Wayne County, North Carolina
Board of Commissioners

March 21, 2023
224 E. Walnut Street
Courthouse 4th Floor
Goldsboro, NC 27530

MINUTES

8:00 A.M. AGENDA BRIEFING

During the scheduled briefing and prior to the regularly scheduled meeting, the Board of Commissioners held an advertised briefing session to discuss the items of business on the agenda.

The briefing began at 8:06 a.m. with County Manager Chip Crumpler reviewing the agenda.

Finance Director Allison Speight reviewed the Budget Amendments and answered questions from the Board.

Staff Attorney Andrew Neal reviewed the lease with the NC Department of Adult Correction, and the sale of surplus property.

Planning Director Berry Gray reviewed the road right of way abandonment request from NCDOT.

Commissioner Bevan Foster was not present for the Agenda Briefing.

9:00 A.M. CALL TO ORDER - Vice-Chairman Chris Gurley

The Wayne County Board of Commissioners met on Tuesday, March 21, 2023, at 9:06 a.m., in the Commissioners Meeting Room in the Wayne County Courthouse Annex, Goldsboro, North Carolina, after due notice thereof had been given.

Members present: Vice-Chairman Chris Gurley; Commissioner George Wayne Aycock, Jr.; Commissioner Joe C. Daughtery; Commissioner Bevan Foster; Commissioner Freeman Hardison, Jr.; and Commissioner Antonio Willliams.

Members absent: Chairwoman Barbara Aycock

INVOCATION - Commissioner Joe C. Daughtery

Commissioner Joe C. Daughtery gave the invocation.

PLEDGE OF ALLEGIANCE - Commissioner George Wayne Aycock, Jr.

Commissioner George Wayne Aycock, Jr. led the Board of Commissioners in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES

1. Motion to Approve March 7, 2023 Minutes

Upon motion of Commissioner Antonio Williams, the Board of Commissioners unanimously approved the March 7, 2023 minutes.

DISCUSSION/ADJUSTMENT OF AGENDA

2. Motion to Approve March 21, 2023 (Adjusted) Agenda.

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the March 21, 2023 Adjusted Agenda.

Added to the Agenda:

- Welcome Home Vietnam Veterans Day Proclamation under Special Presentations.
- Budget Amendment #423 under the Consent Agenda.

Removed from the Agenda:

- Motion to allow grant writer to move forward with a COSSUP grant application for the Wayne County Sheriff's Office under the Consent Agenda.

SPECIAL PRESENTATIONS

3. Employee Anniversary Pins

County Manager Chip Crumpler presented service pins to the employees in attendance.

At 9:16 a.m., Commissioner Bevan Foster joined the meeting.

4. Motion to Approve 2023 Donate Life Month Proclamation.

Dr. Sandra Coley read and presented the 2023 Donate Life Month Proclamation, attached hereto as Attachment A.

Upon motion of Commissioner George Wayne Aycock, Jr., the Board of Commissioners unanimously approved the 2023 Donate Life Month Proclamation.

5. Presentation on Flood Attenuation Project of the Stoney Creek Watershed Pilot Flood Initiative.

Kevin Tweedy from Ecosystem Planning and Restoration gave a presentation on the Flood Attenuation Project of the Stoney Creek Watershed Pilot Flood Initiative, attached hereto as Attachment B.

6. Motion to Approve Welcome Home Vietnam Veterans Day Proclamation.

Brian Volk with the Veterans and Patriots Coalition read and presented the 2023 Welcome Home Vietnam Veterans Day Proclamation, attached hereto as Attachment C.

Upon motion of Commissioner Joe C. Daughtery, the Board of Commissioners unanimously approved the Welcome Home Vietnam Veterans Day Proclamation.

9:33 A.M. PUBLIC HEARING

7. To Receive Public Comments on Revisions to the Wayne County Stormwater Ordinance and Stormwater Plan.

Upon motion of Commissioner Joe C. Daughtery, the Board of Commissioners unanimously approved the Revisions to the Wayne County Stormwater Ordinance and Stormwater Plan, attached hereto as Attachment D, by a vote of 6 to 0. As the General Statutes require a unanimous vote of all Board members at the first reading, per NCGS 153A-45, and Chairwoman Barbara Aycock was absent, the Proposed Ordinance changes will be voted on again at the April 4, 2023, Board of Commissioners meeting.

