State of North Carolina
Department of Environment and Natural Resources
Division of Water Quality

Instructions for Completing RPE Stormwater Permit By Rule Application (Form SWU-267)

These instructions are to be used for completing Form SWU-267. A complete permit application package requires the submittal of Form SWU-267 and a Permit By Rule Stormwater Management Program Report, as detailed in Section X. The instructions below sequentially guide you through completing Form SWU-267.

I. Applicant Status Information

a. Provide the legal name of the Regulated Public Entity (RPE)
b. Provide the primary type of RPE (federal, state, or Local)
c. Provide the secondary type of RPE (city, town, village, county, prison, school, etc.)
d. Federal Standard Industrial Code: Pre-printed on application
e. Provide the name of the county(s) in which the RPE is located
f. Provide the RPE's jurisdictional area in square miles. For municipalities who have exercised their Extraterritorial Jurisdictional Authorities under G.S. 160A-360, provide both a measure of your municipal area and your ETJ area.
g. Provide the latest available population figure for the RPE and the source of that data
h. Provide the latest available 10 year growth rate for the RPE and the source of the data
i. Indicated whether the RPE is located in whole or in part on Indian Lands.

II. RPE System Information

a. Provide a measure of the RPE's jurisdictional area in square miles
b. Provide the name(s) of the river basin(s) in which the RPE is located
c. Provide the number of primary receiving streams to which the RPE discharges stormwater
d. Provide an estimation of the percentage of the RPE jurisdictional area that contain these land uses.
    i. Residential
    ii. Commercial
    iii. Industrial
    iv. Open Space
e. Indicate whether there are significant water quality issues listed in the Permit By Rule Stormwater Management Program Report.

III. Existing Local Water Quality Programs

a. Indicate if there is an existing local nutrient management strategy in place with in the jurisdictional area of the RPE.
b. Indicate if there is an existing local water supply watershed program in place with in the jurisdictional area of the RPE.
c. Indicate if the RPE operate a delegated Erosion and Sediment Control program.
d. Indicate if there is an existing CAMA land use plan in place for the jurisdictional area of the RPE.

IV. Delegation Of Authority (Optional)

The signing official may delegate permit implementation authority to an appropriate staff member. This delegation must name a specific person and position and include documentation of the delegation action through board action. If this option is exercised please provide the following information:

a. The full name of person that permit authority has been delegated to
b. The title/position of delegated person
c. Documentation of board action delegating permit authority to this person/position must be provided in the attached application program report.

V. Signing Official's Statement

All applications, reports, or information submitted to the Director shall be signed and certified by the appropriate authority. For a municipality, county, State, Federal or other public entity, that person shall be either a principal executive officer or ranking elected official. If authority for the NPDES stormwater permit has been appropriately delegated through board action and documented in this permit application, the person/position listed in Section V above may sign the official statement.

Any person signing a document shall make the following certification:

> "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 fines and imprisonment for knowing violations."

VI. RPE Contact Information

Provide the following information for the person/position that will be responsible for the day to day implementation and oversight of the stormwater program

a. Name of contact person
b. Position title
c. Their office location street address
d. Their P.O. Box number (if applicable)
e. Their city name
f. Their state name
g. Their zip code
h. Their phone number
i. Their fax number
j. Their e-mail address (if available)

VII. PERMITS AND CONSTRUCTION APPROVALS

Please list all permits or construction approvals received or applied for under the following programs. Include a contact for each item listed if different from the person listed in Item VIII above.

a. RCRA Hazardous Waste Management Program
b. UIC program under SDWA
c. NPDES Wastewater Discharge Permit Number
d. Prevention of Significant Deterioration (PSD) Program
e. Non Attainment Program
f. National Emission Standards for Hazardous Pollutants (NESHAPS) pre-construction approval
g. Ocean dumping permits under the Marine Protection Research and Sanctuaries Act
h. Dredge or fill permits under section 404 of CWA

VIII. Permit By Rule Stormwater Management Program Report

These instructions are to be used for preparing the Permit by Rule Stormwater Management program report. The instructions below sequentially guide you through compiling the report. The Permit by Rule Stormwater Management Program Report must detail the proposed stormwater management program for the first five-year term that your Permit by Rule certification will cover. The proposed stormwater management program must meet specific minimum requirements as explained below.

The Permit by Rule Stormwater Management Program Report shall be prepared in accordance with the following format and instructions. The report must be assembled in the following order, bound with tabs identifying each section by name and include a Table of Contents with page numbers in accordance with Form SWU-267, Section IX.

The following information, at a minimum, must be included in the Stormwater Management Program Report.

