

Stormwater Regulation Overview

Fayetteville City Council

February 3, 2014

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Agenda

- Federal regulatory requirements
- Future federal stormwater regulation
- Current state legislative issues



Federal Regulatory Requirements



Terminology

- **MS4** = municipal separate storm sewer system
- **NPDES** = National Pollution Discharge Elimination System
- **IC** = impervious cover
- **BMP** = best management practices
- **LID** = low-impact development

Clean Water Act

- The federal law giving EPA the authority to regulate stormwater discharges, through the NPDES permitting program
- Legal standard to meet: “maximum extent practicable”
- Fayetteville is a Phase I community

Phase I Permit

- A federal permit, issued to a municipality, by the state
- Imposes a host of water quality requirements on City
- Permit requirements are law

Phase I Permit

- Permit components:
 - Regulate runoff of pollutants
 - Construction site controls
 - Post-construction controls
 - Illicit discharge detection & elimination
 - Public involvement & participation
 - Public education & outreach
 - Good housekeeping
- Annual reporting to the State

Financing your Program

- Stormwater enterprise fee
 - Authorized by the same N.C. statutes that authorizes utility fees for water/sewer
 - Upheld by N.C. courts
 - As of 2012, sixty N.C. local governments have stormwater enterprise fees
- Many communities dedicate a portion of the fee to stormwater *quantity* projects

Future Federal Stormwater Regulation



EPA Stormwater Initiatives

- Green infrastructure push
 - Permits
 - Consent decrees
- Post-construction rulemaking
- Water body clean-up plan policies



Current State Legislative Issues



Limitations on Local Environment Ordinances

- Cities regulate to:
 - Comply with federal and State permits
 - Comply with federal and State laws and regulations
 - Run state-delegated programs
 - Promote economic development
- State statutes already limit ordinance powers

Limitations on Local Environment Ordinances

- Legislators are studying the concept of “more stringent than.” What does it mean?
- Federal and State environmental law is premised on:
 - (1) Flexibility to tailor to local conditionsAND
 - (2) Forced – though shared – responsibility for implementing laws

Interim Legislative Stormwater Studies

- Built-upon area & “gravel” surfaces
- Isolated wetlands
- Jordan Lake Rules
- Wetland and stream mitigation
- Review of development plans



Questions and Comments?

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