CONSENT AGENDA

8. Late Application for Present-Use Value

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the Late Application for Present-Use Value.

9. Late Application for Present-Use Value

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the Late Application for Present-Use Value

10. Late Application for Present-Use Value

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the Late Application for Present-Use Value

11. Budget Amendments

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the following Budget Amendments:

- #384-Health Department
- #385-Sheriff's Office
- #388-Jetport
- #389-Animal Control
- #393-GWTA
- #396-Sheriff's Office
- #399-Animal Control
- #403-Jetport
- #405-DSS

- #406-DSS
- #414-Jetport
- #423-Inspections

12. Motion to Establish a Public Hearing on Tuesday, April 4, 2023 at 9:15 a.m. in the Commissioners' Meeting Room in the Wayne County Courthouse Annex, 224 E. Walnut Street, Goldsboro, North Carolina, to receive public comments regarding a Proposed Installment Financing Agreement or Similar Financing Arrangement to Finance a New DSS/Health Facility for the County of Wayne, North Carolina.

    Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved to Establish a Public Hearing on Tuesday, April 4, 2023 at 9:15 a.m. in the Commissioners' Meeting Room in the Wayne County Courthouse Annex, 224 E. Walnut Street, Goldsboro, North Carolina, to receive public comments regarding a Proposed Installment Financing Agreement or Similar Financing Arrangement to Finance a New DSS/Health Facility for the County of Wayne, North Carolina, attached hereto as Attachment E.

13. Motion to approve a three-year lease with the State of North Carolina-Department of Adult Correction for 209 S. William Street, Goldsboro, NC.

    Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved a three-year lease with the State of North Carolina-Department of Adult Correction for 209 S. William Street, Goldsboro, NC, attached hereto as Attachment F.

14. Motion to approve the sale of surplus property located at 2009 Rose Street, Goldsboro as requested by the City of Goldsboro.

    Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the sale of surplus property located at 2009 Rose Street, Goldsboro as requested by the City of Goldsboro, attached hereto as Attachment G.

15. Motion to approve road right of way abandonment for an unopended segment of SR 1327 (Leslie Road) as requested by NCDOT and the adjacent Property Owner.

    Upon motion Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved the road right of way abandonment for an unopended segment of SR 1327 (Leslie Road) as requested by NCDOT and the adjacent Property Owner, attached hereto as Attachment H.

16. Motion to Establish a Public Hearing on May 2, 2023, at 9:30 a.m. in the Commissioners' Meeting Room in the Wayne County Courthouse Annex located at 224 E. Walnut Street in Goldsboro, North Carolina, to Receive Public Comments for the Wayne County Board of Commissioners to Consider Exercising Its Power to Assume Control of the Activities of a Consolidated Human Services Board.

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved to Establish a Public Hearing on May 2, 2023, at 9:30 a.m. in the Commissioners' Meeting Room in the Wayne County Courthouse Annex located at 224 E. Walnut Street in Goldsboro, North Carolina, to Receive Public Comments for the Wayne County Board of Commissioners to Consider Exercising Its Power to Assume Control of the Activities of a Consolidated Human Services Board.

NEW BUSINESS

17. Motion to Adopt Resolution #2023-11: A Resolution in Support of Rail Service from Goldsboro, NC to Wilmington NC.

Upon motion of Antonio Williams, the Board of Commissioners unanimously approved Resolution #2023-11: A Resolution in Support of Rail Service from Goldsboro, NC to Wilmington, NC, attached hereto as Attachment I.

COUNTY MANAGER'S REPORT

County Manager Chip Crumpler reminded everyone to remember www.donatelifenc.org.

BOARD OF COMMISSIONERS COMMITTEE REPORTS

Commissioner Antonio Williams thanked the Board for supporting his efforts to bring passenger rail service to Goldsboro and Wayne County. He stated the project is receiving support from adjacent counties, as well as state and federal legislators.

Commissioner Joe C. Daughtery had no comment.

Commissioner Bevan Foster had no comment.

Commissioner George Wayne Aycock, Jr. went to an event on Seymour Johnson Air Force Base to meet with Representative Wiley Nickel. He attended a meeting in Kinston with the president of Duke Energy. Mr. Aycock also attended the retreat of the Wayne Community College Board of Trustees and discussed the grants received, 27 grants work more than $5 million, received through the works of Tiffany Creech with the college.