1. Storm Sewer System Information

1.1. Population Served: Describe the permanent and seasonal population served by the RPE. The source of the permanent population data should be listed. Methodology should be provided for any seasonal population estimates, as well as a description of the seasonal calendar. Seasonal population is an indicator of the stress placed on the RPE during peak demands.

1.2. Growth Rate: The population growth rate for the RPE service area should be calculated based on the simple analysis of the relative change between the US Census population in 1990 and 2000 stated as a percent change, annualized by dividing the percent change by 10. If your jurisdiction incorporated after 1990, use the based population established at the time of incorporation in place of the 1990 Census number to establish the change in population as a percent change as measured in 2000. More recent population data can be used to document the growth rate, if available.

1.3. Jurisdictional Areas: List the jurisdictional area in square miles.

1.4. Stormwater Conveyance System: Briefly describe the composition of the existing stormwater system (pipes, ditches, sheet flow, etc.) and state of maintenance of the system. This narrative should give the reader a general feel for how your stormwater is transported to receiving streams and what kind of maintenance activities are currently performed.

1.5. Land Use Composition Estimates: Estimate the percentage of the RPE jurisdictional area that is under residential, commercial, industrial, and open space land use.

1.6. Estimate Methodology: Briefly explain the methodology used to determine the land use estimates.

1.7. TMDL Identification: The Environmental Protection Agency or the NCDENR has the authority to establish and issue a Total Maximum Daily Load allocation on a body of water or receiving stream. Acknowledge if your RPE discharges into such a controlled body of water or receiving stream.

2. Receiving Streams

Complete a table (as shown in Table 1 below) for each river basin within the RPE jurisdictional area. The web sites and resource contacts listed below under Information Sources will help you locate the information you need.

Your river basin table should list the primary streams that receive stormwater runoff from the RPE jurisdictional area. Primary streams are those that are shown on a USGS topo maps or SCS map. Streams that are shown on the USGS or SCS maps but do not have a name shall be listed as an unnamed tributary to the nearest named downstream receiving water body.

For each stream, the water quality classification(s) and the NCDENR Use Support Rating shall be listed. The water quality classification and/or use support rating for a single stream may change over its length. Therefore, stream segments shall be identified by index number and the corresponding water quality classification and use support rating shall be listed.

Your river basin table should also briefly identify any specific water quality issues identified in the most recent NCDENR river basin water quality plan, 303(d) List or identified at the local level. Issues can include specific pollutants of concern, pollutant sources and activities of concern, etc.

Information Sources:
Which river basin are you in?
http://h2o.enr.state.nc.us/basinwide/whichbasin.htm
Stream Index Numbers:
http://h2o.enr.state.nc.us/bims/Reports/reportsWB.html
Water Quality Classifications:
http://h2o.enr.state.nc.us/bims/Reports/reportsWB.html
Basinwide Water Quality Plans:
http://h2o.enr.state.nc.us/basinwide/index.html
303(d) List:
http://h2o.enr.state.nc.us/mtu/download.html

Table 1. XXXXX River Basin

Receiving Stream Name	Stream Segment	Water Quality Classification	Use Support Rating	Water Quality Issues

3. Existing Water Quality Programs

3.1. Local Programs: List and briefly describe the existing water quality programs that are implemented by your community within the RPE jurisdictional area. This includes such programs as Water Supply Watershed Protection, delegated Erosion and Sediment Control, Neuse NSW Urban Stormwater, Land Use Plans, etc.

3.2. State Programs: List existing programs that are implemented by the state within the RPE jurisdictional area. These include programs such as CAMA, State Stormwater Management, Erosion and Sediment Control, Riparian Buffers, etc.

4. Permitting Information.

4.1. Responsible Party Contact List: Provide a list or table of each measurable goal and the contact information for the person and/or position that is responsible for implementation of each goal listed. Contact information for existing positions must include name, position, phone, fax and e-mail. Contact information for proposed positions must include the position title, and a contact phone and fax number.

4.2. Organizational Chart: Provide an organizational chart that shows where the responsible parties listed above fit into the structure of your organization.

4.3. Signing Official: The application and permit application report shall be signed by a principal executive officer, ranking elected official or duly authorized representative. Provide the name, position and a brief explanation of why the signing official is the appropriate person to sign the permit application.

4.4. Duly Authorized Representative

4.4.1. If you are delegating permit application responsibility to someone other than the signing official, provide documentation that the person is duly authorized. A person is a duly authorized representative for matters concerning the NPDES stormwater application and permit only if:

- The authorization is made in writing by a principal executive officer or ranking elected official;
- The authorization is approved through board action by an appropriate body such as City or Town Council, County Commissioners or similar authority;
- The authorization specifies either an individual or a position having overall responsibility for environmental/stormwater matters; and

- The written authorization is submitted to the Director along with the Stormwater Management Program Plan.

