

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1581*

Short Title: Phase II Stormwater Management-2. (Public)

Sponsors: Representatives Gibson, McComas (Primary Sponsors);
Farmer-Butterfield, Parmon, Wainwright, and Womble.

Referred to: Environment and Natural Resources.

May 20, 2004

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II
2 STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY
3 THE ENVIRONMENTAL REVIEW COMMISSION.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Phase II Stormwater Permit Application and Standards. – An
7 application for a Phase II National Pollutant Discharge Elimination System (NPDES)
8 permit for stormwater management submitted by a local government designated as an
9 urbanized area under the 1990 or 2000 census by the Bureau of the Census shall be
10 deemed timely received if the application was submitted to the Department of
11 Environment and Natural Resources in accordance with the application schedule set out
12 in Section 6 of the temporary rule adopted by the Environmental Management
13 Commission on 10 October 2002. To obtain a Phase II National Pollutant Discharge
14 Elimination System (NPDES) permit for stormwater management under this Section, an
15 applicant shall develop, implement, and enforce a stormwater management plan
16 approved by the Department that satisfies the six minimum control measures required
17 by 40 Code of Federal Regulations § 122.34(b) (1 July 2003 Edition). The evaluation
18 of the post-construction stormwater management measures required by 40 Code of
19 Federal Regulations § 122.34(b)(5) (1 July 2003 Edition) shall be conducted as
20 provided in Section 10 of the temporary rule adopted by the Environmental
21 Management Commission on 10 October 2002. A municipality with a population of
22 less than 1,000, including a municipality designated by the 1990 or 2000 census, is not
23 required to obtain a Phase II National Pollutant Discharge Elimination System (NPDES)
24 permit for stormwater management unless the municipality is shown to be contributing
25 to an impairment of State waters, as determined under the requirements of § 33 U.S.C.
26 1313(d).

27 **SECTION 2.** Phase II Stormwater Implementation Deadlines. –

- 1 (1) For a permit application submitted by a local government that was
2 designated as an urbanized area under the 1990 census by the Bureau
3 of the Census, the Department of Environment and Natural Resources
4 shall send a draft permit decision to public notice by 1 November
5 2004.
- 6 (2) For a permit application submitted by a local government that was
7 designated as an urbanized area under the 2000 census by the Bureau
8 of the Census, the Department of Environment and Natural Resources
9 shall send a draft permit decision to public notice by 1 May 2005.
- 10 (3) A local government shall adopt post-construction stormwater
11 management measures that become effective within 24 months after
12 the date on which a permit is issued.

13 **SECTION 3.** This act is effective when it becomes law.