Vice-Chairman Chris Gurley commented on the Donate Life presentation and encouraged everyone to be a donor. He reminded the Board and public of the fundraiser for the fallen and injured deputies from the August shooting.

CLOSED SESSION

At 8:26 a.m., upon motion of Commissioner Joe C. Daughtery, the Board of Commissioners unanimously declared itself in closed session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

At 8:59 a.m., upon motion of Commissioner George Wayne Aycock, Jr., the Board

of Commissioners unanimously declared itself in regular session.

ADJOURNMENT

At 10:03 AM, Vice-Chairman Chris Gurley adjourned the Meeting of the Wayne County Board of Commissioners.

Carol Bowden
Clerk to the Board

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NORTH CAROLINA

WAYNE COUNTY

2023 NATIONAL DONATE LIFE MONTH PROCLAMATION

WHEREAS, according to the United Network of Organ Sharing (UNOS), more than 103,967 people are waiting for organ transplants nationally, and 3,460 of those people are in North Carolina; and

WHEREAS, an average of 17 people awaiting transplants die each day because there is a severe shortage of organ donors; and

WHEREAS, every 10 minutes, another name is added to the national transplant waiting list and the list is growing faster than the rate of organ donation; and

WHEREAS, providing facts and dispelling myths are key to making an informed decision about becoming a donor and increasing the number of people who sign up as donors; and

WHEREAS, the N. C. Division of Motor Vehicles (NCDMV) plays a critical role with 5,516,425 North Carolinians in the State's Donor Registry having registered when they receive their North Carolina's Driver License, making it the 8th largest registry in the country; and

WHEREAS, one organ donor can save the lives of up to eight people and improve more than 75 lives through tissue, blood, bone, bone marrow and cornea donation; and

WHEREAS, North Carolinians are encouraged to get the facts about donation and discuss their decision with their families and physicians, sign up as donors via the NC DMV by putting a heart on their driver's license or enrolling online at DonateLifeNC.org; and

WHEREAS, ECU Health's Transplant Center is a leader in providing life-saving transplants with patients cared for by a team of experts including surgeons, nurse coordinators, social workers, infectious disease specialists, nutritionists, immunologists, and pathologists; and

WHEREAS, HonorBridge is the federally designated organ procurement organization, serving 7.2 million people in 77 counties of North Carolina and Danville, Virginia, and serving over 100 hospitals and four transplant centers that perform heart, lung, liver, kidney, pancreas, and intestine transplants to maximize the passing of the heroic gift of life from one human being to another through organ and tissue donation; and

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WHEREAS, the County of Wayne joins healthcare professionals, volunteers, educators, government agencies, faith-based and community groups and private organizations in an effort to boost the numbers of organ, tissue, blood, bone, bone marrow, cornea and stem cell donors throughout North Carolina.

NOW, THEREFORE, BE IT RESOLVED the Wayne County Board of Commissioners does hereby proclaim April 2023 as

NATIONAL DONATE LIFE MONTH

in Wayne County and commend this observance to our citizens.

Adopted this the 21st day of March 2023.