5. Stormwater Management Program Plan

You must develop, implement, and enforce a stormwater management program (SWMP) designed to reduce the discharge of pollutants from your RPE to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP must be developed and fully implemented within five years from the effective date of your Permit by Rule certification.

For each of the measures listed below, provide a table that summarizes what best management practices will be used, the frequency of the BMP, the measurable goals for each BMP, the implementation schedule, and the responsible person or position for implementation. An example BMP summary table is provided in Appendix A.

5.1. Post-Construction Storm Water Management in New Development and Redevelopment

You must develop, implement and enforce a program to manage post-construction stormwater discharges within your RPE.

Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

You must develop and implement strategies, which include a combination of structural, and/or non-structural best management practices (BMPs) appropriate for your community.

You must ensure adequate long-term operation and maintenance of BMPs. Include information in your report to explain your proposed program to meet this requirement.

You must develop, implement, and enforce a program to address storm water 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 your small MS4.

You must use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law. These ordinances, and subsequent modifications, will be reviewed and approved by the Department prior to implementation. The approval process will establish subsequent timeframes when the Department will review performance under the ordinance(s). The reviews will occur, at a minimum, every five years. Regulated public entities without ordinance making powers, shall demonstrate similar actions taken in their post construction stormwater management program to meet the minimum measure requirements.

Your post-construction program shall apply to all new development projects that cumulatively disturb one acre or more, and to projects less than an acre that are part of a larger common plan of development or sale. The post-construction program shall apply to all redevelopment projects that cumulatively disturb one acre or more, and to projects less than an acre that are part of a larger common plan of development or sale.

The deadlines for implementation of the local post-construction program is 12 months from date of the granting of permit by rule status.

You must develop and implement a post construction stormwater management program that meets the following requirements:

5.1.1. The program shall require all subject projects (as defined above) to apply for locally issued permit coverage under one of the following stormwater management options:

5.1.1.1. Low Density Projects. Projects shall be permitted as low density if the project meets the following:

(I) No more than 2 dwelling units per acre or 24 percent built-upon area BUA for all residential and non-residential development;

(II) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable:

(III) All BUA shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. For the purpose of this Rule, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a); and

(IV) The permit shall require recorded deed restrictions and protective covenants to ensure that development activities maintain the development consistent with the approved project plans.

5.1.1.2. High Density Projects. Projects exceeding the low density threshold (established above in low density section) shall implement stormwater control measures that:

(I) Control and treat the difference in stormwater runoff volume leaving the project site between the pre and post development conditions for the 1 year 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours;

(II) All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have an 85% average annual removal for Total Suspended Solids:

(III) General Engineering Design Criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c);

(IV) All BUA shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. For the purpose of this Rule, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a); and

(V) The permit shall require recorded deed restrictions and protective covenants to ensure that development activities maintain the development consistent with the approved project plans;

5.1.2. Your program shall include an operation and maintenance component that ensures the adequate long-term operation of the structural BMP's required by the program. The program shall include a requirement that the owner of a permitted structural BMP, submit annually to the local program, a maintenance inspection report on each structural BMP. The inspection must be conducted by a qualified professional; and

5.1.3. Your program shall be developed to control, to the maximum extent practicable, the sources of fecal coliform. At a minimum, the program shall include the development and implementation of an oversight program to ensure proper operation and maintenance of on-site wastewater treatment systems for domestic wastewater. For municipalities, this program should be coordinated with the local county health department.

5.1.4. For programs with development/redevelopment draining to SA waters, the following additional requirements must be incorporated into your program:

5.1.4.1. A local ordinance shall be developed, adopted and implemented to ensure that the best practice for reducing fecal coliform loading is selected. The best practice shall be the practice that results in the highest degree of fecal die off and controls to the maximum extent practicable sources of fecal coliform while still meeting the requirements of Sub-Item (10)(e) of this Rule. The local ordinance(s) shall incorporate a program to control the sources of fecal coliform to the maximum extent practical, including:

5.1.4.2. Implementation of a pet waste management program. Appropriate revisions to an existing litter ordinance can be used to meet this requirement; and

5.1.4.3. Implementation of an oversight program to ensure proper operation and maintenance of on-site wastewater treatment systems for domestic wastewater. For municipalities, this program should be coordinated with the local county health department; and

5.1.4.4. New direct points of stormwater discharge to SA waters or expansion of existing points of discharge to any constructed stormwater conveyance system, or constructed system of conveyances that discharge to SA waters, shall not be allowed. Expansion is defined as an increase in drainage area or an increase in impervious surface within the drainage area resulting in a net increase in peak flow or volume from the 1 year 24 hour storm. Overland sheetflow of stormwater or stormwater discharge to a wetland, vegetated buffer or other natural area capable of providing treatment or absorption will not be considered a direct point of stormwater discharge.

