



TOWN OF CARRBORO
NORTH CAROLINA
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November 5th, 2020

DEQ-DEMLR Stormwater Program
Attn: Jeanette Powell
1612 Mail Service Center
Raleigh, NC 27669

Subject: Written Response to Notice of Violation (NOV-2020-PC-0457)
Town of Carrboro
NPDES MS4 Permit No. NCS000450

Dear Ms. Powell:

On November 3rd, 2020, I received the attached Notice of Violation. In accordance with the required actions provided, I:

- (1) hereby acknowledge the requirements and the intent to comply;
- (2) will present a Resolution declaring support for a compliant stormwater management to the Town Council for adoption within the 60 day period, and provide the resolution upon adoption;
- (3) intend to conduct a self-audit of the listed program areas and develop a draft Stormwater Management Plan in accordance with the requirements by March 3rd, 2021 (one hundred twenty (120) calendar days from receipt of Notice);
- (4) intend to submit an NPDES MS4 permit application within thirty (30) days of receiving DEQ approval of the submitted draft SWMP; and
- (5) intend to respond to public comments on the draft SWMP and submit a final SWMP for DEQ approval.

As a matter of public record, the Town also wishes to respond to the deficiencies listed in the final audit report; please see Attachment A.

If you have any questions, please contact me at: 301 West Main St., Carrboro, NC 27510, (919) 918-7341, or rdodd@townofcarrboro.org.

Sincerely,

Randy Dodd, Stormwater Utility Manager
Town of Carrboro

CC: Heather Holley, Stormwater Specialist, Town of Carrboro
Emily Cochran, Stormwater Administrator, Town of Carrboro
Joe Guckavan, Public Works Director, Town of Carrboro
William H. Denton, IV Regional Engineer, DEMLR
Thad Valentine, NCDENR

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ATTACHMENT A
Town of Carrboro Audit Deficiency Response

Permit Citation:	II.A.4. Availability of the stormwater plan
Program Requirement:	The permittee kept an up-to-date version of its Stormwater Plan available to the Division and the public online
Status:	No
DEQ Comments:	Permittee did not have an up-to-date version of the stormwater plan. The permittee does provide the land use ordinance online for the public
TOC Comments:	The plan was last updated and shared with Division staff on 9/10/2018 and has been kept online continuously since then. The Town chose not to update between 9/10/2018 and the audit given the understanding of the pending audit and changes that would result.

Permit Citation:	II.A.6. Sharing responsibility
Program Requirement:	Are any control measures implemented by an entity other than the permittee?; If yes, is there a written agreement in place?
Status:	Yes; No
DEQ Comments:	Orange county implements the construction site inspections. However, the permittee does not have an up-to-date ordinance and resolution that allows orange county to perform their duty. Clean water education partnership conducts their public outreach and education measures.
TOC Comments:	The Town shared the Town's original ordinance (1983) and resolution (1976) recognizing delegation to Orange County. CWEP provides support for the Town's outreach and education measure; the Town does not rely on CWEP for all outreach and education.

Permit Citation:	II.A.7. Written procedures
Program Requirement:	The permittee maintained written procedures for implementing the six minimum control measures; Written procedures identified specific action steps, schedules, resources and responsibilities for implementing the six minimum measures
Status:	Yes; Partial
DEQ Comments:	Although the documents were provided the documents were not finalized and were in draft form.
TOC Comments:	The Town has multiple written procedures, some of which were requested and provided in final form. Some unanticipated procedures were requested by the Division with short turnaround and were provided as draft to recognize that they could be revised upon further review. These have subsequently been finalized, along with additional procedures.

Permit Citation:	III.A. Program documentation
Program Requirement:	The permittee maintained documentation of all program components including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions, etc., on file for a period of five years.
Status:	Partial
DEQ Comments:	The permittee has not documented all program components.

TOC Comments:	The Town recognizes this deficiency, has been actively working towards comprehensive documentation, acknowledged such as part of the audit, and appreciates receiving further clarity regarding the documentation being sought for permit compliance.
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Permit Citation:	III.B. Annual report submittal
Program Requirement:	The permittee submitted annual reports to the Department within twelve months from the effective date of the permit; The permittee submitted subsequent annual reports every twelve months from the scheduled date of the first annual report submittal
Status:	Partial; Partial
DEQ Comments:	The permittee submitted annual reports for 2017 and 2019. the 2018 report was not found in DEQ's database.
TOC Comments:	The Town has submitted the reports through the BIMS portal for the past decade, including 2018. In addition, the Town separately submitted the 2019 report as requested preaudit. Per our records, the Division separately requested the 2017 (but not 2018) report and the Town provided it. The 2018 report is being resubmitted separately; please include it in the laserfiche record.

