in the case will:

(a) Cause them or their spouse to experience a direct financial benefit or loss, or

(b) Will cause a business in which they or their spouse owns a 10% or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss.

(2) *Personal Interest.* A Board member shall have a "personal interest" in a case when it involves a member of their immediate family (i.e., parent, spouse, or child).

(C) No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any other member of the Board, its secretary or clerk prior to the hearing.

(D) Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

(E) Members of the Board shall give notice to the chairman at least 48 hours prior to the hearing of any potential conflict of interest which they have in a particular case before the Board.

(F) No Board member shall vote on any matter that decides an application or appeal unless they had attended the public hearing on that application or appeal.

§ 153.78 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD.

(A) *Administrative Review.* The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.

(B) *Variances.* The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the city shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A site plan, drawn to a scale of at least 1 inch to 40 feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

(c) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

(2) Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(1) If they comply with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of their property.

(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(c) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

(3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

(4) The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

(6) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall

include:

- (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and rulings on them;
 - (e) Proposed findings and exceptions;
 - (f) The proposed decision, including all conditions proposed to be added to the permit.
- (7) The preliminary record shall be sent to the Environmental Management Commission for its review as follows:
- (a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
 - (b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.
- (C) Subdivision approval. See §153.10 through §153.14.
- (D) Public Health. See §153.60 and §153.61.
- (E) Approval of all development greater than the low density option. See §153.45 through §153.51.

§ 153.79 APPEALS FROM THE WATERSHED REVIEW BOARD.

Appeals from the Watershed Review Board must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

§ 153.80 OPERATION AND MAINTENANCE AGREEMENT.

The Watershed Administrator is hereby authorized to sign the operation and maintenance agreement described in § 153.48 (C) on behalf of the city.

DEFINITIONS

§ 153.90 General Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL USE. The use of waters for stock watering, irrigation, and other farm purposes.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILT-UPON AREA. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, and paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CLUSTER DEVELOPMENT. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed use development are considered as cluster development.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The **CRITICAL AREA** is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the

critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CUSTOMARY HOME OCCUPATIONS. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over 25% of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DISCRETE NRCS CURVE NUMBER METHOD. A method for calculating the required treatment volume whereby the model described in *Urban Hydrology for Small Watersheds* (NRCS Technical Report 55), available at: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf, is run twice: first, to yield runoff volume from the built-upon areas; and second, to yield runoff volume from the remainder of the project. The total required treatment volume shall be the sum of the two results.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (2) Having an outstanding valid building permit as authorized by NCGS 160A-385.1; or
- (3) Having an approved site specific or phased development plan as authorized by NCGS 160A-385.1.

EXISTING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to July 1, 1993, or a lot described by metes and bounds, the description of which has been so recorded prior to July 1, 1993.

FAMILY SUBDIVISION. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with NCGS 130A Article 9. For the purpose of this Ordinance this term does not include composting facilities.

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

MAJOR VARIANCE. A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) The relaxation, by a factor greater than 10%, of any management requirement under the low density option;
- (2) The relaxation, by a factor greater than 5%, of any buffer, density or built-upon area requirement under the high density option; or
- (3) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

MINOR VARIANCE. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to 5% of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to 10%, of any management requirement under the low density option.

90TH PERCENTILE STORM. The rainfall event with a precipitation depth greater than or equal to 90 percent of all 24-hour storms on an annual basis.

NONCONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

NON-RESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

PLAT. A map or plan of a parcel of land which is to be, or has been subdivided.

PROTECTED AREA. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining

to the intake located directly in the stream or river or to the ridgeline of the watershed.

REQUIRED STORM DEPTH. The minimum amount of rainfall that shall be used to calculate the required treatment volume or to evaluate whether a project has achieved runoff volume match.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RESIDUALS. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

RUNOFF VOLUME MATCH. The volume of runoff after development does not exceed the amount of runoff before development for the design storm.

SIMPLE METHOD. A method for calculating the required treatment volume using the formula $V = 3630 * R_D * (0.05 + 0.9 * I_A) * A$. In this equation, V = the estimated runoff volume for the design storm, R_D = design storm rainfall depth in inches, I_A = impervious fraction (impervious portion of drainage area in acres/ drainage area in acres), and A = watershed area in acres.

SINGLE FAMILY RESIDENTIAL. Any development where:

- (1) No building contains more than one dwelling unit;
- (2) Every dwelling unit is on a separate lot; and
- (3) Where no lot contains more than one dwelling unit.

STORMWATER CONTROL MEASURE OR SCM. A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration or mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

STORMWATER CONTROL STRUCTURE. This term shall be interchangeable with Stormwater Control Measure.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

STRUCTURE. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this Ordinance;
- (5) The division of a tract into plots or lots used as a cemetery.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

VARIANCE. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WATERSHED. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

WATERSHED ADMINISTRATOR. An official or designated person of the city responsible for administration and enforcement of this Ordinance.

§ 153.91 Word Interpretation.

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- (1) Words in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (3) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (4) The word "structure" shall include the word "building."
- (5) The word "lot" shall include the words, "plot," "parcel," or "tract."
- (6) The word "shall" is always mandatory and not merely directory.
- (7) The word "will" is always mandatory and not merely directory.

Appendix H.4

Catawba River Buffer Rules

15A NCAC 02B .0243 CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS

The following is the management strategy for maintaining and protecting 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.

- (1) **PURPOSE.** The purpose of this Rule shall be to protect and preserve 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.
- (2) **DEFINITIONS.** For the purpose of Rules 15A NCAC 02B .0243 and 15A NCAC 02B .0244, these terms shall be defined as follows:
 - (a) "Access Trails" means pedestrian trails constructed of pervious or impervious surfaces, and related structures to access a surface water including boardwalks, steps, rails, signage, etc.
 - (b) "Archaeological Activities" means activities conducted by a Registered Professional Archaeologist (RPA).
 - (c) "Airport Facilities" means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or other interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof; and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of "Airport Facilities":
 - (i) satellite parking facilities;
 - (ii) retail and commercial development outside of the terminal area, such as rental car facilities; and
 - (iii) other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority.
 - (d) "Approved local government" means any government with a riparian buffer ordinance approved by the Division pursuant to Subparagraph (3)(b) of this Rule.
 - (e) "Channel" means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
 - (f) "DBH" means diameter at breast height of a tree measured at 4.5 feet above ground surface level.
 - (g) "Forest plantation" means an area of planted trees that may be conifers (pines) or hardwoods. On a plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.

- (h) "Full Pond Level" is a term used by Duke Energy Inc. that refers to the project water level, referenced to mean sea level, for each of the seven mainstem lakes along the Catawba River. The landward edge of the lakes at full pond level represents the project boundary for each lake.
 - (i) "Greenway / Hiking Trails" means pedestrian trails constructed of pervious and impervious surfaces and related structures including but not limited to boardwalks, steps, rails, signage, etc.
 - (j) "High Value Tree" means a tree whose stump diameter is equal to or exceeding 18-inches.
 - (k) "Mainstem lakes" means the following impoundments created along the mainstem of the Catawba River: Lake James, Lake Rhodhiss, Lake Hickory, Lookout Shoals Lake, Lake Norman, Mountain Island Lake and Lake Wylie (North Carolina portion).
 - (l) "Riparian buffer enhancement" is defined as the process of converting a non-forested riparian area, where woody vegetation is sparse (greater than or equal to 100 trees per acre but less than 200 trees per acre) to a forested riparian buffer area. The enhanced, forested riparian buffer area shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acres at maturity, and diffuse flow through the riparian buffer shall be maintained.
 - (m) "Riparian buffer restoration" is defined as the process of converting a non-forested riparian area, where woody vegetation is absent (less than 100 trees per acre) to a forested riparian buffer area. The restored, forested riparian buffer area shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acres at maturity, and diffuse flow through the riparian buffer shall be maintained.
 - (n) "Shoreline stabilization" is the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, rip rap, or gabions, while providing bank stabilization, shall not be considered stream restoration.
 - (o) "Stream restoration" is defined as the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. "Referenced" or "referenced reach" means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.
 - (p) "Stump diameter" means diameter of a tree measured at six inches above ground surface level.
 - (q) "Surface water" means all waters of the state as defined in G.S. 143-212 except underground waters.
 - (r) "Temporary road" means a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures or water dependent structures, or to maintain public traffic during construction.
 - (s) "Tree" means a woody plant with a DBH equal to or exceeding five inches or a stump diameter equal to or exceeding six inches.
- (3) **APPLICABILITY.** This Rule shall apply to a 50-foot wide riparian buffer along the Catawba River mainstem below Lake James and along the mainstem lakes in the Catawba River Basin, excluding wetlands. Wetlands within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506. The riparian buffers protected by this Rule shall be measured pursuant to Item (4) of this Rule. Riparian buffers along the Catawba River mainstem below Lake James and along mainstem lakes shall be subject to this Rule unless one of the following applies.
- (a) **EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING.** This Rule shall not apply to portions of the riparian buffer where a use is existing and ongoing. Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use is

exempt from this Rule. The determination of whether a use is existing and ongoing will be made either by the Division or approved local government; whichever is appropriate according to the administration of the buffer program. A use is existing and ongoing when it is a completed and maintained activity, an activity with appropriate valid permits, or an activity with documentation for unexpired vested rights, as described below:

- (i) A use that was present within the riparian buffer as of June 30, 2001 and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within 50 feet of the surface water where it did not previously exist as of the effective date of the Rule, and existing diffuse flow is maintained. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised, the ground is stabilized and existing diffuse flow is maintained.
 - (ii) A use that can be documented to the Division or the appropriate approved local government that meets at least one of the following criteria:
 - (A) Project requires a 401 Certification/404 Permit, these were issued prior to June 30, 2001 and are still valid;
 - (B) Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits prior to June 30, 2001;
 - (C) Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DENR on avoidance and minimization by June 30, 2003; and
 - (D) Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the DWQ prior to June 30, 2001.
 - (iii) A project that can be documented to the Division or the appropriate approved local government that has vested rights that were established or recognized for that project under the common law or by G.S. 153A-344(b), 153A-344.1, 160A-385(b), or 160A-385.1 prior to July 1, 2001. This Rule does not confer or restrict a vested right established or recognized under common law or G.S. 153A-344(b), 153A-344.1, 160A-385(b), or 160A-385.1.
 - (iv) This Rule shall apply at the time an existing use is changed to another use. Change of use shall include the following:
 - (A) Impervious surface is added to the riparian buffer in locations where it did not exist previously either on the ground or in proposed site plans showing the locations of proposed impervious surfaces for uses defined as existing and ongoing in Subitem (3)(a)(ii) or Subitem (3)(a)(iii) of this Rule; or
 - (B) An agricultural operation within the riparian buffer is converted to a non-agricultural use.
- (b) **LOCAL GOVERNMENTS THAT HAVE APPROVED RIPARIAN BUFFER ORDINANCES.** All local governments that have land use authority along the Catawba River mainstem below Lake James and along mainstem lakes in the Catawba River Basin may adopt local riparian buffer ordinances to protect water quality. The Division shall approve the local riparian buffer ordinance within 30 days after receiving the request from local governments, if the Division determines that the local riparian buffer ordinance provides

equal to or greater water quality protection than this Rule. This Rule shall not apply in any area where a local government has obtained the Division's approval of the local riparian buffer ordinance, provided that the local government is implementing and enforcing the approved local riparian buffer ordinance. The Division, upon determination that the local government is failing to implement or enforce the approved local buffer ordinance, shall notify the local government in writing of the local program inadequacies. If the local government has not corrected the deficiencies within 90 days of receipt of written notification, then the Division shall implement and enforce the provisions of this Rule.

- (c) **RIPARIAN AREAS AND ACTIVITIES NOT REGULATED UNDER AN APPROVED LOCAL GOVERNMENT ORDINANCE.** The Division shall be responsible for the implementation of this rule for all riparian areas and activities not regulated under a Division-approved local government ordinance.
- (4) **ZONES OF THE RIPARIAN BUFFER.** The protected riparian buffer shall have two zones as follows:
 - (a) Zone 1 shall consist of a forested area that is undisturbed except for uses provided for in Item (6) of this Rule. The location of Zone 1 shall be as follows:
 - (i) For the Catawba River mainstem below Lake James, Zone 1 shall begin at the most landward limit of the top of the bank and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the edge of the top of the bank.
 - (ii) For the mainstem lakes located on the Catawba River mainstem, Zone 1 shall begin at the most landward limit of the full pond level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the edge of the full pond level.
 - (b) Zone 2 shall consist of a stable, vegetated area that is undisturbed except for uses provided for in Item (6) of this Rule. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to a vertical line marking the outer edge of Zone 1. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water along the Catawba River mainstem below Lake James and along mainstem lakes in the Catawba River Basin.
- (5) **DIFFUSE FLOW REQUIREMENT.** Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.
 - (a) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone 2 of the riparian buffer.
 - (b) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.
 - (c) No new stormwater conveyances are allowed through the buffers except for stormwater management ponds provided for in Item (6) of this Rule.
- (6) **TABLE OF USES.** The following chart sets out the uses and their category designation under this Rule as exempt, allowable, or allowable with mitigation. Any uses, which are not listed in the table, are prohibited. The requirements for each category listed in the table as well as prohibited uses not set out in the table are given in Item (7) of this Rule.