5.1.5. For programs with development/redevelopment draining to trout (Tr) waters, the following additional requirement must be incorporated into your program. A local ordinance shall be developed, adopted and implemented to ensure that the best management practices selected do not result in a sustained increase in the receiving water temperature, while still meeting the requirements of 15A NCAC .0126 (10)(e).

5.1.6. For programs with development/redevelopment draining to Nutrient Sensitive waters, the following additional requirements must be incorporated into their program:

5.1.6.1. A local ordinance shall be developed, adopted and implemented to ensure that the best management practice for reducing nutrient loading is selected while still meeting the requirements of 15A NCAC .0126(10)(e). Where a Department approved NSW Urban Stormwater Management Program is in place, the provisions of that program fulfill this requirement; and

5.1.6.2. A nutrient application (both inorganic fertilizer and organic nutrients) management program shall be developed and included in the stormwater management program.

5.1.7. Regulated public bodies may develop and implement comprehensive watershed protection plans that may be used to meet part, or all, of the requirements listed in section 5.1.

Include the following information to explain your proposed program to meet these requirements.

5.1.8. BMP Summary Table

5.1.9. Non-Structural BMPs: Describe any non-structural BMPs in your program, including, if appropriate:

5.1.9.1. Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;

5.1.9.2. Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;

5.1.9.3. Education programs for developers and the public about project designs that minimize water quality impacts; and

5.1.9.4. Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

5.1.10. Structural BMPs: Describe any structural BMPs in your program, including, if appropriate:

5.1.10.1. Storage practices such as wet ponds and extended-detention outlet structures;

5.1.10.2. Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and

5.1.10.3. Infiltration practices such as infiltration basins and infiltration trenches.

5.1.11. Regulatory Mechanism: Describe the mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why did you choose that mechanism. If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections as an appendix.

5.1.12. Operation and Maintenance: Describe how you will ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.

5.1.13. Decision Process: Document your decision process for the development of a post-construction storm water management program. Your rationale statement must address your overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for your program. The rational statement must include the following information, at a minimum:

5.1.13.1. Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.

5.1.13.2. How your program will be specifically tailored for your local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.

5.1.14. Evaluation: Explain how you will evaluate the success of this minimum measure, including the measurable goals for each of the BMPs.

5.2. Pollution Prevention /Good Housekeeping for Municipal Operations

You must develop and 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.

Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Include the following information to explain your proposed program to meet these requirements.

5.2.1. BMP Summary Table

5.2.2. Affected Operations: Specifically list your municipal operations that are impacted by this operation and maintenance program. You must also include a list of industrial facilities you own or operate that are subject to NPDES Stormwater General Permits or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your MS4. Include the permit number and certificate of coverage number for each facility.

5.2.3. Training: Describe any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

5.2.4. Maintenance and Inspections: Describe maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.

5.2.5. Vehicular Operations: Describe your controls for reducing or eliminating the discharge of pollutants from municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.

5.2.6. Waste Disposal: Describe your procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

5.2.7. Flood Management Projects: Describe your procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

5.2.8. Existing ordinances: Describe your decision process for reviewing existing ordinances for possible modification to address stormwater issues.

5.2.9. Other evaluations: If other aspects of your municipal operation were evaluated, please describe the program feature and the results of the evaluation.

5.2.10. Decision Process: Document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement must address both your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program.

5.2.11. Evaluation: Explain how you will evaluate the success of this minimum measure, including the measurable goals for each of the BMPs.

Appendix A: Example BMP Summary Table

1. BMP's and Measurable Goals for Pollution Prevention and Good Housekeeping

	BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5	Responsible Position/Party
1	Develop Pollution Prevention Plans for each facility	Complete development of pollution prevention plans for affected facilities	X					Stormwater Engineer I
2	Implement facility Pollution Prevention Plans	Identify and complete necessary operating / maintenance procedure revisions to implement pollution prevention plan		X				Stormwater Engineer I
3	Develop Pollution Prevention Plan training for employees	Gather and/or develop training materials	X					Stormwater Engineer I
4	Employee training	Complete semi-annual training for appropriate employees		X		X		Stormwater Engineer I
5	Pollution Prevention measures	Conduct annual facility inspection to identify pollution prevention measures. Incorporate measures into pollution prevention master plan			X	X	X	Stormwater Engineer I
6	Pollution Prevention Plan review	Conduct annual review of pollution prevention plans and revise as necessary			X	X	X	Stormwater Engineer I