Permit Citation:	II.D.2.a IDDE program
Program Requirement:	The permittee maintained a written IDDE Program; If yes, the written program includes provisions for program assessment and evaluation and integrating program.
Status:	Yes; No
DEQ Comments:	An IDDE program was provided, but it appeared to be a generic outline that lacked any type of assessment and evaluation guidance for reporting and documenting, which is required as part of the IDDE program.
TOC Comments:	The Town has adapted EPA developed technical guidance that is more than a generic outline. The Town recognizes the deficiency with more detailed implementation documentation as part of the program, and has more fully developed this documentation since the audit.

Permit Citation:	II.D.2.b Legal authorities
Program Requirement:	The permittee maintained an IDDE ordinance or other regulatory mechanism(s) that provides the legal authority to prohibit illicit connections and discharges to the MS4
Status:	No
DEQ Comments:	The permittee's reference the Town Code, Article IV in Section 5.
TOC Comments:	The Town believes Article IV in Section 5 of the Town Code satisfies this requirement. http://www.townofcarrboro.org/DocumentCenter/View/101/Chapter-5---General-Offenses-PDF?bidId=

Permit Citation:	II.D.2.d Dry weather flow program
Program Requirement:	The permittee maintained a program for conducting dry weather flow field observations in accordance with written procedures.
Status:	No

DEQ Comments:	The permittee needs to fully implement the dry weather field and observation maintenance plan
TOC Comments:	The Town has pursued dry weather monitoring activities in the past, and at the same time recognizes this deficiency. The Town has updated and added written documentation which includes outfall investigation and dry weather field observation procedures. An Outfall Inspection SOP has been drafted and sent to NCDEQ, and an implementation schedule prepared.

Permit Citation:	II.D.2.e Investigation procedure
Program Requirement:	The permittee maintained written procedures for conducting investigations of identified illicit discharges.
Status:	No
DEQ Comments:	Detailed procedures for conducting illicit discharge from reporting, investigation to its completion, which includes documenting the outcome and disposal, if needed, of any illicit materials was not provided. All parties involved should be identified and manifest should be available.
TOC Comments:	The Town recognizes this deficiency and has updated and added written documentation which includes comprehensive procedures for investigating illicit discharges.

Permit Citation:	II.D.2.f Track and document investigations
Program Requirement:	For each case of an illicit discharge or potential illicit discharge, the permittee documented and tracked the following: The date(s) the illicit discharge was observed; The results of the investigation; Any follow-up of the investigation; The date the investigation was closed
Status:	Yes; partial; no; no
DEQ Comments:	Although the permittee has documented the illicit discharge incidents, they did not thoroughly document the investigation and conclusions.
TOC Comments:	The Town recognizes this deficiency and has updated and added written documentation. The Town provided an IDDE Documentation SOP to the Division after the audit that is being implemented.

Permit Citation:	II.D.2.g Employee training
Program Requirement:	The permittee implemented and documented a training program for appropriate municipal staff who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection.
Status:	No
DEQ Comments:	The permittee provided training information. However, the permittee does not have documented training records.
TOC Comments:	The Town provided training records and training materials.

Permit Citation:	II.D.2.h Public education
Program Requirement:	The permittee informed public employees of hazards associated with illegal discharges and improper disposal of waste; The permittee informed businesses of hazards associated with illegal discharges and improper disposal of waste; The permittee informed the general public of hazards associated with illegal discharges and improper disposal of waste
Status:	Yes; Partial; Partial

DEQ Comments:	Although the Town of Carrboro posted information on their website related to illegal discharge hazards, they do not distribute educational material to the public (businesses, general public)
TOC Comments:	The Town acknowledges this deficiency which in the past has been due to insufficient staff capacity. The Stormwater Program is now fully staffed and will be implementing this going forward.