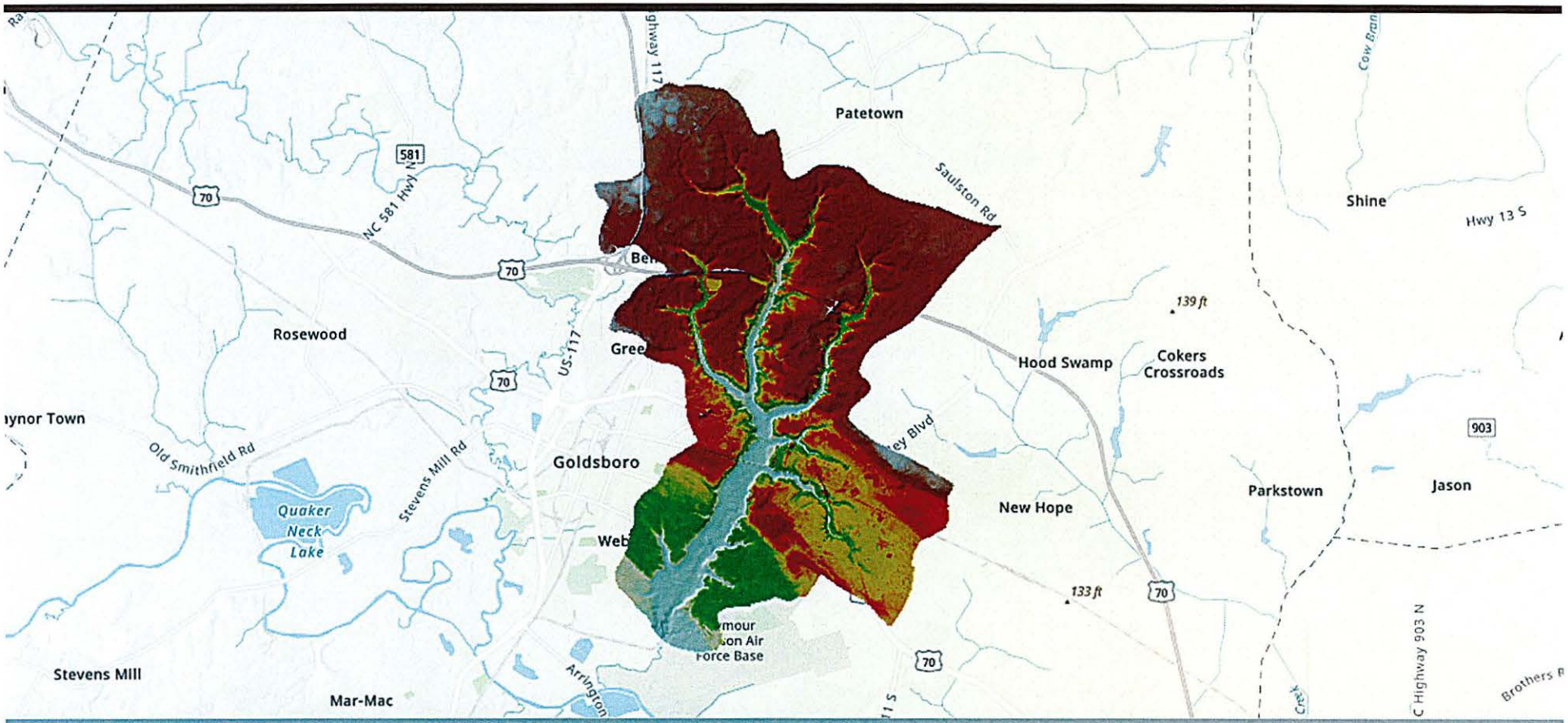
Barbara Aycock, Chairwoman

Attest:

Carol Bowden
Clerk to the Board

SEAL OF WAYNE COUNTY FIAT JUSTITIA NORTH CAROLINA

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Pilot Project(s) to Address Chronic Flooding in the Stoney Creek Watershed March 21, 2023