Use	Exempt	Allowable	Allowable with Mitigation
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities: <ul style="list-style-type: none"> • Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Rule and no 	X		

<p>impervious surface is added to the riparian buffer</p> <ul style="list-style-type: none"> • Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Rule or impervious surface is added to the riparian buffer 		X	
<p>Airport facilities:</p> <ul style="list-style-type: none"> • Airport or airstrip facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Airport or airstrip facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer 		X	X
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the buffer	X		
<p>Dam maintenance activities:</p> <ul style="list-style-type: none"> • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3 • Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3 	X	X	
<p>Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers:</p> <ul style="list-style-type: none"> • Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies • New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control pollutants and attenuate flow before the conveyance discharges through the riparian buffer • New stormwater discharges to existing man-made conveyances (including, but not limited to, drainage ditches, roadside ditches, and stormwater outfalls) provided that the new stormwater discharge does not result in the need to alter the existing man-made conveyances 	X	X	X
<p>Driveway crossings of surface waters subject to this Rule:</p> <ul style="list-style-type: none"> • Driveway crossings on single family residential lots subdivided or recorded prior to the effective date of this Rule that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer • Driveway crossings on single family residential lots subdivided or recorded prior to the effective date of this Rule that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer • In a subdivision that cumulatively disturbs equal to or less than 150 linear feet or one-third of an acre of riparian buffer • In a subdivision that cumulatively disturbs greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X	X

Fences: <ul style="list-style-type: none"> Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Rule Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Rule 	X		
Forest harvesting - see Item (11) of this Rule		X	
Grading and revegetation in Zone 2 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized	X		
Greenway / hiking trails		X	
Historic preservation	X		
Mining activities: <ul style="list-style-type: none"> Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items (4) and (5) of this Rule are established adjacent to the relocated channels Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Items (4) and (5) of this Rule are not established adjacent to the relocated channels 		X	X
Non-electric utility lines: <ul style="list-style-type: none"> Impacts other than perpendicular crossings in Zone 2 only¹ Impacts other than perpendicular crossings in Zone 1¹ 		X	X
Non-electric utility line perpendicular crossings of surface waters subject to this Rule ¹ : <ul style="list-style-type: none"> Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer regardless of the width of the maintenance corridor 	X	X X	X X
Overhead electric utility lines: <ul style="list-style-type: none"> Impacts other than perpendicular crossings in Zone 2 only¹ Impacts other than perpendicular crossings in Zone 1^{1,2,3} 	X X		
Overhead electric utility line perpendicular crossings of surface waters subject to this Rule ¹ : <ul style="list-style-type: none"> Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer² Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer^{2,3} 	X	X	

¹ Perpendicular crossings are those that intersect the surface water at an angle between 75° and 105°. New water intakes and new outfall lines which may be required to extend to or cross part of waterbodies will be implemented and enforced under this category.

² Provided that, in Zone 1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Division.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Rip rap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

³ Provided that poles or towers shall not be installed within 10 feet of a water body unless the Division completes a no practical alternative evaluation.

Use	Exempt	Allowable	Allowable with Mitigation
Playground equipment: <ul style="list-style-type: none"> • Playground equipment provided that installation and use does not result in removal of trees as defined in this Rule • Playground equipment where installation and use requires removal of trees as defined in this Rule 	X	X	
Properties that have been subdivided by a preliminary subdivision plat ⁴ approved by local governments within the Catawba River Basin within 2 years prior to June 30, 2001 for conventional subdivisions and within 5 years prior to June 30, 2001 for phased subdivisions: <ul style="list-style-type: none"> • Uses in Zone 2 provided that the ground is stabilized and diffuse flow is maintained • Uses in Zone 1 provided that the ground is stabilized and diffuse flow is maintained. On-site waste systems, septic tanks and drainfields are not allowed in Zone 1 	X	X	
Properties that are included on a recorded subdivision plan prior to June 30, 2001: <ul style="list-style-type: none"> • Uses in Zone 2 provided that the ground is stabilized and diffuse flow is maintained • Uses in Zone 1 provided that the ground is stabilized and diffuse flow is maintained. On-site waste systems, septic tanks and drainfields are not allowed in Zone 1 	X	X	
Protection of existing structures, facilities and shoreline when this requires additional disturbance of the riparian buffer or the channel		X	
Pumps for agricultural irrigation in Zone 1 provided that installation and use does not result in removal of trees as defined in this Rule	X		

⁴ The submitted preliminary subdivision plat shall include all the following information:

- Total acreage of land proposed for platting.
- The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances accurately shown, including dimensions of all lot lines.
- Location and use of all existing and proposed easements. This includes easements for drainage and utilities.
- Location, width of rights-of-way and all proposed streets.
- Location of all utilities installations.
- Distance to nearest public water supply and sanitary sewerage systems.
- Significant natural features including existing riparian buffer areas, existing wetlands, lakes or rivers, or other natural features affecting the site.
- Existing physical features including buildings, streets, railroads, power lines, drainage ways, sewer and water or spring heads, and town limit lines both to or adjacent to the land to be subdivided.

Use	Exempt	Allowable	Allowable with Mitigation
Railroad impacts other than crossings of surface waters subject to this Rule			X
Recreational and accessory structures: <ul style="list-style-type: none"> • Recreational and accessory structures such as decks, gazebos and sheds provided the total cumulative footprint of all structures within the buffer does not exceed 150 square feet, that the structures are elevated above pervious ground, that installation does not result in removal of trees as defined in this Rule, and that they are not otherwise prohibited under the local water supply watershed ordinance • Recreational and accessory structures such as decks, gazebos, and sheds with a cumulative footprint of more than 150 square feet provided that the structures are elevated above pervious ground, that installation does not result in removal of trees as defined in this Rule, and that they are not otherwise prohibited under the local water supply watershed ordinance 	X	X	
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X		
Road impacts other than crossings of surface waters subject to this Rule			X
Road crossings of surface waters subject to this Rule: <ul style="list-style-type: none"> • Road crossings that impact equal to or less than 40 linear feet of riparian buffer • Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X	X
Scientific studies and gauging station	X		
Stormwater management ponds excluding dry ponds: <ul style="list-style-type: none"> • New stormwater management ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) of this Rule is established adjacent to the pond • New stormwater management ponds where a riparian buffer that meets the requirements of Items (4) and (5) of this 		X	X

Rule is NOT established adjacent to the pond • Stormwater constructed wetland and bio-retention area		X	
Shoreline stabilization		X	
Temporary roads: • Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads used for culvert installation, bridge construction or replacement provided that restoration activities, such as soil stabilization and revegetation, are conducted immediately after construction	X	X X	
Temporary sediment and erosion control devices: • In Zone 2 only provided that the vegetation in Zone 1 is not compromised and that discharge is released as diffuse flow in accordance with Item (5) of this Rule • In Zones 1 and 2 to control impacts associated with uses approved by the Division or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer • In-stream temporary erosion and sediment control measures for work within a stream channel	X X	X	
Underground electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only ¹ • Impacts other than perpendicular crossings in Zone 1 ^{1,5}	X X		
Underground electric utility line perpendicular crossings of surface waters subject to this Rule: ¹ • Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer ⁵ • Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer ⁵	X	X	
Vehicle access roads and boat ramps leading to the surface water, docks, fishing piers, and other water dependent activities: • Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 10 feet in width • Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 10 feet in width		X	X
View corridors: • Thinning of underbrush, shrubs, and limbs up to 50% of individual tree height to enhance a lake view provided soils are undisturbed, diffuse flow is maintained and no stems of woody vegetation larger than 3" DBH are removed • Thinning of underbrush, shrubs, and limbs above 50% of individual tree height to enhance a lake view provided soils are undisturbed, diffuse flow is maintained and no stems of woody vegetation larger than 3" DBH are removed	X	X	

⁵ Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Division.

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Except as specified within this footnote, vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

Use	Exempt	Allowable	Allowable with Mitigation
Vegetation management: <ul style="list-style-type: none"> • Emergency fire control measures provided that topography is restored • Periodic mowing and harvesting of plant products in Zone 2 only • Planting vegetation to improve water quality protection function of the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life • Removal of individual trees which are dead, diseased or damaged • Removal of poison ivy • Removal of understory nuisance vegetation listed in Appendix III of: Smith, Cheri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30 	X X X X X X X		
Water dependent structures: <ul style="list-style-type: none"> • Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use do not result in disturbance to riparian buffers • Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers 	X	X	
Water wells: <ul style="list-style-type: none"> • Single family residential water wells • All other water wells 	X	X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers: <ul style="list-style-type: none"> • Wetland, stream and buffer restoration that requires DWQ approval for the use of a 401 Water Quality Certification • Wetland, stream and buffer restoration that does not require DWQ approval for the use of a 401 Water Quality Certification 	X	X	

- (7) **REQUIREMENTS FOR CATEGORIES OF USES.** Uses designated as exempt, allowable, and allowable with mitigation in Item (6) of this Rule and prohibited in this Rule shall have the following requirements:
- (a) **EXEMPT.** Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable. In addition, exempt uses shall meet requirements listed in Item (6) of this Rule for the specific use.
 - (b) **ALLOWABLE.** Uses designated as allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Item (8) of this Rule and that disturbance to the buffer is minimized. These uses require prior written authorization from the Division or from a local government with an approved riparian buffer ordinance pursuant to Sub-Item (3)(b) of this Rule.
 - (c) **ALLOWABLE WITH MITIGATION.** Uses designated as allowable with mitigation may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Item (8) of this Rule and an appropriate mitigation strategy has been approved pursuant to Item (10) of this Rule. These uses require written authorization from the Division or the approved local government.
 - (d) **PROHIBITED.** All uses not designated as exempt, allowable or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer unless a variance is granted pursuant to Item (9) of this Rule. Mitigation may be required as one condition of a variance approval.
- (8) **DETERMINATION OF "NO PRACTICAL ALTERNATIVES."** Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Division or to the approved local government. The applicant shall certify that the criteria identified in Sub-Item (8)(a) of this Rule are met. The Division or the approved local government shall grant an Authorization Certificate upon a "no practical alternatives" determination. The procedure for making an Authorization Certificate shall be as follows:
- (a) For any request for an Authorization Certificate, the Division or the approved local government shall review the entire project and make a finding of fact as to whether the following requirements have been met in support of a "no practical alternatives" determination:
 - (i) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
 - (ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
 - (iii) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.
 - (b) Requests for an Authorization Certificate shall be reviewed and either approved or denied within 60 days of receipt of a complete submission based on the criteria in Sub-Item (8)(a) of this Rule by either the Division or the approved local government. Failure to issue an approval or denial within 60 days shall constitute that the applicant has demonstrated "no practical alternatives." An Authorization Certificate shall be issued to the applicant, unless:
 - (i) The applicant agrees, in writing, to a longer period;
 - (ii) Applicant fails to furnish requested information necessary to the Division's or approved local government's decision; or
 - (iii) Information necessary to the Division's or approved local government's decision. The Division or the approved local government may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program. Complete submissions to the Division shall use the appropriate Pre-Construction Notification (PCN) Application Form and shall submit the completed form to the Division. Complete submissions to the delegated local government shall include the following unless otherwise identified within an approved local government ordinance:
 - (i) The name, address and phone number of the applicant;

- (ii) The nature of the activity to be conducted by the applicant;
 - (iii) The location of the activity, including the jurisdiction;
 - (iv) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
 - (v) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
 - (vi) Plans for any best management practices proposed to be used to control the impacts associated with the activity.
- (c) Any disputes over determinations regarding Authorization Certificates shall be referred to the Director for a decision. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.
- (9) **VARIANCES.** Persons who wish to undertake uses designated as prohibited may pursue a variance. The Division or the appropriate approved local government shall make all of the following findings of fact and may grant variances. The variance request procedure shall be as follows:
- (a) For any variance request, the Division or the approved local government shall make a finding of fact to insure that the following requirements have been met:
 - (i) There are practical difficulties or hardships that prevent compliance with the riparian buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:
 - (A) If the applicant complies with the provisions of this Rule, he or she can secure no reasonable return from, nor make reasonable use of, his or her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Division or the approved local government shall consider whether the variance is the minimum possible deviation from the terms of this Rule that shall make reasonable use of the property possible.
 - (B) The hardship results from application of this Rule to the property rather than from other factors such as deed restrictions or other hardship.
 - (C) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - (D) The applicant did not cause the hardship by knowingly or unknowingly violating this Rule.
 - (E) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
 - (ii) The variance is in harmony with the general purpose and intent of the Catawba River Basin's riparian buffer protection requirements and preserves its spirit; and
 - (iii) In granting the variance, the public safety and welfare have been assured, water quality has been protected, and justice has been done.
 - (b) Variance requests shall be reviewed and approved based on the criteria in Sub-Item (9)(a) of this Rule by either the Division or the approved local government pursuant to G.S. 153A, Article 18, or G.S. 160A, Article 19. The Division or the approved local government may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Requests for appeals of decisions made by the Division shall be made to the Office of Administrative Hearings. Request for appeals of decisions made by the approved local government shall be made to the appropriate Board of Adjustment under G.S. 160A-388 or G.S. 153A-345 for determinations made by the approved local government.
- (10) **MITIGATION.** Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use.