Permit Citation:	II.D.2.i Public reporting mechanism
Program Requirement:	The permittee promoted, publicized and facilitated a reporting mechanism for the public to report illicit discharges; The permittee promoted, publicized and facilitated a reporting mechanism for staff to report illicit discharges; The permittee established and implemented response procedures for citizen requests/reports
Status:	Yes; Partial; No
DEQ Comments:	The public is encouraged to report illicit discharges through the permittee's website, but the program lacks written procedures for staff that includes schedules, forms for reporting and tracking the illicit discharge from the release through to the cleanup and disposal. Provide written procedures for citizen requests/reports.
TOC Comments:	The Town acknowledges this deficiency which in the past has been due to insufficient staff capacity. The Stormwater Program is now fully staffed and will be implementing this going forward. The recently developed IDDE documentation SOP addresses response procedures for citizen's requests.

Permit Citation:	II.D.2.j Enforcement
Program Requirement:	The permittee implemented a mechanism to track the issuance of notices of violation and enforcement actions administered by the permittee
Status:	No
DEQ Comments:	Develop a tracking system for notices of violation and enforcement actions.
TOC Comments:	The Town acknowledges this deficiency which in the past has been due to insufficient staff capacity. The Stormwater Program is now fully staffed and will be implementing this going forward. The investment and training in new technology (tablets and CityWorks) will greatly facilitate this.

Permit Citation:	II.G.2.b Operation and maintenance (O&M) for facilities
Program Requirement:	The permittee maintained and implemented an O&M program for municipally owned and operated facilities with the potential for generating polluted stormwater runoff
Status:	Partial
DEQ Comments:	Although a draft O&M plan was provided, the town needs to implement site-specific plans for each facility with the potential for generating polluted stormwater runoff. The O&M plans should specify the type of pollutant(s) generated.
TOC Comments:	The Town is actively working to better document O&M efforts. The Town has specifically invested and trained in using new technology (tablets and CityWorks) to implement this activity.

Permit Citation:	II.G.2.c Spill response procedures
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Program Requirement:	The permittee had written spill response procedures for municipal operations.
Status:	No
DEQ Comments:	The permittee did not provide written procedures for spill response for any of the town's operations.
TOC Comments:	The Town provided these procedures on August 3.

Permit Citation:	II.G.2.d Streets, roads, and public parking lots maintenance
Program Requirement:	The permittee evaluated existing and new BMPs that reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within its corporate limits annually (Yes); If yes, the permittee evaluated the effectiveness of existing and new BMPs based on cost and the established quantity of pollutants removed (Partial)
Status:	Partial
DEQ Comments:	The Town provided a schedule that shows the number of miles of streets that were swept over the last 15 years with a schedule for sweeping. They maintain dump tickets to track the tonnage disposed and use all the information for review at the end of the year for effectiveness. The town should formally evaluate and document the effectiveness of their BMP.
TOC Comments:	The Town will look into procedures to better assess street sweeping effectiveness, and would appreciate any guidance on how to assess effectiveness or referral to compliant permittees.

Permit Citation:	II.G.2.f O&M for catch basins and conveyance systems
Program Requirement:	The permittee maintained and implemented an O&M program for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.
Status:	Partial
DEQ Comments:	The permittee has a draft O&M plan.
TOC Comments:	The draft plan has been finalized. The Town is actively working to better document O&M efforts. The Town has specifically invested and trained in using new technology (tablets and CityWorks) to implement this activity.

Permit Citation:	II.G.2.h O&M for structural stormwater controls
Program Requirement:	The permittee maintained and implemented an O&M program for municipally-owned or maintained structural stormwater controls installed for compliance with the permittee's post-construction ordinance
Status:	No
DEQ Comments:	The permittee has a draft O&M plan. However, it is not site-specific. The Town should develop individual O&M plans for each SCM that should contain all the requirements for that program.
TOC Comments:	The Town acknowledges this deficiency and is actively working to address.

Permit Citation:	II.G.2.i Pesticide, herbicide and fertilizer application management
Program Requirement:	The permittee ensured all permits, certifications, and other measures for applicators are followed.
Status:	No

DEQ Comments:	Provided copies of the pesticide certificates and Algae pond contractor license, but a checklist and inspection procedures were not developed for subcontractor pesticide application.
TOC Comments:	The Town has a single contract for pesticide application. The contract specifies the need to follow licensing requirements, State regulations and the Town's Least Toxic Integrated Pest Management and Plant Health Care Policy. The Town provided relevant documentation and believes that the material submitted fulfills the program requirement.

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