



## Legislation Text

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**File #:** 20-404, **Version:** 1

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**TITLE:**

NPDES Stormwater Permit Notification and Resolution

**PURPOSE:** The purpose of this agenda item is for the Council to adopt a resolution committing to compliance with the Town's NPDES stormwater permit.

**DEPARTMENT:** Public Works

**CONTACT INFORMATION:** Randy Dodd, Stormwater Utility Manager, (919) 918-7341

**INFORMATION:** NPDES permits require the implementation of a comprehensive stormwater management program to reduce pollutants in stormwater runoff based upon implementation of six Minimum Control Measures (MCMs): Public Education & Outreach; Public Involvement & Participation; Illicit Discharge Detection & Elimination; Construction Site Runoff Controls; Post-Construction Site Runoff Controls; Pollution Prevention & Good Housekeeping for Municipal Operations.

In 2019, NCDEQ began to incorporate compliance audits into the NPDES program as a component of the permit renewal process. NCDEQ performed an audit of the Town's permit performance on August 12<sup>th</sup> and provided a Notice of Violation (NOV) on November 2<sup>nd</sup>. Per previously provided agenda items and the Stormwater monthly report, this NOV has been anticipated. NCDEQ has reported that of the 46 audits that have been completed to date, 36 permittees have received a NOV, 5 have received a Notice of Deficiency, and 5 have received a Notice of Compliance. EPA and NCDEQ are requiring higher performance standards than in the past, and are specifically going through a "compliance assistance" process to identify program deficiencies, assist permittees in the establishment of a compliant program, and more clearly articulate performance expectations. The violations requiring improved performance are primarily related to the Illicit Discharge and Pollution Prevention MCMs. As audit and NOV follow up, Stormwater staff will specifically be: submitting a written letter of response (draft attached); submitting a self-assessment for the three other MCMs and a new Stormwater Management Plan; and providing information for the Stormwater Advisory Commission to review as part of this process given their expertise and program oversight role. The NOV requires the Town Council to pass the attached resolution committing to compliance. The language included in the resolution is per the template provided by NCDEQ staff.

**FISCAL & STAFF IMPACT:** There is no fiscal impact associated with passing the attached resolution. There will be a staff impact in continuing to follow up, especially through early 2021.

**RECOMMENDATION:** Staff recommends that the Town Council adopt the attached resolution.