- (a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to Item (8) of this Rule.
 - (b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0244.
- (11) REQUIREMENTS SPECIFIC TO FOREST HARVESTING. The following requirements shall apply for forest harvesting operations and practices.
- (a) The following measures shall apply in Zone 1 of the riparian buffer:
 - (i) Logging decks and sawmill sites shall not be placed in the riparian buffer.
 - (ii) Timber felling shall be directed away from the water body.
 - (iii) Skidding shall be directed away from the water body and shall be done in a manner that minimizes soil disturbance and prevents the creation of channels or ruts in accordance with 15A NCAC 01I .0203 as enforced by the Division of Forest Resources.
 - (iv) Individual trees may be treated to maintain or improve their health, form or vigor.
 - (v) Harvesting of dead or infected trees or application of pesticides necessary to prevent or control tree pest and disease infestation shall be allowed. These practices must be approved by the Division of Forest Resources for a specific site pursuant to this Rule. The Division of Forest Resources must notify the Division of all approvals.
 - (vi) Removal of individual trees that are in danger of causing damage to structures or human life shall be allowed.
 - (vii) Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized. Plantings shall consist primarily of native species.
 - (viii) Prescribed burns shall not be allowed.
 - (ix) Application of fertilizer shall not be allowed except as necessary for permanent stabilization. Broadcast application of fertilizer or herbicides to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.
 - (b) In Zone 1, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered professional forester. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:
 - (i) Tracked or wheeled vehicles are not permitted except at stream crossings designed, constructed and maintained in accordance with 15A NCAC 01I .0203 as enforced by the Division of Forest Resources.
 - (ii) Soil disturbing site preparation activities are not allowed.
 - (iii) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.
 - (iv) The following provisions for selective harvesting shall be met:
 - (A) The first 10 feet of Zone 1 directly adjacent to the stream or waterbody shall be undisturbed except for the removal of individual high value trees as defined.
 - (B) In the outer 20 feet of Zone 1, trees greater than 12-inch diameter stump may be cut and removed. The reentry time for harvest shall be no more frequent than every 15 years, except on forest plantations where the reentry time shall be no more frequent than every five years. In either case, the trees remaining after harvest shall be as evenly spaced as possible.
 - (c) In Zone 2, harvesting and regeneration of the forest stand shall be allowed in accordance with 15A NCAC 01I .0100 – .0200 as enforced by the Division of Forest Resources.

- (12) OTHER LAWS, REGULATIONS AND PERMITS. In all cases, compliance with this Rule does not preclude the requirement to comply with all federal, state and local regulations and laws. Whichever regulation is more restrictive shall apply.

History Note: Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); S.L. 1999, c. 329, s. 7.1; S.B 824-2003; Temporary Adoption Eff. June 30, 2001; (exempt from 270 day requirement - S.L. 2001-418 & S.L. 2003-340).
Eff. August 1, 2004.

Appendix H.5

Inventory of Stormwater Control Measures

STORMWATER CONTROL MEASURES (SCM) INVENTORY
STORMWATER PHASE 2

	Name	ID TAG	SCM Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	SCM	Plat Book / Page	SCM Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
1	BELMONT VILLAGE	A6-SCM1-BELMONTVILLAGE	Belmont Village Dr Belmont, NC 28012	Shirley Causby Circle Dr Belmont, NC 28012-3109	12 218429	2008	A6	OS - 35.2307 OF - N35 13.875	OS - -81.0516 OF - W81 03.139	OS - 654 ft OF - 655 ft	Wet Detention Pond (currently Sediment pond)	78/45	Parcel separate from development	BELMONT VILLAGE STORMWATER DETENTION POND	Currently under Gaston County Erosion and Sediment Control	
2	FIRST PRESBYTERIAN CHURCH	B5-SCM3- FIRSTPRESBYTERIAN	112/114/202 S Central Ave Belmont, NC 28012	First Presbyterian Church Central Ave Belmont, NC 28012	126844 - 126845 - 126846	2010	B5	OS - N35 14.173 OF - N35 14.174	OS - W81 02.532 OF - W81 02.537	OS - 718 ft OF - 667 ft	Sand Filter, Wet Detention Pond, Level Spreader	Not Listed	Not separate and spans across three parcels	None		
3	THE PALLISADES	A4-SCM1-PALLISADES	1011 Pallisades Cr Belmont, NC 28012	SRC PALLISADES OF BELMONT LLC PO BOX 280, GASTONIA, NC 28053-0280	125045	2016	A4	OS- 35.2501 OF-	OS- -81.0476 OF-	OS- OF-	Wet Detention Pond	Not Listed	NOT SEPARATE	None		
4	THE PALLISADES	A4-SCM2-PALLISADES	1011 Pallisades Cr Belmont, NC 28012	SRC PALLISADES OF BELMONT LLC PO BOX 280, GASTONIA, NC 28053-0280	125045	2016	A4	OS- 35.2502 OF-	OS- -81.0498 OF-	OS- OF-	Wet Detention Pond	Not Listed	NOT SEPARATE	None		
5	THE PALLISADES	A4-SCM3-PALLISADES	1011 Pallisades Cr Belmont, NC 28012	SRC PALLISADES OF BELMONT LLC PO BOX 280, GASTONIA, NC 28053-0280	125045	2016	A4	OS- 35.2501 OF-	OS- -81.0500 OF-	OS- OF-	Level Spreader	Not Listed	NOT SEPARATE	None		
6	MORGANS BRANCH	B11-SCM1- MORGANSBRANCH	Cromlish Crossing Belmont, NC 28012	AVH Carolinas LLC 5615 Potter Rd Matthews, NC 28104-0508	223127	2014	B11	OS- 35.1745 OF-	OS- -81.0278 OF-	OS- OF-	WET DETENTION POND (CURRENTLY SEDIMENT BASIN)	83/10	SEPARATE	Morgans Branch Common Open Space	Currently under Gaston County Erosion and Sediment Control	
7	MORGANS BRANCH	B11-SCM2- MORGANSBRANCH	Ardent Trail Belmont, NC 28012	AVH Carolinas LLC 5615 Potter Rd Matthews, NC 28104-0508	225033	2014	B11	OS- 35.1758 OF-	OS- -81.0257 OF-	OS- OF-	WET DETENTION POND (CURRENTLY SEDIMENT BASIN)	85/22	SEPARATE	Morgans Branch Common Open Space (Wet Detention Pond)	Currently under Gaston County Erosion and Sediment Control	
8	MORGANS BRANCH	B11-SCM3-MORGANS BRANCH	MOONLIGHT MIST RD BELMONT, NC 28012	AVH Carolinas LLC 5615 Potter Rd Matthews, NC 28104-0508	227015	2016	B11	OS- 35.1739 OF-	OS- -81.0277 OF-	OS- OF-	WET DETENTION POND (CURRENTLY SEDIMENT BASIN)	87/27	SEPARATE	MORGANS BRANCH COMMON OPEN SPACE	Currently under Gaston County Erosion and Sediment Control	
9	THE CONSERVANCY PH1	A12-SCM2-MAYAPPLE	869 MAYAPPLE WAY	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD, CHARLOTTE , NC 28211-2864	226388	2016	A12	OS- 35.1595 OF-	OS- -81.0560 OF-	OS- OF-	WET DETENTION POND	86/60	SEPARATE	THE CONSERVANCY AT MCLEAN COMMON OPEN SPACE E		

STORMWATER CONTROL MEASURES (SCM) INVENTORY
STORMWATER PHASE 2

	Name	ID TAG	SCM Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	SCM	Plat Book / Page	SCM Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
10	THE CONSERVANCY PH1	A12-SCM1-MAYAPPLE	825 MAYAPPLE WAY	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD , CHARLOTTE , NC 28211-2864	226386	2016	A12	05- 35.1575 OF-	05- -81.0565 OF-	05- OF-	CRYSTAL STREAM WATER QUALITY VAULT	86/60	SEPARATE	THE CONSERVANCY AT MCLEAN COMMON OPEN SPACE C		
11	THE CONSERVANCY PH1	A12-SCM1-GARDENBROOK	GARDENBROOK TRAIL	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD , CHARLOTTE , NC 28211-2864	225599	2016	A12	05- 35.1579 OF-	05- -81.0524 OF-	05- OF-	WET DETENTION POND	86/9	SEPARATE	THE CONSERVANCY AT MCLEAN COMMON OPEN SPACE B		
12	THE CONSERVANCY PH2	A12-SCM3-MAYAPPLE	6670 S NEW HOPE RD	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD , CHARLOTTE , NC 28211-2864	226574	2018	A12	05- 35.1620 OF-	05- -81.0544 OF-	05- OF-	WET DETENTION POND (CURRENTLY SEDIMENT BASIN)	88/17	NOT SEPARATE	THE CONSERVANCY AT MCLEAN FUTURE DEVELOPMENT	Currently under Gaston County Erosion and Sediment Control	
13	OVERLAKE	A12-SCM2-SPRINGCOVE	4129 SPRING COVE WAY	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD , CHARLOTTE , NC 28211-2864	227121	2016	A12	05- 35.1651 OF-	05- -81.0459 OF-	05- OF-	WET DETENTION POND (CURRENTLY SEDIMENT BASIN)	90/94	SEPARATE	OVERLAKE C.O.S. D PLAT BOOK 090 PAGE 004	Currently under Gaston County Erosion and Sediment Control	
14	OVERLAKE	A12-SCM1-SPRINGCOVE	4129 SPRING COVE WAY	NW LAKE WYLIE LLC C/O STEVEN HINSHAW 423 S SHARON AMITY RD , CHARLOTTE , NC 28211-2864	227121	2016	A12	05- 35.1648 OF-	05- -81.0450 OF-	05- OF-	CRYSTAL STREAM WATER QUALITY VAULT	90/94	SEPARATE	OVERLAKE C.O.S. D PLAT BOOK 090 PAGE 004	Currently under Gaston County Erosion and Sediment Control	