EPR Ecosystem Planning & Restoration

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Background

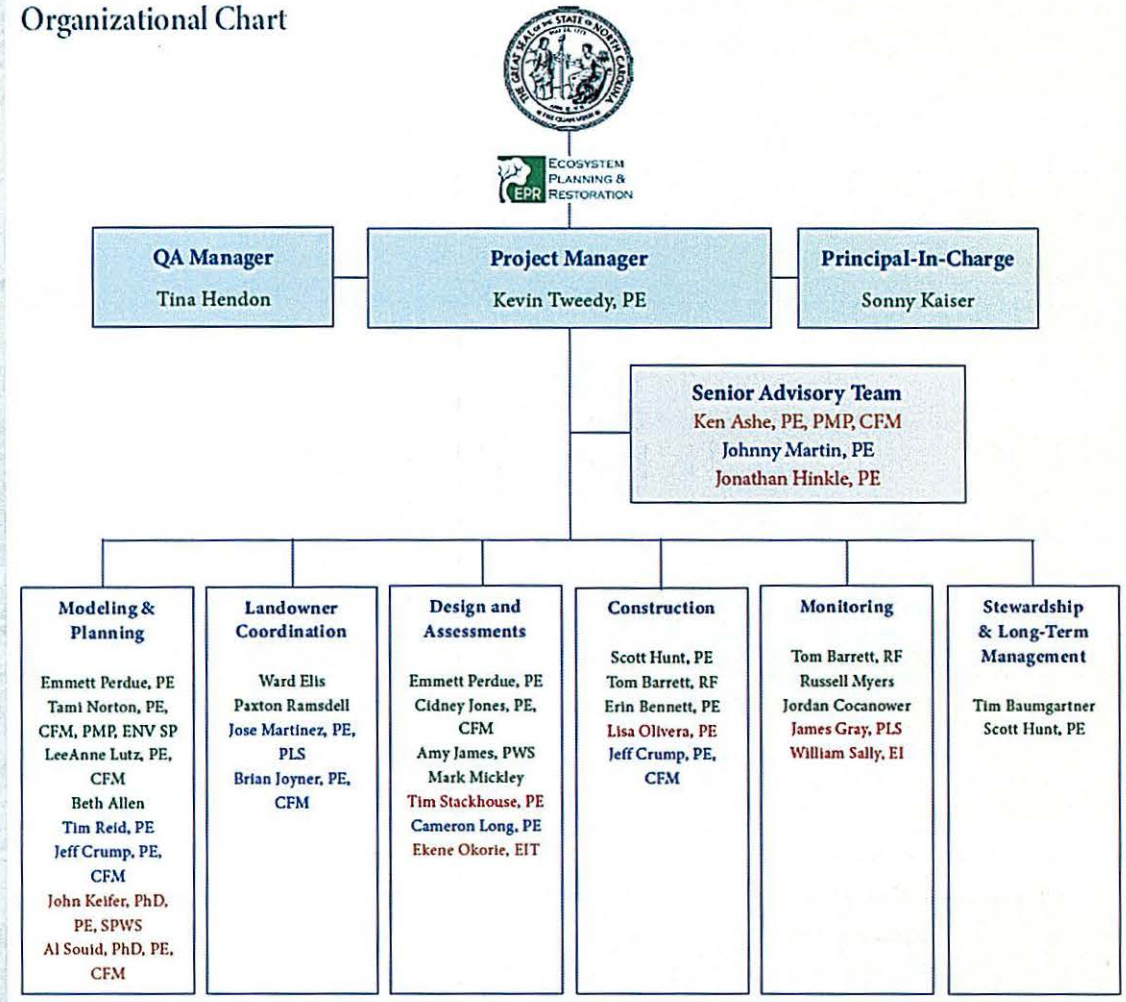
The 2021 Appropriations Act

- NC Division of Mitigation Services (DMS), Department of Environmental Quality (DEQ).
- Pilot project(s) addressing chronic flooding in the Stoney Creek watershed impacting businesses, roadways, and access to emergency services in Wayne County and Goldsboro.
- Inform additional natural infrastructure flood mitigation projects to other watersheds and scale solutions to enhance community resiliency across North Carolina.

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EPR's Stoney Creek Team

Organizational Chart



$3.2M contract awarded by DMS.

