

1     **15A NCAC 02H .1020                    Universal Stormwater Management Program**

2     (a) Adoption of the Universal Stormwater Management Program (USMP) shall be made at the option of a  
3     local government by adopting an ordinance that complies with the requirements of this Rule and the  
4     requirements of 15A NCAC 02B .0104(f). The Environmental Management Commission shall approve  
5     local ordinances if it determines that the requirements of the local ordinance equal or exceed the  
6     provisions of this Rule. A model ordinance for the Universal Stormwater Management Program shall be  
7     available from the Division of Water Quality (DWQ). Administration and implementation of the USMP  
8     shall be the responsibility of the adopting local government within its jurisdiction. Local governments  
9     located within one of the 20 Coastal Counties may elect to have the Division of Water Quality administer  
10    and implement the Universal Stormwater Management Program, either whole or in part, within their  
11    jurisdiction following their adoption of the program. Adoption of the USMP may not satisfy water quality  
12    requirements associated with the protection of threatened or endangered species or those requirements  
13    associated with a Total Maximum Daily Load (TMDL). The requirements of the USMP shall supercede and  
14    replace all other existing post-construction stormwater requirements within that jurisdiction, as specified  
15    in Paragraph (b) of this Rule.

16   (b) With the exceptions noted in Paragraph (c) of this Rule, the requirements specified in this Rule shall  
17   replace the following DWQ stormwater control requirements:

- 18       (1)     Water Supply (WS) Watershed II (WS II) (15A NCAC 02B .0214(3)(b)(i));
- 19       (2)     WS Watershed II Critical Area (WS II CA) (15A NCAC 02B .0214(3)(b)(ii));
- 20       (3)     WS Watershed III (WS III) (15A NCAC 02B .0215(3)(b)(i));
- 21       (4)     WS Watershed III Critical Area (WS III CA) (15A NCAC 02B .0215(3)(b)(ii));
- 22       (5)     WS Watershed IV (WS IV) (15A NCAC 02B .0216(3)(b)(i));
- 23       (6)     WS Watershed IV Critical Area (WS IV CA) (15A NCAC 02B .0216(3)(b)(ii));
- 24       (7)     High Quality Waters (HQW) for Freshwaters (15A NCAC 02H .1006);
- 25       (8)     High Quality Waters (HQW) for Saltwaters (15A NCAC 02H .1006);
- 26       (9)     Outstanding Resource Waters (ORW) for Freshwaters (15A NCAC 02H .1007);
- 27       (10)    Outstanding Resource Waters (ORW) for Saltwaters (15A NCAC 02H .1007);
- 28       (11)    Shellfishing (SA) (15A NCAC 02H .1005(2));
- 29       (12)    Post-Construction Requirements of the Phase 2 Program (S.L. 2006-246);
- 30       (13)    Coastal Counties Stormwater Requirements in 15A NCAC 02H .1005(3);
- 31       (14)    Stormwater Controls for 401 Certifications under 15A NCAC 02H .0500;
- 32       (15)    Catawba Buffer Rules (15A NCAC 02B .0243 and 02B .0244); and
- 33       (16)    Urban Stormwater Management Requirements of the Randleman Lake Water  
34            Supply Watershed Rules (15A NCAC 02B .0251).

35   (c) As mandated in 15A NCAC 02H .0506(b)(5) and (c)(5), the Division Director may review and require  
36   amendments to proposed stormwater control plans submitted under the provisions of the 401

1 Certification process in order to ensure that the proposed activity will not violate water quality standards.  
2 Adoption of the Universal Stormwater Management Program does not affect the requirements specified in  
3 15A NCAC 02B .0214(3)(b)(i)(I), 02B .0214(3)(b)(ii)(C) and (D), 15A NCAC 02B .0215(3)(b)(i)(I), 02B  
4 .0215(3)(b)(ii)(C) and (D), and 15A NCAC 02B .0216(3)(b)(ii)(C) and (D). The Catawba Buffer Rules  
5 shall be superceded in those areas where the buffers are contained within the jurisdiction of another  
6 stormwater program listed in Paragraph (b) of this Rule and the requirements of that program are  
7 replaced by the USMP. For the watershed that drains to Lake James, which is not contained within the  
8 jurisdiction of another stormwater program, the Catawba Buffer Rules shall be superceded if the USMP is  
9 implemented in the entire area within five miles of the normal pool elevation of Lake James. The  
10 implementation of the USMP shall supercede the Urban Stormwater Management Requirements of the  
11 Randleman Lake Water Supply Watershed in 15A NCAC 02B .0251, but USMP implementation does not  
12 affect the Randleman Lake Water Supply Watershed; Protection and Maintenance of Riparian Areas  
13 requirements specified in 15A NCAC 02B .0250.