STORMWATER CONTROL MEASURES (SCM) INVENTORY
WATERSHED WS-IV

	Name	ID TAG	BMP Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	BMP	Plat Book / Page	BMP Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
1	Gaston County Visitor Center		620 N Main St Belmont, NC 28012	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	212716		B3	OS- OF-	OS- OF-	OS- OF-	Two Bio-Retention Cells		Not Separate	N/A	Letter of Inspection notice sent certified mail 10-27-2008	
2	Lowe's Home Improvement	B3-SCM1-LOWES	Caldwell Farm Rd Belmont, NC 28012	LW at Montcross LLC C/O Placid D. Solari OSB 100 Belmont Mt. Holly Rd Belmont, NC 28012	213368	2007	B3	OS- 35.2553 OF-	OS- -81.0395 OF-	OS- OF-	Wet Detention Pond	74/74	Separate	Lowe's Tract 2 (Det Pond)	Letter of Inspection notice sent certified mail 10-27-2008	Regular landscaping of pond, did not receive ASI Report
3	Wal-Mart	B4-SCM2-LOWES	118 Caldwell Farm Rd Belmont, NC 28012	WM at Montcross LLC PO Box 8050 MS 0555 Bentonville, AR 72712-8050	213374	2006	B4	OS- 35.2536 OF-	OS- -81.0372 OF-	OS- OF-	Wet Detention Pond	74/74	Separate	Wal-Mart Tract 4	Letter of inspection notice sent certified mail 10-28-2008	Regular landscaping of pond, did not receive ASI Report
4	Wal-Mart	B4-SCM1-WALMART	701 Hawley Ave Belmont, NC 28012	WM at Montcross LLC PO Box 8050 MS 0555 Bentonville, AR 72712-8050	208591	2006	B3 + B4	OS- 35.2555 OF-	OS- -81.0336 OF-	OS- OF-	Dry Detention Pond	74/74	Not Separate	Wal-Mart Tract 1	Letter of Inspection notice sent certified mail 10-28-2008	Regular landscaping of pond, did not receive ASI Report
5	Montcross Southern Benedictine	B4-SCM3- CALDWELLFARM	Hawley Ave Belmont, NC 28012	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	214377	2006	B4	OS- 35.2550 OF-	OS- -81.0327 OF-	OS- OF-	Wet Detention Pond	74/74	Separate	L-28 Detention Pond	Letter of Inspection notice sent certified mail 10-27-2008	Regular landscaping of pond, did not receive ASI Report
6	Montcross Southern Benedictine	B4-SCM1- CALDWELLFARM	Caldwell Farm Rd Belmont, NC 28012 (Across from Lowe's)	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	214398	2006	B4	OS- 35.2529 OF-	OS- -81.0366 OF-	OS- OF-	Wet Detention Pond	74/74	Separate	L-49 Detention Pond	Letter of Inspection notice sent certified mail 10-27-2008	Regular landscaping of pond, did not receive ASI Report
7	Montcross Southern Benedictine	B4-SCM2- CALDWELLFARM	Hawley Ave Belmont, NC 28012	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	214386 214387	2006	B4	OS- 35.2530 OF-	OS- -81.0323 OF-	OS- OF-	Wet Detention Pond	74/74	Separate	L 37 (Detention Pond) L 38 (Detention Pond)		
8	Forest Point Church	B4-SCM1- FORESTPOINTCH	6700 Wilkinson Blvd Belmont, NC 28012	Forest Pointe Community Church Inc PO Box 908 Belmont, NC 28012	125192	2001	B4	OS- 35.2505 OF-	OS- -81.0320 OF-	OS- OF-	Wet Detention Pond		Not Separate 8/11	N/A	Letter of inspection notice sent certified mail 10-27-2008	
9	Park Street Commons	B4-BMPOF-CAROMONT B4-BMPOS-CAROMONT	Park St Belmont, NC 28012	Park Street Commons Property Owners Association Inc. C/O Ryan Clayton, A/E Prop 1300 Baxter St Charlotte, NC 28204	125217	2005	B4	OS-N35° 15.011' OF-N35° 15.021'	OS-W81° 01.861' OF-W81° 01.868'	OS-664ft OF-654ft	Dry Detention Pond	64/23	Separate	Common Area / Pond	Letter of Inspection notice sent certified mail 10-27-2008	
10	Sterling Professional Park	B4-SCM1-STERLING	Spruce St Belmont, NC 28012	Sterling Professional Park Property Owners Assoc. INC 2133 Southend Dr Suite 107 Charlotte, NC 28203	212640	2009	B4	35.24876702	-81.0284	672 ft	Wet Detention Pond (Currently Sediment Pond)	73/33	Separate	Sterling Professional Park	Letter of Inspection notice sent certified mail 10-27-2008	

STORMWATER CONTROL MEASURES (SCM) INVENTORY
WATERSHED WS-IV

	Name	ID TAG	BMP Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	BMP	Plat Book / Page	BMP Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
11	Walgreen's	B4-SCM1-WALGREENS	6810 E Wilkinson Blvd Belmont, NC 28012	Belmont Drug Store Investment LLC BDSI #1 LLC 104 Wilmot Rd Mail Stop 1435	201948	2000	B4	OS- 35.2509 OF-	OS- -81.0287 OF-	OS- OF-	Wet Detention Pond		Not Separate	N/A	Letter of Inspection notice sent certified mail 10-27-2008	
12	State Employees Credit Union	C4-SCM1-SECU C4-SCM2-SECU	7225 Wilkinson Blvd Belmont, NC 28012	State Employees Credit Union Belmont Branch P.O. Box 26807 Raleigh, NC 27611	216907	2009	C4	OS- 35.2474 OF-	OS- -81.0147 OF-	OS- OF-	Permeable Pavers, Vegetated Conveyance	76/41	Not Separate			
13	Mercy Place		6531 Wilkinson Blvd Belmont, NC 28012	Sisters of Our Lady Mercy Sacred Heart Convent 100 Mercy Dr Belmont, NC 28012	209102	2004	B4	OS- OF-	OS- OF-	OS- OF-	Wet Detention Pond	71/9	Not Separate			
14	Fresenius	B1-BMPOSI-FRESENIUS B1-BMPOF1-FRESENIUS	5010 Medical Care Ct Belmont, NC 28012	Perfection Rd Ltd Partnership C/O Benenson Funding Corp 20 West 55th St 6th Floor New York, NY 10019	213202	2007	B1	OS-N35° 16.952' OF-N35° 16.954'	OS-W81°02.787' OF-W81°02.791'	OS - 759 ft OF - 710 ft	Wet Detention Pond	73/77	Separate	Perfection Road LTD		
15	Circle K	B3-SCM1-CIRCLEK B3-SCM2-CIRCLEK	Woodlawn St Belmont, NC 28012	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	220224	2013	B3	OS- N35.2645 OF-	OS- -81.0427 OF-	OS- OF-	Level Spreader, Sand Filter	79/57	Not Separate	Southern Benedictine Soc		
16	Carus Phosphates	B2-SCM1-CARUSPHOSPHATES	181 Woodlawn St Belmont, NC 28012	Carus Phosphates Inc. 315 Fifth Ave Peru, IL 61354	183398	1998	B2	OS- 35.2675 OF-	OS- -81.0467 OF-	OS- OF-	Wet Detention Pond	55/107	Not Separate	Oaks Commerce Center		
17	NAPA/McKenney Retail	C4-SCM1-NAPA	6846 Wilkinson Blvd Belmont, NC 28012	McKenney Investments LLC P.O. Box 708 Belmont, NC 28012-0708	186297	2008	C4	OS-N35° 14.999	OS-W81°01.503'	OS - 649 ft	Wet Detention Pond	005/80	Not Separate	G D McKee		
18	South State Bank	B4-SCM1-SOUTHSTATEBANK	192 E Woodrow Ave	SOUTH STATE BANK C/O DAVID H. HELMS PO BOX 1287, ORANGEBURG, SC 29116-	212558	2005	B4	OS- 35.2453 OF-	OS- -81.0318 OF-	OS- OF-	Wet Detention Pond	72/114	Not Separate	Citizen South Bank		
19	Tindol Building		1417 E Catawba St	Tindol Family Investments LLC 1631 Heatherloch Dr	218111	2004	C5	OS- OF-	OS- OF-	OS- OF-	Wet Detention Pond	77/12	Not Separate	Tindol & Riverview Point		
20	Mariatex	B5-SCM1-MARLATEX	408 Brook St	Martonffy LLC 408 Brook St Belmont, NC 28012	126071	2002	B5	OS- 35.2403 OF-	OS- 35.2403 OF-	OS- OF-	Wet Detention Pond		Not Separate	None Listed		
21	Stowe Manor	B5-BMPOSI-STOWEMANOR B5-BMPOF1-STOWEMANOR	Poplar St	STOWE MANOR NBHD ASSOC INC 412 GARDENIA ST , BELMONT , NC 28012-4164	206426	2008	B5	OS-N35° 14.180' OF-N35° 14.187'	OS-W81°02.302' OF-W81°02.306'	OS-716 ft OF-711 ft	Bio-Retention Cell	81/5	Separate	Stowe Manor Common Area		
22	Sake Express	B4-SCM1-SAKEEXPRESS	675 Park St	Southern Benedictine Society C/O Long John Silvers 9505 9505 Williamsburg Plaza Suite 300 Louisville, KY 40222-5090	186180	2004	B4	OS- 35.2543 OF-	OS- -81.0282 OF-	OS- OF-	Bio-Retention Cell		Not Separate			
23	Montross Senior Living	B4-SCM1-LOFTINSENIORAPTS	Hawley Ave Belmont, NC 28012	Southern Benedictine Society C/O Belmont Abbey 100 Belmont Mt. Holly Rd Belmont, NC 28012	221090	2014	B4	OS- 35.2535 OF-	OS- -81.0307 OF-	OS- OF-	Sand Filter	80/60	Separate	L 65		
24	Belmont Village Shopping Center (Bi-Lo)	B4-SCM1-BELMONTVILLAGESHOPPING	6507 Wilkinson Blvd Belmont, NC 28012	Skye-Belmont LLC C/O Skye Realty Partners LLC 1927 First Ave N - Fifth Floor Birmingham, AL 35203	125042	1994	B4	OS- 35.2547 OF-	OS- -81.0413 OF-	OS- OF-	Wet Detention Pond	52/4	Not Separate	L 3		
25	BB&T	B4-SCM1-BB&T B4-SCM2-BB&T	601 Hawley Ave Belmont, NC 28012	Southern Benedictine Society C/O BB&T CO Michelle Norton P.O. Box 1220 Winston-Salem, NC 27102-1220	214391	2007	B4	OS- 35.2526 OF-	OS- -81.0335 OF-	OS- OF-	Wet Detention Pond & Vegetated Filter Strip	74/74	Not Separate			
26	Belmont Town Center	B6-SCM2-BELMONTTOWNCENTER B6-SCM1-BELMONTTOWNCENTER	SOUTH POINT RD	SOUTH POINT SC LLC C/O RALEY-MILLER PROPS INC 10815 SIKES PL STE 300, CHARLOTTE , NC 28277-9601	225738	2017		SCM2 OS- 35.2253 SCM1 OS- 35.2234	SCM2 OS- -81.0350 SCM1 OS- -81.0347	OS- OF-	SCM2 - Sand Filter (CURRENTLY SEDIMENT BASIN) SCM1 - Wet Detention Pond	85/108	Separate	BELMONT TOWN CENTER TRACT 1	Currently under Gaston County Erosion and Sediment Control	

STORMWATER CONTROL MEASURES (SCM) INVENTORY
WATERSHED WS-IV

	Name	ID TAG	BMP Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	BMP	Plat Book/Page	BMP Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
27	LAUREL WALK	B6-SCM1-LAURELWALK	LAUREL WALK LN	BELMONT RES TOWN CENTER LLC 2820 SELWYN AVE STE 350 , CHARLOTTE , NC 28209-1872	228041	2017		OS- 35.2258 OF-	OS- -81.0342 OF-	OS- OF-	Wet Detention Pond (CURRENTLY SEDIMENT BASIN)	85/108	Not Separate		Currently under Gaston County Erosion and Sediment Control	
28	LAUREL WALK	B6-SCM2-LAURELWALK	LAUREL WALK LN	BELMONT RES TOWN CENTER LLC 2820 SELWYN AVE STE 350 , CHARLOTTE , NC 28209-1872	228041	2017		OS- 35.2234 OF-	OS- -81.0347 OF-	OS- OF-	Wet Detention Pond (CURRENTLY SEDIMENT BASIN)	85/108	Not Separate		Currently under Gaston County Erosion and Sediment Control	
29	BELMONT TOWN SQUARE		301 STOWE RD	AMH NC DEVELOPMENT LP 30601 AGOURA RD STE 200 , AGOURA , CA 91301-2148	187742	2018		OS- OF-	OS- OF-	OS- OF-	Wet Detention Pond (CURRENTLY SEDIMENT BASIN)	NOT LISTED			Currently under Gaston County Erosion and Sediment Control	
30	BELMONT CROSSING	B5-SCM1- BELMONTCROSSING	301 EAST AVE	SETTLERS LANDING DEVELOPMNT LLC 101 PITTS SCHOOL RD SW , CONCORD , NC 28027-3916	226761	2018 / 2019		OS- OF-	OS- OF-	OS- OF-	Sand Filter (Currently Sediment Basin)	NOT LISTED	Not Separate		Currently under Gaston County Erosion and Sediment Control	
31	BELMONT CROSSING	B5-SCM2- BELMONTCROSSING	301 EAST AVE	SETTLERS LANDING DEVELOPMNT LLC 101 PITTS SCHOOL RD SW , CONCORD , NC 28027-3916	226761	2018 / 2019		OS- OF-	OS- OF-	OS- OF-	Wet Detention Pond (Currently Sediment Basin)	NOT LISTED	Not Separate		Currently under Gaston County Erosion and Sediment Control	
32	HOME 2 SUITES		871 HAWLEY AVE	MONTCROSS HAWLEY AVE LLC 100 MAIN ST , MC ADENVILLE, NC 28101-	301396	2019		OS -	OS-	OS- OF-	Wet Detention Pond (CURRENTLY SEDIMENT BASIN)	89/96	Not Separate		Currently under Gaston County Erosion and Sediment Control	