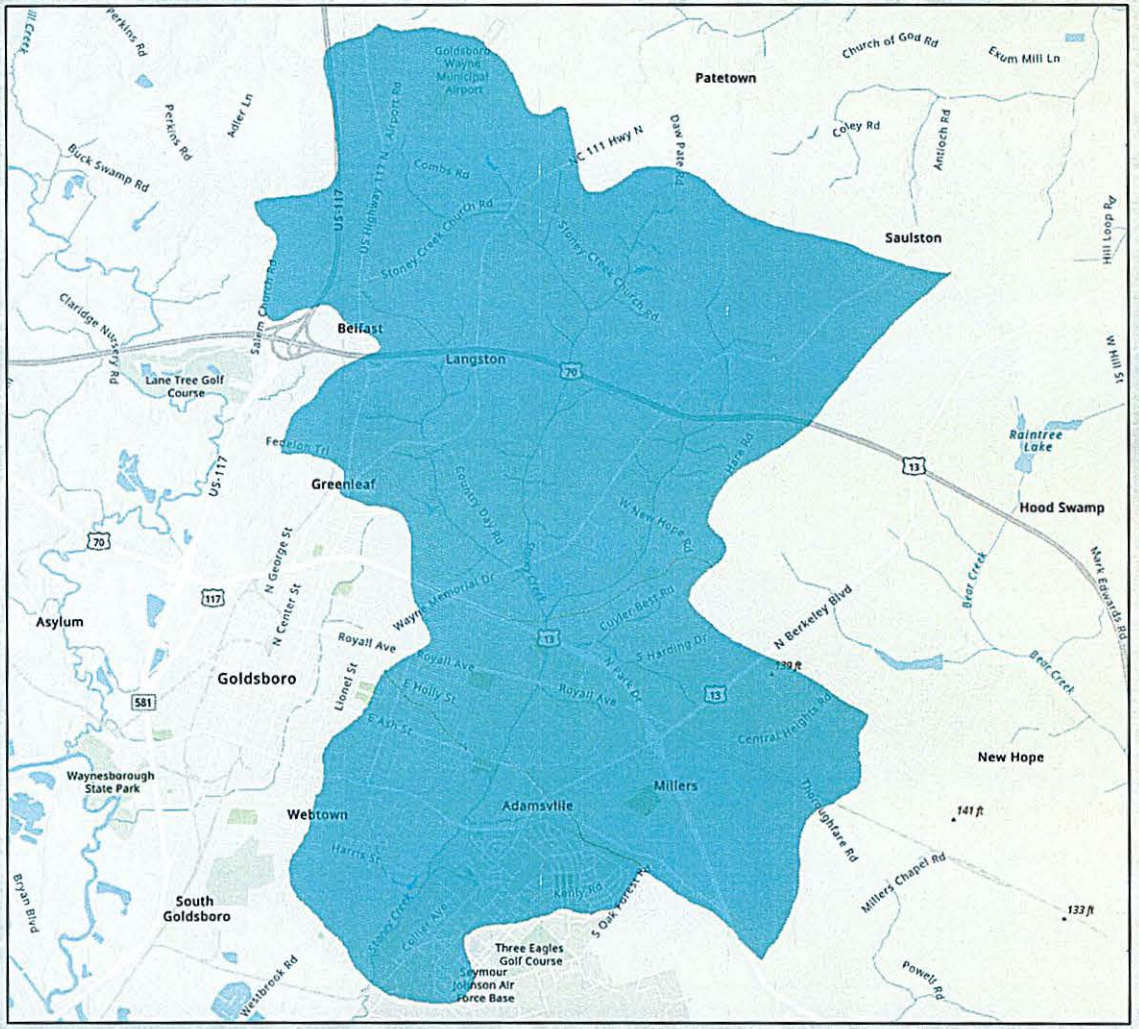
January 2023.

- Ecosystem Planning & Restoration, PLLC
- (EPR) Moffatt & Nichol (M&N)
- Greenman-Pederson, Inc. (GPI)
- WSP USA (WSP)

EPR Ecosystem Planning & Restoration

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Stoney Creek Watershed



- Neuse River Basin, HUC 03020202
- 27.6 sq. mi.
- Agricultural land to the north.
- Goldsboro to the middle and south.
- Seymour Johnson Air Force Base at south end.

EPR Ecosystem Planning & Restoration

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Project Goals

- Implement flood mitigation projects in the Stoney Creek watershed.
  - Primary focus upstream of Wayne Memorial Drive
    - Secondary focus downstream of Wayne Memorial Drive.
  - Number of sites will be determined as the project moves forward.
- Model watershed.
  - Evaluate effectiveness of potential projects.
  - Identify problem areas.
- Inform methodologies and approaches for future flood mitigation projects.

EPR Ecosystem Planning & Restoration

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Project Approach

Task 1: Conceptual Plans and Stakeholder Engagement

Task 2: Property and Easement Acquisition

Task 3: Final Flood Mitigation Plan and Permits

Task 4: Construction

Task 5: As-built, Baseline Monitoring, O&M Plans

Task 6 – 10: Monitoring and Performance

Task 11: Post Project Review

EPR Ecosystem Planning & Restoration

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Stakeholder Engagement

- Stakeholder engagement initiated.
- Stakeholder Meeting #1:
  - Feb. 8, 2023 – Wayne County Agricultural Center.
    - Local/State agency focus.
- Stakeholder Meeting #2:
  - Spring 2023 – To Be Determined.
    - Local interest focus.
- Individual Meetings.

ECOSYSTEM PLANNING & RESTORATION

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Project Approach

Project Implementation

- Several potential sites identified and under evaluation.
  - Available funding will determine number of projects implemented.
- Current landowner contact positive.
- Cost/benefit analysis.
  - Value as pilot projects.

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Timeline

Work Item	Start Date	End Date
Watershed and Project Modeling	February 2023	Ongoing through 2024
Design and Permit Projects	Spring 2023	Winter 2024
Project Implementation	Winter 2023	Winter 2025
Project Monitoring	Winter 2023	Winter 2030
Project Completion and Final Report	January 2031	January 2031

EPR Ecosystem Planning & Restoration

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Questions / Comments?