14 (d) Coastal Counties Requirements. All development activities located in one of the twenty (20) Coastal  
15 Counties that disturb 10,000 square feet or more of land, including projects that disturb less than 10,000  
16 square feet of land that are part of a larger common plan of development or sale, shall control the runoff  
17 from the first one and one half inch of rainfall to the level specified in Paragraph (f) of this Rule. In  
18 addition, all impervious surfaces, except for roads, paths, and water dependent structures, shall be  
19 located at least 30 feet landward of all perennial and intermittent surface waters. In addition to the other  
20 requirements specified in this Paragraph, all development activities that are located within 575 feet of  
21 waters designated by the Environmental Management Commission as shellfishing waters shall be limited  
22 to a maximum impervious surface density of 36 percent. Redevelopment activities that meet the  
23 provisions of 15A NCAC 02H .1002(14) shall not be required to comply with the requirements of this  
24 Paragraph.

25 (e) Non-Coastal Counties Requirements. All residential development activity that is located in one of the  
26 eighty (80) Non-Coastal Counties that disturbs one acre or more of land, including residential  
27 development that disturbs less than one acre of land that is part of a larger common plan of development  
28 or sale, and all non-residential development activity that is located in one of the eighty (80) Non-Coastal  
29 Counties that disturbs ½ acre or more of land, including non-residential development that disturbs less  
30 than ½ acre of land that is part of a larger common plan of development or sale, shall control the runoff  
31 from the first one inch of rainfall as specified in Paragraph (f) of this Rule. Except as allowed in this  
32 Paragraph, no new impervious or partially pervious surfaces, except for roads, paths, and water  
33 dependent structures, shall be allowed within the one percent Annual Chance Floodplain as delineated by  
34 the North Carolina Floodplain Mapping Program in the Division of Emergency Management. For perennial  
35 and intermittent streams that do not have a floodplain delineated by the Floodplain Mapping Program, all  
36 development activities subject to this Rule shall be located at least 30 feet landward of all perennial and

1 intermittent surface waters. In addition to the other requirements specified in this Paragraph, all  
2 development activities that are located within the area designated by the Environmental Management  
3 Commission as a Critical Area of a Water Supply Watershed shall be limited to a maximum impervious  
4 surface density of 36 percent. Redevelopment of residential structures within the one percent Annual  
5 Chance Floodplain that meets the provisions of 15A NCAC 02H .1002(14) is allowed. Redevelopment of  
6 non-residential structures within the one percent Annual Chance Floodplain that meets the provisions of  
7 15A NCAC 02H .1002(14) is allowed provided that less than 1/2 acre is disturbed during the  
8 redevelopment activity. Redevelopment activities outside of the one percent Annual Chance Floodplain  
9 that meet the provisions of 15A NCAC 02H .1002(14) shall not be required to comply with the  
10 requirements of this Paragraph.

11 (f) Structural stormwater controls required under Paragraphs (d) and (e) shall meet the following criteria:

- 12 (1) Remove an 85 percent average annual amount of Total Suspended Solids.
- 13 (2) For detention ponds draw down the treatment volume no faster than 48 hours, but no  
14 slower than 120 hours.
- 15 (3) Discharge the storage volume at a rate equal or less than the pre-development discharge  
16 rate for the 1-year, 24-hour storm.
- 17 (4) Meet the General Engineering Design Criteria set forth in 15A NCAC 02H .1008(c).

18 (g) For the purposes of this Rule, a surface water shall be present if the feature is shown on either the  
19 most recent complete version of the soil survey map prepared by the Natural Resources Conservation  
20 Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale  
21 (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).  
22 Relief from this requirement shall be allowed when surface waters are not present in accordance with the  
23 provisions of 15A NCAC 02B .0233 (3)(a).