STORMWATER CONTROL MEASURES (SCM) INVENTORY
NON-WATERSHED WS-IV / NON-STORMWATER PHASE 2

	Name	ID TAG	BMP Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	BMP	Plat Book / Page	BMP Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
1	Belmont Reserve	A5-USACCESS-ABRAMSWAY	Summerfield Place Belmont, NC 28012	Belmont Reserve LLC 2023 John Crosland Jr Way Charlotte, NC 28208-5555	215285	2007	A5	OS -35.2369 OF	OS - -81.0492 OF -	OS - 709 ft OF - 670 ft	Underground Detention	76/78	Separate	Common Open Space	Pre - SW Phase 2	
2	Eagle Park	A5-SCM1-LEXINGTON	Lexington St Belmont, NC 28012	EAGLE PARK OWNERS ASSOC INC C/O PROPERTY MATTERS REALTY PO BOX 158, GASTONIA, NC 28053-	223711	2005 / 2006	A5	OS- 35.2414 OF-	OS- -81.0562 OF-	OS- OF-	Wet Detention Pond	83/19	Separate	Common Open Space	Pre - SW Phase 2	
3	Eagle Park - COS	A5-SCM1-COURTLY A5-SCM2-COURTLY	698 Eagle Road, A Belmont, NC 28012	EAGLE PARK OWNERS ASSOC INC PO BOX 158, GASTONIA, NC 28053	215525	2005 / 2006	A5	OS- 35.2384 OF -	OS - -81.0558 OF	OS - 664 ft OF - 643 ft	Dry Detention Ponds	83/19	Separate	Common Open Space	Pre - SW Phase 2	2018 PONDS INSPECTED AND WORKED ON
5	EAGLE PARK -	A5-SCM1-ASSEMBLY	ASSEMBLY ST	EAGLE PARK OWNERS ASSOC INC PO BOX 158, GASTONIA, NC 28053	225823	2005 / 2006	A5	OS- 35.2399 OF-	OS- -81.0585 OF-	OS- OF-	WET DETENTION POND	NOT LISTED	SEPARATE	FUTURE DEVELOPMENT	Pre - SW Phase 2	CONVERTED TO WET DETENTION POND 2018
6	South Point Village	B7-SCM1-MCKEEFARM	1105 McKeeFarm Ln Belmont, NC 28012	SOUTH POINT VLG HMOOWNRS ASSOC C/O PROPERTY MATTERS REALTY PO BOX 158, GASTONIA, NC 28053-0158	218956	2007	B7	OS- 35.2202 OF-	OS- -81.0385 OF-	OS - 818 ft OF - 844 ft	Dry Detention Pond	77/101	Separate	Common Open Space #2	Pre - SW Phase 2	
7	South Point Village/Commons	B7-SCM1-WADEHAMPTON	Wade Hampton Cr Belmont, NC 28012	SOUTH POINT VLG HMOOWNRS ASSOC C/O PROPERTY MATTERS REALTY PO BOX 158, GASTONIA, NC 28053-0158	218958	2007	B7	OS-35.2180 OF	OS- -81.0443 OF-	OS - 634 ft OF - 637 ft	Dry Detention Pond	77/102	Separate	Common Open Space #4	Pre - SW Phase 2	
8	Stowe Point/Lennar	B6-SCM1-STOWEPOINT	Samuel Pickney Dr Belmont, NC 28012	STOWE POINT HMOOWNERS ASSOC INC 11111 CARMEL COMMONS BLVD STE STE 410, CHARLOTTE, NC 28226-4088	220473	2007	B6	OS- 35.2296 OF-	OS- -81.0280 OF-	OS- OF-	Wet Pond	79/73	Separate	Common Open Space	Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	
9	Stowe Point/Lennar	B6-SCM2-STOWEPOINT	Flannery Ln Belmont, NC 28012	STOWE POINT HMOOWNERS ASSOC INC 11111 CARMEL COMMONS BLVD STE STE 410, CHARLOTTE, NC 28226-4088	220474	2007	B6	OS- 35.2274 OF-	OS- -81.0311 OF-	OS- OF-	Wet Ponds	79/73	Separate	Common Open Space	Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	

STORMWATER CONTROL MEASURES (SCM) INVENTORY
NON-WATERSHED WS-IV / NON-STORMWATER PHASE 2

	Name	ID TAG	BMP Physical Address	Owner Name and Address	PID	Year Built	Atlas Sheet #	Latitude	Longitude	Elevation	BMP	Plat Book/Page	BMP Deed Status	Legal Description	Annual Self-Inspection Status	ASI Report Information
10	Stowe Point/Lennar	B6-SCM3-STOWEPOINT	Stowe Rd Belmont, NC 28012	STOWE POINT HMOWNERS ASSOC INC 11111 CARMEL COMMONS BLVD STE STE 410 , CHARLOTTE , NC 28226-4088	215888	2007	B6	OS- 35.2259 OF-	OS- -81.0287 OF-	OS- OF-	Dry Detention	79/73	Separate	Common Open Space	Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	
11	Stowe Point/Lennar	B6-SCM4-STOWEPOINT	Stowe Rd Belmont, NC 28012	STOWE POINT HMOWNERS ASSOC INC 11111 CARMEL COMMONS BLVD STE STE 410 , CHARLOTTE , NC 28226-4088	215889	2007	B6	OS- 35.2265 OF-	OS- -81.0276 OF-	OS- OF-	220474/220473 - Wet Ponds 215889 - Dry Retention 215888 - Dry Retention	79/73	Separate	Common Open Space	Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	
12	Hampton Inn	B3-SCM1-HAMPTONINN	820 Cecilia Alexander Dr Belmont - Mt Holly Rd Belmont, NC 28012	Hampton Inn at Montcross LLC 100 Belmont-Mt Holly Rd Belmont, NC 28012	213366	2007	B3	OS- 35.2564 OF-	OS- -81.0462 OF-	OS- OF-	Dry Detention Pond	73/79	Separate	Detention Pond Tract	Pre - SW Phase 2	
13	Gantt Soccer Park	C5-PP1-GANTTPARK	500 Brook St Belmont, NC 28012	City of Belmont P.O. Box 431 Belmont, NC 28012	221101	2014	C5	OS- 35.2395 OF-	OS- -81.0261 OF-	OS- 671FT OF-	Permeable Paver		Not Separate		Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	11-21-16 by City Staff - maintenance performed on 11-21-16
14	Loftin Riverfront Park	C5-PP1-LOFTINPARK	1400 Catawba St Belmont, NC 28012	City of Belmont P.O. Box 431 Belmont, NC 28012	214172	2016	C4/CS	OS-35.2440 OF-	OS- -81.0137" OF-	OS- OF-	Permeable Paver	83/108	Not Separate		Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	12-5-16 by City Staff
15	Loftin Riverfront Park	C5-LS1-LOFTINPARK	1400 Catawba St Belmont, NC 28012	City of Belmont P.O. Box 431 Belmont, NC 28012	214172	2016	C4/CS	OS- 35.2452 OF-	OS- -81.0128 OF-	OS- 613FT OF-	Level Spreader	83/108	Not Separate		Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	9-27-16 by City Staff - maintenance performed on 9-27-16
16	Aberfoyle	C5-SCM1-ABERFOYLE	LINESTOWE DR	ABERFOYLE LLC 1310 S TRYON ST STE 104 , CHARLOTTE , NC 28203-4233	227827	2019	C5	OS- 35.2394 OF-	OS- -81.0130 OF-	OS- OF-	Level Spreader	87/103	Separate	ABERFOYLE BLK 7 C.O.A. 20	Watershed Area but did not meet the 24% BUA Rule to require Water Quality BMPs	

Appendix I

Pollution Prevention & Good Housekeeping Program

CITY OF BELMONT GOOD HOUSEKEEPING POLLUTION PREVENTION PROGRAM

Table of Contents

1	Objectives and BMPs	1
2	Sample Public Works Stormwater Pollution Prevention Plan	I.1
3	Inventory of City of Belmont Facilities with Site Maps	I.2

Pollution Prevention and Good Housekeeping for Municipal Operations

1. Objectives for Pollution Prevention and Good Housekeeping for Municipal Operations

- a. Implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.
- b. Provide employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

2. BMPs for Pollution Prevention and Good Housekeeping for Municipal Operations

The permittee shall implement the following BMPs to meet the objectives of the Pollution prevention and Good Housekeeping Program.

BMP	Measurable Goals								
<p>a. Inventory of municipally owned or operated facilities</p>	<ul style="list-style-type: none"> • Maintain Inventory of Municipally owned or operated facilities • Update as new facilities come on line • Inventory to include: <ul style="list-style-type: none"> ▪ Address and PID# ▪ Description of Facility Operations ▪ Site Map (using imagery from Gaston County GIS or Google Maps)with Stormwater Drainage Structure Locations 								
<p>b. Operation and Maintenance (O&M) for municipally owned or operated facilities</p>	<ul style="list-style-type: none"> • The City of Belmont has developed a Stormwater Pollution Prevention Plan (SWPPP) which includes inspections, guidelines and practices to reduce pollution from municipally-owned Facilities. It is an umbrella plan and some items do not apply to all facilities. Facility inspections are to be performed as outlined in the Stormwater Pollution Prevention Plan and/or incorporated into the daily operations of each facility. Annual inspections are performed by the Stormwater Coordinator. Needed facility maintenance is performed by appropriate City Staff or the maintenance is contracted out. 								
<p>c. Spill Response Procedures</p>	<ul style="list-style-type: none"> • Spill Response procedures are located in the Stormwater Pollution Prevention Plan along with a Spill Report Form. All spills discovered in Public Rights-of-Way are reported to 911 and City Staff supports as needed. Below are the Spill Response Procedure and the Spill/Leak/Overflow Report Form as detailed in the Stormwater Pollution Prevention Plan: <table border="1" data-bbox="548 1522 1416 1879"> <thead> <tr> <th data-bbox="548 1522 1230 1556">II. Spill Response</th> <th data-bbox="1230 1522 1416 1556">Frequency</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1556 1230 1619">1. Notify Supervisor.</td> <td data-bbox="1230 1556 1416 1619">Always</td> </tr> <tr> <td data-bbox="548 1619 1230 1719">2. Identify and note nearest stormwater drainage structure and/or area, provide protection from spill/leak/overflow.</td> <td data-bbox="1230 1619 1416 1719">Always</td> </tr> <tr> <td data-bbox="548 1719 1230 1879">3. Spill/leak/overflow of 5 gallons or more, and spill/leak/overflow extending off property <ul style="list-style-type: none"> a. Identify material and refer to respective Material Safety Data Sheets for health hazards, </td> <td data-bbox="1230 1719 1416 1879">Always</td> </tr> </tbody> </table>	II. Spill Response	Frequency	1. Notify Supervisor.	Always	2. Identify and note nearest stormwater drainage structure and/or area, provide protection from spill/leak/overflow.	Always	3. Spill/leak/overflow of 5 gallons or more, and spill/leak/overflow extending off property <ul style="list-style-type: none"> a. Identify material and refer to respective Material Safety Data Sheets for health hazards, 	Always
II. Spill Response	Frequency								
1. Notify Supervisor.	Always								
2. Identify and note nearest stormwater drainage structure and/or area, provide protection from spill/leak/overflow.	Always								
3. Spill/leak/overflow of 5 gallons or more, and spill/leak/overflow extending off property <ul style="list-style-type: none"> a. Identify material and refer to respective Material Safety Data Sheets for health hazards, 	Always								

	<p>detailed instructions on spill response, clean up, and disposal procedures.</p> <ul style="list-style-type: none"> b. Supervisor to call 911 and provide information on the location of spill, identity of the spilled material, and the amount. c. 911 Responders have authority on the site. d. 911 Responder, Supervisor, or designee, to call Identified Clean Up Contractor <ul style="list-style-type: none"> - Haz-Mat Environmental 704 332-5600 - Hepaco 704-598-9782 or for 24hr emergency response 1-800-888-7689 e. No Non-911 City Employee is to, under any circumstances, attempt to contain or clean up a spill off property. f. Fill out Spill Report Form (see Appendix A) and keep on file. 	
	<p>4. On-site small quantity spill/leak/overflow (Less than 5 gallons)</p> <ul style="list-style-type: none"> a. Identify material and refer to respective Material Safety Data Sheets for health hazards, detailed instructions on spill response, clean up, and disposal procedures. b. Contain and clean up following the instructions in MSDS, unless a hazardous material has spilled/leaked/overflowed then follow instructions in section 3 above. c. Follow MSDS disposal procedures and/or sweep remnants of spill or leak and place in empty and good condition drum or container. d. Label drum or container "Spill Waste Cleanup, Chemical _____" and dispose of properly. e. Fill out Spill Report Form (see Appendix A) and keep on file. 	<p>Always</p>
	<p>5. Report any seen spills and illicit discharges or connections immediately to the Stormwater Coordinator (704) 901-2076. Include the address</p>	<p>Always</p>

