



Last Revised 6/19/2007

Post-Construction Stormwater Management Permitting Program

How is this permit different from a Construction Stormwater Permit?

“Post-construction” refers to **permanent stormwater management measures** that will stay in place once the project is built—not just during construction. In certain areas, a **post-construction permit** is required *in addition to* a general permit for the construction activity (coverage under NCG010000). Also, other local post-construction requirements may apply.



Stormwater Constructed Wetland

What is this new permitting program?

In 2006 the North Carolina General Assembly enacted **Session Law 2006-246** to implement post-construction stormwater management requirements for development activities in North Carolina. The act requires that new development in specific areas meet the post-construction requirements **beginning July 1, 2007**. Post-construction permits under this program will be issued by the Division of Water Quality (DWQ) under the State Stormwater Permitting Program or by a delegated local program.

Who needs a post-construction permit?

New development that will disturb one acre or more of land—or that is part of a larger plan that will disturb at least an acre—and located within areas outlined in the Session Law will need a permit. Coverage areas include: designated Phase II municipalities; the potential extra-territorial jurisdiction (ETJ) of those municipalities (1- to 3-miles beyond incorporated boundaries, depending on the population); “urbanizing areas”; and entire counties that are “tipped in” (including all undesignated cities there). Currently there are 26 tipped counties, but more could come into the program in the future. Also, local governments—including counties—may choose to implement post-construction programs throughout their jurisdictions.

The affected area around a municipality is called the “Municipal Sphere of Influence” (MSI). If the municipality is not exercising its planning and zoning authority there, DWQ will issue post-construction permits in the MSI—as long as another local authority (the county, for example) is not implementing a post-construction program.

How do I know if my project is in one of these areas?

Right now, over 120 municipalities in North Carolina have been designated Phase II, and post-construction applies throughout 26 counties, as well as in portions of 19 other counties. NC DWQ collaborated with the Center for Geographic Information and Analysis (CGIA) to create an **interactive web-based map viewer** to determine if a project is located in a Phase II area. Go to:

http://h2o.enr.state.nc.us/su/msi_maps.htm

Always be sure to verify whether the local government requires more stringent stormwater controls.

You can **enter the project address or geographic coordinates, and the map will tell you if the project is located in an area that requires a post-construction permit**. The map provides guidance for all stormwater permitting programs in NC—not just Phase II areas. This map viewer will be updated periodically to reflect more current municipal boundaries; areas subject to other State Stormwater Programs (e.g., High Quality Waters); new designations; etc. However, map revisions will not occur as often as the changes. It is important to check the list of updates and corrections on this website. *As with any system of this type, the interactive map is simply a tool to help you in making your final determination about your responsibilities for permit coverage.*

What does this permit do?

A stormwater permit governs the design, installation, and construction of stormwater management and control practices on the site. These measures don't just include structural Best Management Practices (BMPs), but also other elements of site design for stormwater management. The permit is intended to provide a mechanism for the review, approval, and inspection of the proposed stormwater management methods for the development or redevelopment site, including structural BMPs and other techniques such as low-impact or low-density design. Requirements for deed restrictions, operation and maintenance, annual inspections, and reporting and record-keeping are also part of the permit.

Aren't there already stormwater permit programs in places?

Yes, and *some of those* programs "satisfy" the new post-construction requirements. As of today, those are:

- ✓ Water Supply Watershed Protection Program (including Randleman Lake)
- ✓ *Freshwater* High Quality Waters (HQW)
- ✓ *Freshwater* Outstanding Resource Waters (ORW)
- ✓ Neuse Nutrient Sensitive Waters (NSW) Management Strategy
- ✓ Tar-Pamlico NSW Management Strategy

However, some programs may have overlapping or more stringent requirements. For example, where both the Neuse NSW and Water Supply Protection requirements apply, stormwater post-construction design constraints for both programs apply. Where one program is more stringent, the more stringent requirement will apply.

How do I apply for permit coverage?

Within the corporate limits and the planning jurisdiction of a permitted municipality, the post-construction permit will normally come from the local government. Please **contact the local government** for instructions about the local post-construction program. Some counties may also be delegated to implement a post-construction program in their jurisdiction. The interactive map website should help guide you to the appropriate permitting authority.

If your project is not located within a permitted municipality's limits or ETJ or within a delegated county area, you must **apply to DWQ** for permit coverage. **The application fee is \$420.** Application information can be found at:

h2o.enr.state.nc.us/su/msi_application.htm

NOTE—If the municipality was designated but then *exempted from Phase II permitting* (post-construction still applies), or *if the project is in a coastal county community, but the post-construction program has not yet begun* in that jurisdiction, you must **apply to DWQ** for a permit.

Who can help me with questions?

A number of general questions can be answered by reviewing the information on our *Post-Construction Website* at:

http://h2o.enr.state.nc.us/su/msi_post-construction.htm

If you have further questions you can contact our Division:

By email at: phase2.info@ncmail.net

By mail at: Stormwater Permitting Unit
NC Division of Water Quality
1617 Mail Service Center
Raleigh, NC 27699-1617

By phone at: (919) 733-5083 — ask for staff in the Stormwater Permitting Unit