24 (h) Local governments that implement the Universal Stormwater Management Program shall require  
25 recorded deed restrictions and protective covenants that ensure development activities will maintain the  
26 project consistent with approved plans.

27 (i) Local governments that implement the Universal Stormwater Management Program shall require an  
28 operation and maintenance plan that ensures the operation of the structural stormwater control  
29 measures required by the program. The operation and maintenance plan shall require the owner of each  
30 structural control to submit a maintenance inspection report on each structural stormwater control  
31 measure annually to the local program.

32 (j) In addition to the other measures required in this Rule, all development activities located in one of the  
33 twenty (20) Coastal Counties that disturb 10,000 square feet or more of land within 1/2 mile and draining  
34 to SA waters shall:

- 35 (1) Use stormwater control measures that result in fecal coliform die off and that control to  
36 the maximum extent practicable sources of fecal coliform while incorporating the

1 requirements specified in Paragraph (f) of this Rule.

2 (2) Prohibit new points of stormwater discharge to SA waters or expansion (increase in the  
3 volume of stormwater flow through conveyances or increase in capacity of conveyances)  
4 of existing stormwater conveyance systems that drain to SA waters. Any modification or  
5 redesign of a stormwater conveyance system within the contributing drainage basin must  
6 not increase the net amount or rate of stormwater discharge through existing outfalls to  
7 SA waters. Diffuse flow of stormwater at a non-erosive velocity to a vegetated buffer or  
8 other natural area capable of providing effective infiltration of the runoff from the 1-year,  
9 24-hour storm shall not be considered a direct point of stormwater discharge.  
10 Consideration shall be given to soil type, slope, vegetation, and existing hydrology when  
11 evaluating infiltration effectiveness.

12 (k) In addition to the other measures required in this Rule, development activities draining to trout (Tr)  
13 waters shall use stormwater control measures that avoid an increase in the receiving water temperature,  
14 while still incorporating the requirements specified in Paragraph (f).

15 (l) The Division, upon determination that a local government is failing to implement or enforce the  
16 approved local stormwater program, shall notify the local government in writing of the local program  
17 inadequacies. If the local government has not corrected the deficiencies within 90 days of receipt of  
18 written notification from the Division, then the Division shall implement and enforce the provisions of this  
19 Rule.

20 (m) Development activities conducted within a jurisdiction where the USMP has been implemented may  
21 take credit for the nutrient reductions achieved by utilizing diffuse flow in the one percent Annual Chance  
22 Floodplain to comply with the nutrient loading limits specified within NSW Rules where the one percent  
23 Annual Chance Floodplain exceeds the 50-foot Riparian Buffers. Development activities occurring where  
24 the USMP has been implemented but there is no delineated one percent Annual Chance Floodplain may  
25 take credit for the nutrient reductions achieved by utilizing diffuse flow into a vegetated filter strip that  
26 exceeds the 50-foot Riparian Buffer by at least 30 feet and has a slope of five degrees, or less.

27 (n) The following special provisions of the Universal Stormwater Management Program apply only to  
28 federal facilities and Department of Defense (DoD) installations. Federal facilities and DoD installations  
29 may adopt the Universal Stormwater Management Program within their boundaries by submitting a letter  
30 to the Chairman of the Environmental Management Commission that states that the facility in question  
31 has adopted controls that comply with the requirements of this Rule and with the requirements of 15A  
32 NCAC 02B .0104(f). In lieu of the protective covenants and deed restrictions required in Paragraph (h) of  
33 this Rule, federal facilities and DoD installations that choose to adopt the USMP within their boundaries  
34 shall incorporate specific restrictions and conditions into base master plans, or other appropriate  
35 instruments, to ensure that development activities regulated under this Rule will be maintained in a  
36 manner consistent with the approved plans.

1 (o) Implementation of this Universal Stormwater Management Program does not affect any other rule or  
2 requirement not specifically cited in this Rule.

3

4 *History Note: Authority G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a);*  
5 *Eff. January 1, 2007.*

6