	<p>(or nearest address) and the nature of the spill, illicit discharge or connection in the report.</p> <ul style="list-style-type: none"> Spill Report Forms are located in each of the facilities SWPPPs
<p>d. Streets, roads, and public parking lots maintenance e. Streets, roads, and public parking lots maintenance</p>	<ul style="list-style-type: none"> The City utilizes a street sweeping program that helps to reduce floatable materials and other pollutants from reaching the MS4. City Streets, as well as several NCDOT roads, are separated into routes for the Street Sweeper Operator to work in. The schedule for sweeping City Streets is “as needed” depending on the Stormwater Department’s work schedule. Street Sweeper maintenance down-time is also a determining factor in the sweeping schedule. The City also has a list of Priority Streets comprised of major thorough fares and areas historically prone to flooding, that are kept clean whether by running the street sweeper or by manually cleaning off storm drain tops with shovels. Public parking lots and City Facility parking lots are swept on a quarterly or as needed basis. See the Streets & Stormwater System O&M for details on daily operation of sweeper, sweeping procedures, cleaning of sweeper, and route information
<p>f. Operation and Maintenance (O&M) for municipally owned or maintained catch basins and conveyance systems g. Identify municipally owned or maintained structural stormwater controls h. O&M for municipally owned or maintained structural stormwater controls</p>	<ul style="list-style-type: none"> The City has developed a Streets & Stormwater O&M in an effort to prevent or reduce, to the maximum extent practicable, polluted runoff from municipally owned stormwater systems, streets, roads, sidewalks, rights-of-way, stormwater control measures, and parking lots. The Streets & Stormwater O&M includes: <ul style="list-style-type: none"> Procedures for the daily operation of sweeper, cleaning of sweeper, and route information Procedures for inspecting and cleaning catch basins, piped conveyances, vegetated conveyances, and stormwater manholes Procedures for the inspection, operation, and maintenance of stormwater control measures See the Streets & Stormwater System O&M for more details

<p>i. Pesticide, Herbicide and Fertilizer Application Management</p>	<ul style="list-style-type: none"> • City Employees certified for applying PHFs: <ul style="list-style-type: none"> ▪ Zachariah J. Gehrer - NC License#032-8791 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: H, L, E • Expiration Date 12-31-20 ▪ Randy M. Williams Jr – NC License#032-6753 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: E, A, L • Expiration Date 12-31-20 ▪ Joshua W. Setzer – NC License#032-8803 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: L, E • Expiration Date 12-31-20 ▪ Joseph Cote – NC License#032-5821 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: H, L • Expiration Date 12-31-20 ▪ Stephen P. Martineau Jr. – NC License#032-8792 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: L, E • Expiration Date 12-31-20 ▪ Anthony J. Bain - NC License#032-8814 <ul style="list-style-type: none"> • 032-Public Pesticide Operator (County-Municipal)-Ground • Categories: L, E • Expiration Date 12-31-20 • Contracted Operations certified for applying PHFs: <ul style="list-style-type: none"> ▪ Two Rivers Outdoor Services LLC – <ul style="list-style-type: none"> • Owen McFadden – NC License#026-6825 • Categories: E, L • Expiration Date 12-31-19 • The Stormwater Pollution Prevention Plan (SWPPP) contains a section on Pesticide, Herbicide, and Fertilizer(PHF) Application Management; Section XII • Section XII of the SWPPP includes guidelines and procedures for the storage and application of PHFs – please see SWPPP Section XII for more details
<p>j. Staff Training</p>	<ul style="list-style-type: none"> • Employee Training is implemented on an annual basis to those employees involved in implementing pollution prevention and good housekeeping practices. • The training is conducted by the Stormwater Coordinator who presents a power point presentation to employees. The presentation includes: <ul style="list-style-type: none"> ▪ What is Stormwater? ▪ What is the Stormwater System? ▪ Brief History of Stormwater ▪ Why a SWPPP? ▪ What is a SWPPP? ▪ Spill Prevention and Response, ▪ Material Storage and Handling, ▪ Solid Waste Storage practices, ▪ Vehicle and Equipment Washing,

	<ul style="list-style-type: none"> ▪ Parking Lot/Driveway Cleaning/Inspecting, ▪ Street Cleaning and Maintenance Practices ▪ SW System Cleaning and Maintenance, ▪ Construction/Repairs/Land Disturbance, ▪ Open Space Management and Practices, ▪ Pesticide/Herbicide/Fertilizer Practices, ▪ Inspections-schedule, what to inspect, documentation, • Training is documented by an attendance roster and kept on file.
<p>k. Prevent or Minimize Contamination of stormwater runoff from all areas used for Vehicle and Equipment Cleaning</p>	<ul style="list-style-type: none"> • Vehicle and Equipment cleaning is covered in the SWPPP Section V and includes guidelines and practices to prevent or minimize contamination of stormwater runoff from areas used for Vehicle and Equipment Washing • Guidelines and Practices include: <ul style="list-style-type: none"> ▪ Designate a specific covered bay or area for vehicle and equipment washing with an oil/water separator that is connected to the sanitary sewer system. If a designated bay or area is not available at the facility, employees can wash vehicles and/or equipment at the Wastewater Treatment Plant’s sludge transfer station. The drain is connected to the sanitary sewer system and goes to the plant influent. <p>Note:</p> <ol style="list-style-type: none"> a. Faulty or leaking vehicles and equipment are not allowed to be washed at the WWTP sludge transfer station. b. Notify WWTP Staff that you will be washing a vehicle and/or equipment at the sludge transfer station before commencing to wash. c. Sign in on provided Vehicle/Equipment Washing Form located at WWTP Lab and Offices, fill out form completely. d. Clean sludge transfer station after washing is completed. e. Dispose of all debris properly; debris includes but is not limited to trash, dirt, and mud. f. Sign out on provided Vehicle/Equipment Washing Form located at WWTP Lab and Offices, fill out form completely. <ul style="list-style-type: none"> ▪ Public Works Yard Hydrant and Gravel Pad located at rear northern corner of building – Equipment and Heavy Trucks may be washed in this area using biodegradable-phosphate free wash detergent. Runoff drains to heavily vegetated area. Note that this area is for Public Works Equipment and Heavy Trucks only and to be utilized by Public Works Staff and Community Service Workers. Pick up and dispose of properly all trash/debris resulting from cleaning and washing procedures. ▪ Contain wash water to the designated bay or area to the maximum extent practicable. ▪ Vehicles and equipment are to be washed only in the designated wash bay or area. ▪ Regularly inspect and maintain the oil/water separator, if applicable at the facility.

Appendix I.1

Exhibit Public Works Stormwater Pollution Prevention Plan



Stormwater Pollution Prevention Plan

Public Works Department

**City of Belmont
Stormwater Pollution Prevention Plan
For the Public Works Department**

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City of Belmont Stormwater Pollution Prevention Plan For the Public Works Department

Intent: The guidelines in this document are set forth in an effort to prevent or reduce, to the maximum extent practicable, pollutants from entering the stormwater systems serving municipal facilities.

Purpose: To provide employees a set of basic guidelines and practices to follow in the operation, maintenance, and upkeep of their respective facilities.

Each department is responsible for the timely, regular inspections, and corrective actions identified within this document. Records of all self-inspections and corrective actions are to be kept on file for an Annual Inspection by the Stormwater Coordinator.

I. Spill Prevention	Frequency
1. Keep Stormwater Pollution Prevention Plan in an easily accessible place where all employees can easily find and reference.	Always
2. Regularly inspect materials, solid waste, parking lot, vehicle and equipment storage areas for signs of leaks, overflows, spills, loose debris, deteriorating containers and labels. Note and correct any problems immediately.	Weekly
3. Regularly inspect primary and secondary containment units, pallets, and racks. Maintain as needed.	Weekly
4. Regularly inspect oil/water separators, if applicable at the facility. Maintain as needed.	Weekly
5. Regularly sweep or vacuum storage areas to clean; do not hose or wash down.	Weekly
6. Ensure spill kits and/or clean-up materials are properly stocked and easily accessible in each storage area.	Weekly
7. Regularly inspect the stormwater system serving the facility for clogs, debris, failures, and proper drainage. Maintain as needed.	Weekly

II. Spill Response	Frequency
1. Notify Supervisor.	Always
2. Identify and note nearest stormwater drainage structure and/or area, provide protection from spill/leak/overflow.	Always
<p>3. Spill/leak/overflow of 5 gallons or more, and spill/leak/overflow extending off property</p> <ol style="list-style-type: none"> a. Identify material and refer to respective Safety Data Sheets for health hazards, detailed instructions on spill response, clean up, and disposal procedures. b. Supervisor to call 911 and provide information on the location of spill, identity of the spilled material, and the amount. c. 911 Responders have authority on the site. d. 911 Responder, Supervisor, or designee, to call Identified Clean Up Contractor <ul style="list-style-type: none"> - Haz-Mat Environmental 704 332-5600 - Hepaco 704-598-9782 or for 24hr emergency response 1-800-888-7689 e. No Non-911 City Employee is to, under any circumstances, attempt to contain or clean up a spill off property. f. Fill out Spill Report Form (see Appendix A) and keep on file. 	Always
<p>4. On-site small quantity spill/leak/overflow (Less than 5 gallons)</p> <ol style="list-style-type: none"> a. Identify material and refer to respective Safety Data Sheets for health hazards, detailed instructions on spill response, clean up, and disposal procedures. b. Contain and clean up following the instructions in SDS, unless a hazardous material has spilled/leaked/overflowed then follow instructions in section 3 above. c. Follow SDS disposal procedures and/or sweep remnants of spill or leak and place in empty and good condition drum or container. d. Label drum or container “Spill Waste Cleanup, Chemical _____” and dispose of properly. e. Fill out Spill Report Form (see Appendix A) and keep on file. 	Always
5. Report any seen spills and illicit discharges or connections immediately to the Stormwater Coordinator (704) 901-2076. Include the address (or nearest address) and the nature of the spill, illicit discharge or connection in the report.	Always

III. Materials Storage	Frequency
1. Keep Safety Data Sheets up to date and easily accessible in the facility.	Always
2. For materials stored outside and exposed to stormwater run-on and run-off, keep an inventory of materials, chemicals, fluids, etc. that have the potential to spill or leak.	Always
3. Follow manufacturer’s instructions for storing materials, chemicals, fluids, etc.	Always
4. Keep a list, with contact info, of the appropriate respondents in case of a spill or leak.	Always
5. When practicable, store materials, chemicals, fluids, etc. indoors.	Always
6. For materials, chemicals, fluids, etc. stored outside, provide cover and protection from run-on and run-off to the maximum extent practicable.	Always
7. When practicable, elevate materials, chemicals, fluids, etc. using secondary spill/leak containment units, pallets, and/or racks so that leaks and spills are easily visible.	Always
8. Keep materials, chemicals, fluids, etc. in original containers with the original labels for easy identification.	Always
9. Sweep and/or vacuum material storage area(s); do not hose or wash down.	Weekly
10. Regularly inspect material, chemical, fluid, etc. storage area(s) for signs of leaks, spills, and/or overflows. Correct any problems immediately. Refer to Section II of this document for spill response procedures.	Weekly
11. Keep spill kits or clean-up materials properly stocked and easily accessible in each storage area.	Weekly
12. If Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area is applicable to the facility, it is to be covered and contained to the maximum extent practicable to prevent run-on and run-off of materials. This also includes a <u>temporary</u> Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area at the facility.	Always

<p>13. If Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area is applicable to the facility: materials are to be separated to the maximum extent practicable. This also includes a <u>temporary</u> Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area at the facility.</p>	<p>Always</p>
<p>14. If Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area is applicable to the facility, it is to be inspected regularly to ensure materials are covered, contained, and separated to the maximum extent practicable. This also includes a <u>temporary</u> Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area at the facility.</p>	<p>Weekly</p>
<p>15. Secure all storage area(s) to prevent unauthorized entries.</p>	<p>Daily</p>

IV. Solid Waste Storage	Frequency
1. Ensure dumpsters and containers are emptied regularly by contracted operations (Waste Pro) to avoid overflows.	Weekly
2. Regularly inspect storage area for signs of leaks and/or overflows, find leaks and correct immediately.	Weekly
3. When practicable, provide cover and/or protection from run-on and run-off for dumpsters and containers to the maximum extent practicable.	Always
4. Make sure all dumpster and container lids are closed securely.	Always
5. Pick up loose debris and trash in the storage area and dispose of properly.	As Needed/Weekly
6. Regularly inspect the stormwater system for debris, clogs, and proper drainage, if applicable in this area of the facility. Maintain as needed.	Weekly
7. Regularly inspect dumpsters and containers for leaks and/or overflows, correct leaks and/or overflows immediately. Ensure drains and drain plugs on dumpsters are working properly and not leaking.	Weekly
8. Minimize application of herbicides, pesticides, and chemicals for weed and pest control to the maximum extent practicable, especially around surface waters and the stormwater system. (A lack of vegetation destabilizes drainage areas and causes costly erosion problems. Also, stormwater run-off washes the chemicals away and deposits them into surface waters. Refer to Section XII of this document for application procedures.)	Always
9. Stabilize bare and/or eroded areas using seed/straw, matting, mulch, and/or sod.	As Needed

