

A RESOLUTION REAFFIRMING TOWN OF CARRBORO SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the Town of Carrboro National Pollutant Discharge Elimination System (NPDES) Municipal Storm Sewer System (MS4) Permit number NCS000450 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Carrboro and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the Federal Clean Water Act requires NPDES permits for stormwater discharges from municipal storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the Town of Carrboro its third NPDES MS4 Permit for discharge of stormwater on February 20, 2017; and

WHEREAS, the Town of Carrboro was issued Notice of Violation number NOV-2020-PC-0457 on November 02, 2020 for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES Permit; and

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120 days from November 2, 2020 for review and approval; and

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to adopt a Town Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000450 and the required new Stormwater Management Plan, and said resolution be submitted to the North Carolina Department of Environmental Quality no later than 60 days from November 2, 2020; and

WHEREAS, the Town of Carrboro acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan, and

WHEREAS, the Town of Carrboro acknowledges that the North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2020-PC-0457; and

WHEREAS, the Town of Carrboro acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U. S.

Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Carrboro hereby reaffirms its support for the development and implementation of a compliant NPDES MS4 Stormwater Program.

Adopted this 10th day of November, 2020.