V. Vehicle and Equipment Washing	Frequency
<p>1. Designate a specific covered bay or area for vehicle and equipment washing with an oil/water separator that is connected to the sanitary sewer system. If a designated bay or area is not available at the facility, employees can wash vehicles and/or equipment at the Wastewater Treatment Plant’s sludge transfer station. The drain is connected to the sanitary sewer system and goes to the plant influent. Note:</p> <ul style="list-style-type: none"> a. Faulty or leaking vehicles and equipment are not allowed to be washed at the WWTP sludge transfer station. b. Notify WWTP Staff that you will be washing a vehicle and/or equipment at the sludge transfer station before commencing to wash. c. Sign in on provided Vehicle/Equipment Washing Form located at WWTP Lab and Offices, fill out form completely. d. Clean sludge transfer station after washing is completed. e. Dispose of all debris properly; debris includes but is not limited to trash, dirt, and mud. f. Sign out on provided Vehicle/Equipment Washing Form located at WWTP Lab and Offices, fill out form completely. 	Always
<p>2. Public Works Yard Hydrant and Gravel Pad located at rear northern corner of building – Equipment and Heavy Trucks may be washed in this area using biodegradable-phosphate free wash detergent. Runoff drains to heavily vegetated area. Note that this area is for Public Works Equipment and Heavy Trucks only and to be utilized by Public Works Staff and Community Service Workers. Pick up and dispose of properly all trash/debris resulting from cleaning and washing procedures.</p>	As Needed
<p>3. Vehicles and equipment are to be washed only in the designated wash bay or area.</p>	Always
<p>4. Regularly inspect and maintain the oil/water separator, if applicable at the facility.</p>	Weekly

VI. Vehicle and Equipment Maintenance	Frequency
1. Designate a specific covered bay or area for vehicle and equipment maintenance with an oil/water separator that is connected to the sanitary sewer system, or send vehicles and equipment out for maintenance.	Always
2. If maintenance must be done outside, provide protection for the stormwater system to the maximum extent practicable (i.e. inlet protection and barrier around maintenance area).	Always
3. Provide spill and leak containment for fuel tank(s) and fueling area, if applicable at facility.	Always
4. Regularly inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; correct problems immediately, if applicable at facility.	Daily
5. Ensure spill kits and/or clean-up materials are properly stocked and easily accessible in the maintenance area.	Weekly
6. Regularly sweep and/or vacuum the maintenance area; do not hose or wash down.	Weekly
7. Regularly inspect and maintain the oil/water separator, if applicable at the facility.	Weekly
8. Dispose of all maintenance waste materials properly.	Always

VII. Parking Lots	Frequency
1. Regularly sweep and/or vacuum the parking lot. All City facility parking lots with paved surfaces have been added to the Street Sweeper Route and will be swept according to the schedule. Street Sweeper may be requested for additional sweeping, as the street sweeper schedule permits, through the Public Works Department.	Scheduled Route
2. Regularly pick up trash and debris and dispose of properly.	As Needed/Weekly
3. Regularly inspect parking lot for signs of leaked vehicle and equipment fluids, use dry absorbent cleaning methods to clean up leaks. Identify City owned vehicle and/or equipment with leaks and move to an area not affected by stormwater or send out for maintenance.	Weekly
4. Regularly inspect the stormwater system serving the parking lot, if applicable to the facility, for clogs, debris, failures, and proper drainage. Maintain as needed.	Weekly
5. Minimize application of herbicides, pesticides, and chemicals for weed and pest control to the maximum extent practicable, especially around surface waters and the stormwater system. (A lack of vegetation destabilizes drainage areas and causes costly erosion problems. Also, stormwater run-off washes the chemicals away and deposits them into surface waters. Refer to Section XII of this document for application procedures.)	Always
6. Stabilize bare and/or eroded areas using seed/straw, matting, mulch, and/or sod.	As Needed

VII. Street Cleaning and Maintenance	Frequency
1. Schedule street cleaning and maintenance activities (i.e. repairing water/sewer line located in roadway, backfilling and repairing pot holes, etc.) for dry weather.	Always
2. Before maintenance activities (i.e. repairing water/sewer line located in roadway, backfilling and repairing pot holes, etc.), provide protection for catch basins, storm drains, and drainage areas to the maximum extent practicable.	Always
3. Upon completion of maintenance activities and restoration of disturbed areas, clean and/or sweep impervious surfaces dirt and debris. Do <u>not</u> hose or wash down impervious surfaces to clean. Street Sweeper may be requested, as the street sweeper schedule permits, through the Public Works Department.	Always
4. Upon completion of maintenance activities, restoration of disturbed areas and cleaning/sweeping of impervious surfaces, remove protection from catch basins, storm drains, and drainage areas to allow for proper drainage of stormwater.	Always
5. Collect bulk leaves, bulk debris, bulk grass, etc. from curbs and roadways; dispose of properly. <ul style="list-style-type: none"> a. Bulk debris pick up is once every two weeks according to the scheduled routes. Contact Public Works for schedule and route information. b. Bagged grass and bagged leaves are picked up upon request through Public Works (allow 1-2 working days). c. Loose bulk leaf pick up is available upon request through Public Works, allow 1-5 working days as the weather permits. Bulk leaf pick up runs from October 1st through March 31st. 	As Needed
6. Sweep and/or vacuum salt/sand remnants and residues from curbs, roadways, and City Facility parking lots after winter storm events, dispose of properly. Street Sweeper may be requested, as the street sweeper schedule permits, through the Public Works Department.	Always
7. Report any seen spills, illicit discharges, or illicit connections immediately to the Stormwater Coordinator (704) 901-2076. Include the address (or nearest address) and the nature of the spill, illicit discharge or connection in the report.	Always

IX. Catch Basin and Stormwater System Cleaning and Maintenance	Frequency
1. Street sweeper operator is to follow dedicated Street Sweeper Routes as outlined in the Streets & Stormwater System O&M (SSSO&M).	Always
2. Street sweeper operator is to identify catch basins and storm drains that need cleaning and/or maintenance as outlined in the Streets & Stormwater System O&M (SSSO&M). 3.	Always
4. Identify and prioritize catch basins and storm drains that need frequent cleaning and/or maintenance.	Always
5. When cleaning storm drains and catch basins, identify and document the need for repairs (i.e. boxes, pipes, manholes, hoods, etc.). (See Streets & Stormwater System O&M (SSSO&M) for storm drain and catch basin cleaning procedures)	Always
6. After a storm event, identify and prioritize the facility’s stormwater system maintenance needs. Schedule maintenance as needed.	Always
7. Street Sweeper debris/waste is to be disposed of properly (See Streets & Stormwater System O&M (SSSO&M) for details). Dispose of all other collected debris/waste from catch basins and storm drains at the Waste Management roll-off dumpsters located at Public Works.	Always
8. Street Sweeper wash water is to be disposed of in the sanitary sewer. (See Streets & Stormwater System O&M (SSSO&M) for details.)	Always
9. Report any seen spills and illicit discharges or connections immediately to the Stormwater Coordinator (704) 901-2076. Include the address (or nearest address) and the nature of the spill, illicit discharge or connection in the report.	Always

X. Construction, Repair and Land Disturbance	Frequency
1. Before commencing a project/repair/land disturbance at a City Facility, contact the Stormwater Coordinator for consultation on the necessary requirements. Permits and plans may be necessary before land disturbance begins.	Always
2. After consultation with Stormwater Coordinator and before land disturbance, install adequate erosion and sedimentation controls (i.e. silt fence, diversion ditches with check dams, inlet protection, etc.).	Always
3. Maintain erosion and sedimentation controls throughout construction and/or repair period.	Always
4. Maintain existing vegetation to the maximum extent practicable.	Always
5. Upon completion of construction and/or repair, sweep and/or vacuum dirt and debris from impervious surfaces. Do <u>not</u> hose or wash down impervious surfaces. Street Sweeper may be requested, as the street sweeper schedule permits, through the Public Works Department.	Always
6. Upon completion of construction and/or repair, stabilize the disturbed area using seed/straw, matting, mulch, and/or sod.	Always
7. Once disturbed area is stabilized with permanent ground cover, remove erosion and sedimentation controls.	Always

XI. Open Space	Frequency
1. Regularly pick up trash and loose debris; dispose of properly.	As Needed/Weekly
2. When performing lawn maintenance, leave grass clippings on lawn or bag clippings and dispose of properly. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
3. Do not rake, blow, or place grass clippings or yard debris (i.e. tree limbs, leaves etc.) into the stormwater system or onto impervious surfaces. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
4. Minimize application of herbicides, pesticides, and chemicals for weed and pest control to the maximum extent practicable, especially around surface waters and the stormwater system. (A lack of vegetation destabilizes drainage areas and causes costly erosion problems. Also, stormwater run-off washes the chemicals away and deposits them into surface waters. Refer to Section XII of this document for application procedures.) This practice is to be performed by operations contracted by the City of Belmont as well.	Always
5. Keep grass and vegetation at a minimum of two to four inches in height. Do not mow grass any lower, as a lack of vegetation destabilizes soils and can cause costly erosion problems. This practice is to be performed by operations contracted by the City of Belmont as well.	As Needed
6. Stabilize bare and/or eroded areas using seed/straw, matting, mulch, and/or sod.	As Needed

XII. Pesticide, Herbicide, and Fertilizer Application	Frequency
1. Refer to Section III of this document for storage procedures/practices.	Always
2. Keep an inventory of all pesticides, herbicides, and fertilizers that are stored on-site.	Always
3. Obtain and keep an inventory of all contracted operations' pesticides, herbicides, and fertilizers.	Always
4. Follow Manufacturer's directions for mixing and applying pesticides, herbicides, and fertilizers. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
5. Spot spray/apply instead of broadcast spraying/applying pesticides, herbicides, and fertilizers. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
6. Do not spray/apply pesticides, herbicides, and fertilizers near surface waters. Keep a 100 foot buffer between surface waters and areas of application. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
7. Do not spray/apply pesticides, herbicides, and fertilizers near storm drains, drainage ditches, swales, open channels, or other stormwater conveyances. Keep a minimum 20 foot buffer between storm drains, drainage ditches, swales, open channels, and other stormwater conveyances. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
8. Be aware of how much pesticide, herbicide, and fertilizer you are applying. More is not always better. This practice is to be performed by operations contracted by the City of Belmont as well.	Always
9. Any excess application of liquid pesticides, herbicides, and fertilizers on impervious surfaces is to be treated as a spill (refer to Section II of this document for Spill Response procedures). This practice is to be performed by operations contracted by the City of Belmont as well.	Always
10. Sweep or blow any solid/granular pesticide, herbicide, or fertilizer back onto a vegetated area, or sweep up the excess amount and store for future application. This practice is to be performed by operations contracted by the City of Belmont as well.	Always

Appendix A

Spill Report Form

Spill/Leak/Overflow Report Form

City of Belmont Stormwater Pollution Prevention Plan

Date: _____ Time: _____

Name: _____ Supervisor's Name: _____

Location of spill/leak/overflow: _____

Type of Material spilled/leaked/overflow: _____

Amount spilled/leaked/overflow (gallons): _____ 911 called? YES NO
Clean-Up Contractor Contacted? YES NO
Name of Contractor _____

Corrective Actions Taken: _____

Was spill/leak/overflow contained onsite? YES NO
If NO, did any amount enter the stormwater system or surface waters? YES NO
If YES, what amount in gallons? _____
If YES, Corrective Actions Taken: _____

Are measures in place to prevent a future spill/leak/overflow? YES NO

Preventative Measures Taken: _____

Comments: _____

Signature: _____ Date: _____

**Retain original form for facility records and submit one copy of this report to the Stormwater Coordinator

Appendix B

Inspection Checklists

Facility: <u>Public Works</u>			Date and Time: _____	
Inspected by: _____				
Daily SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				
Secure all storage area(s).				

Facility: <u>Public Works</u>			Date and Time: _____	
Inspected by: _____				
Daily SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				
Secure all storage area(s).				

Facility: <u>Public Works</u>			Date and Time: _____	
Inspected by: _____				
Daily SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				
Secure all storage area(s).				

Facility: <u>Public Works</u>			Date and Time: _____	
Inspected by: _____				
Daily SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				
Secure all storage area(s).				

Facility: <u>Public Works</u>			Date and Time: _____	
Inspected by: _____				
Daily SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				
Secure all storage area(s).				

Facility: Public Works Date and Time: _____
 Inspected by: _____

Weekly SWPPP Inspection Checklist	Yes	No	N/A	Comments
Inspect Material, Chemical, Fluid, etc. Storage Area(s) for signs of spills/leaks/overflows, loose debris, deteriorating containers and labels. Correct any problems immediately.				
Inspect all primary and secondary containment units, pallets, and racks. Maintain as needed.				
Sweep and/or pick up loose trash/debris in all material storage areas.				
Inspect vehicle/equipment storage and maintenance area(s) for signs of leaks, spills, overflows, loose debris, deteriorating containers and labels; note and correct any problems immediately.				
Sweep and/or pick up loose trash/debris in the vehicle/equipment maintenance and storage areas.				
Inspect the parking lot for signs of leaked vehicle and equipment fluids, use dry absorbent cleaning methods to clean up leaked fluids. Identify City owned vehicle(s) and/or equipment with leak and move to an area not affected by stormwater or send out for maintenance.				
Pick up loose debris and trash in the Parking Lot(s) and dispose of properly.				
Has the parking lot been swept and/or vacuumed by the Street Sweeper in the last three months? If not, notify Public Works Department.				
Pick up loose debris and trash in the Solid Waste Storage Area(s) and dispose of properly.				
Inspect Solid Waste Area(s) dumpsters and containers for leaks and overflows, ensure dumpster drain plugs are in place and not leaking; correct any problems immediately.				
Ensure dumpsters and containers are emptied by the contracted operations (Waste Pro).				
Pick up loose debris and trash in Open Space(s) and dispose of properly.				
Have all bare or eroded areas at the facility been stabilized? If not, schedule maintenance as outlined in the Stormwater Pollution Prevention Plan.				
Inspect the Rock, Rip-Rap, Dirt, Salt/Slag, and/or Mulch storage area to ensure materials are covered, contained, and separated to the maximum extent practicable.				
Ensure spill kits and/or clean up materials are properly stocked and easily accessible in the facility.				
Inspect the stormwater system serving the facility for clogs, debris, failures, and proper drainage. Maintain as needed.				
Inspect all oil/water separators at facility; schedule maintenance as needed.				
Inspect fuel tank(s) and waste oil/fluid container(s) for leaks, spills, and overflows; note and correct any problems immediately.				

Facility: _____ For the Week of: _____
 Inspected by: _____

Weekly SWPPP Inspection Checklist	Yes	No	N/A	Comments
Pick up loose debris and trash around City Trash Containers and dispose of properly.				
Inspect City Trash Containers for signs of leaks and overflows ensure dumpster drain plugs are in place and not leaking; correct any problems immediately.				
Check that Private Trash Containers are emptied regularly by contracted operations (Waste Pro)				
Inspect the parking lot for signs of leaked vehicle and equipment fluids, use dry absorbent cleaning methods to clean up leaked fluids.				
Inspect the stormwater system serving the parking lot for clogs, debris, failures, and proper drainage. Maintain as needed.				
Pick up loose debris and trash in the Parking Lot(s) and dispose of properly.				
Pick up loose debris and trash in Open Space(s) and dispose of properly.				
Have all bare or eroded areas at the facility been stabilized? If not, schedule maintenance as outlined in the Stormwater Pollution Prevention Plan.				
Has the parking lot been swept by the Street Sweeper on a Quarterly Schedule? If not, notify Public Works Department.				

Appendix C

Contracted Operation Pesticide, Herbicides, and Fertilizers

2020

North Carolina Department of Agriculture & Consumer Services

Steve Troxler, Commissioner

License/Certificate

LICENSE/CERTIFICATE NO.

032-6753

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: E A L

LICENSEE OR CERTIFICATOR WILLIAMS, RANDY M, JR
CITY OF BELMONT - WATER & SEWER DEPT
1401 E. CATAWBA STREET
BELMONT NC 28012



STEVE TROXLER, COMMISSIONER

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

2020

North Carolina Department of Agriculture & Consumer Services

Steve Troxler, Commissioner

License/Certificate

LICENSE/CERTIFICATE NO.

032-8803

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: L E

LICENSEE OR CERTIFICATOR SETZER, JOSHUA W.
CITY OF BELMONT - PUBLIC WORKS
115 NORTH MAIN STREET
BELMONT NC 28012



STEVE TROXLER, COMMISSIONER

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

2020

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
License/Certificate

LICENSE/CERTIFICATE NO.
032-8792

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: L E

LICENSEE MARTINEAU, STEPHEN P, JR
OR CITY OF BELMONT - PUBLIC WORKS
CERTIFICATOR 115 NORTH MAIN STREET
BELMONT NC 28012



THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

Steve M. Troxler
STEVE TROXLER, COMMISSIONER

2020

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
License/Certificate

LICENSE/CERTIFICATE NO.
032-8791

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: H L E

LICENSEE GEHRER, ZACHARIAH J.
OR CITY OF BELMONT - PUBLIC WORKS
CERTIFICATOR 115 NORTH MAIN STREET
BELMONT NC 28012



THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

Steve M. Troxler
STEVE TROXLER, COMMISSIONER

2020

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
License/Certificate

LICENSE/CERTIFICATE NO.
032-8814

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: L E

LICENSEE OR CERTIFICATOR BAIN, ANTHONY J.
CITY OF BELMONT - WWTP
PO BOX 431
BELMONT NC 28012



Steve W. Troxler
STEVE TROXLER, COMMISSIONER

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

2020

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
License/Certificate

LICENSE/CERTIFICATE NO.
032-5821

NOT TRANSFERABLE
STATUTE GS 81.106.119

By Authority of the NC Pesticide Board

CLASSIFICATION 032-Public Pesticide Operator (County-Municipal)-Ground

EXPIRATION DATE 12/31/2020

Categories: L H

LICENSEE OR CERTIFICATOR COTE, JOSEPH R, JR
CITY OF BELMONT - WATER & SEWER DEPT
PO BOX 431
BELMONT NC 28012



Steve W. Troxler
STEVE TROXLER, COMMISSIONER

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

Appendix D

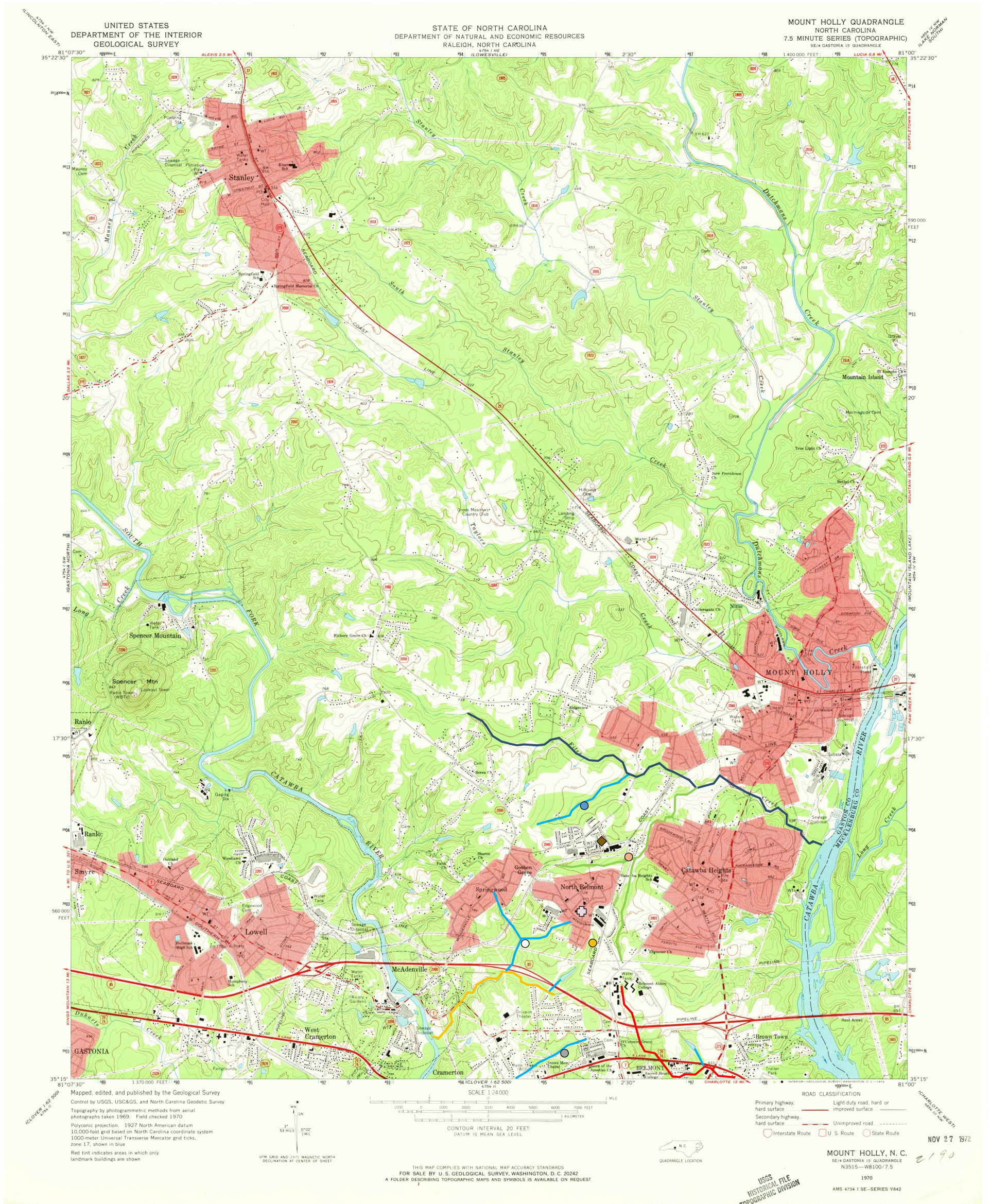
Inventory of Exposed Materials

Appendix I.2

City Facility General Location Map

And

Individual Facility Site Maps



CITY OF BELMONT—NORTH BELMONT CITY FACILITY GENERAL LOCATIONS AND STREAMS—UPDATED: OCTOBER 2018					
★ CITY HALL / PLANNING & ZONING	◆ FRADY-CRESCENT PARK (NOT SHOWN)	⊕ HAGER ST WATER TOWER (NOT SHOWN)	● HALL LIFTSTATION (NOT SHOWN)	● GRAYSTONE LIFTSTATION (NOT SHOWN)	■ NANCY HANKS BRANCH (NOT SHOWN)
★ PARKS & RECREATION (NOT SHOWN)	◆ GANTT PARK (NOT SHOWN)	⊕ ACME RD WATER TOWER	● DIXIE LIFTSTATION (NOT SHOWN)	● MORGANS BRANCH LIFTSTATION	■ FITES CREEK
★ POLICE DEPARTMENT (NOT SHOWN)	◆ RODDEN BALLFIELD (NOT SHOWN)	● PEBBLE CREEK LIFTSTATION	● RANKIN LIFTSTATION (NOT SHOWN)	● LAKE POINT LIFSTATION (NOT SHOWN)	■ FITES CREEK TRIBUTARY 1 & 1A
★ BELMONT FIRE DEPARTMENT (NOT SHOWN)	◆ STOWE PARK (NOT SHOWN)	● CASON LIFTSTATION	● POINT CROSSING LIFTSTATION (NOT SHOWN)	● REFLECTION POINT LIFTSTATION	■ SOUTH FORK CATAWBA RIVER TRIBUTARY 2
★ WATER TREATMENT PLANT (NOT SHOWN)	◆ DAVIS PARK (NOT SHOWN)	● DUNCAN LIFTSTATION	● SOUTHRIDGE LIFTSTATION (NOT SHOWN)	● OVERLAKE LIFTSTATION (NOT SHOWN)	■ HALLS ROCKY BRANCH (NOT SHOWN)
★ WASTE WATER TREATMENT PLANT	◆ ROCKY BRANCH MTB PARK (NOT SHOWN)	○ STOWE LIFTSTATION	● SOUTH POINT RIDGE LIFTSTATION	● CONSERVANCY LIFTSTATION (NOT SHOWN)	■ CURTIS BRANCH (NOT SHOWN)
★ PUBLIC WORKS (NOT SHOWN)	◆ REID PARK (NOT SHOWN)	● ABBEY PLACE LIFTSTATION	● BELMONT TOWN CENTER LIFTSTATION (NOT SHOWN)	● SOUTH SHORE LIFTSTATION (NOT SHOWN)	■ KITTYS BRANCH (NOT SHOWN)
★ SOUTH POINT FIRE DEPARTMENT	◆ LINFORD PARK	○ LINCOLN LIFTSTATION (NOT SHOWN)	● PINSTO LIFTSTATION (NOT SHOWN)	■ ABBEY CREEK	■ UNNAMED STREAM
◆ LOFTIN RIVER PARK (NOT SHOWN)	◆ OAK ST STAND PIPE (NOT SHOWN)	○ CLAY LIFTSTATION (NOT SHOWN)	● BELLEMEADE LIFTSTATION (NOT SHOWN)	■ STOWE BRANCH & TRIBUTARY	