THANK YOU!

Primary Contact:

Kevin Tweedy
Principal
ktweedy@eprusa.net
Phone: 919-388-0787

ECOSYSTEM PLANNING & RESTORATION

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Attachment C

NORTH CAROLINA
WAYNE COUNTY

WELCOME HOME VIETNAM VETERANS DAY PROCLAMATION

WHEREAS, 2023 represents the 50th anniversary of the end of the American involvement in the Vietnam conflict; and

WHEREAS, 2023 marks the 58th anniversary of the start of the ground campaign in Vietnam when President Lyndon Johnson authorized the landing of the 9th Marine Expeditionary Brigade to defend the Da Nang Air Base in South Vietnam; and

WHEREAS, thousands of brave Americans served our country in this conflict with courage, honor, and valor; and

WHEREAS, more than 58,000 individuals made the ultimate sacrifice in Vietnam and more than 300,000 more were wounded in combat; and

WHEREAS, 1,626 Americans are still missing and unaccounted for from the Vietnam conflict, and their families, friends, and fellow veterans still endure uncertainty concerning their fate; and

WHEREAS, in 1982, the Vietnam War Memorial was dedicated to commemorate those members of the United States Armed Forces who died or were missing-in-action in Vietnam; and

WHEREAS, the Vietnam War was an issue among the people of the United States so that the crossfire of public debate about the involvement of the United States in the Vietnam War deprived many members of the United States Armed Forces, who served bravely and faithfully for the United States during the Vietnam War, of the support and appreciation for their service to our country; and

WHEREAS, the United States Senate officially designated March 29th as Welcome Home Vietnam Veterans Day and encouraged the people of the United States to observe this day with appropriate ceremonies and activities that promote awareness of the contributions of veterans who served in the United States Armed Forces in Vietnam and the importance of helping such veterans readjust to civilian life.

NOW, THEREFORE, BE IT RESOLVED the Wayne County Board of Commissioners hereby proclaims March 29th, 2023 as

WELCOME HOME VIETNAM VETERANS DAY

in Wayne County and urges all citizens to join in this special observance and take the opportunity to honor and thank our Vietnam Veterans for all they have given in their service to our country.

Adopted this the 21st day of March, 2023.

Barbara Aycock, Chairwoman
Wayne County Board of Commissioners

Attest:

Carol Bowden, Clerk to the Board

SEAL OF WAYNE COUNTY FIAT JUSTITIA NORTH CAROLINA

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ARTICLE III. STORMWATER MANAGEMENT

DIVISION 1. GENERAL PROVISIONS

78-58 TITLE

This ordinance shall be officially known as "The Neuse Stormwater Ordinance for New Development." It is referred to herein as "this ordinance."

78-59 AUTHORITY

The Wayne County Board of Commissioners is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes Chapter 143-214.7 and rules promulgated by the Environmental Management *Commission* thereunder; Chapter 143-215.6A; Chapter 153A-454; Chapter 160D, §§ 174, 185, 459; as well as Article 21, Part 6; Chapter 143-214.5, Water Supply Watershed Protection.

78-60 FINDINGS

It is hereby determined that:

Development and *redevelopment* alter the hydrologic response of local watersheds and increases *stormwater* runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in *stormwater* runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage *stormwater* runoff from *development* sites.

Further, the *Commission* has identified the Neuse Estuary, as nutrient sensitive waters; has identified all or a portion of the estuary as impaired waters under the federal Clean Water Act due to exceedances of the chlorophyll a standard; and has promulgated rules (the Neuse Rules) to reduce the average annual loads of nitrogen delivered to the estuary from all point and nonpoint sources of these nutrients located within its watershed, including *stormwater* from new development in this jurisdiction;

Therefore, the Wayne County Board of Commissioners establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of *stormwater* runoff and discharge for *development.*

78-61 PURPOSE

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of nitrogen in *stormwater* runoff and nonpoint and point source

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pollution associated with new *development* and *redevelopment* in the watershed of the Neuse estuary. It has been determined that proper management of construction-related and post-*development stormwater* runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for *development* that protects the integrity of watersheds and preserve the health of water resources;

2. Requiring that new *development* and *redevelopment* maintain the pre-*development* hydrologic response in their post-*development* state for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;

3. Establishing minimum post-*development stormwater* management standards and design criteria for the regulation and control of *stormwater* runoff quantity and quality;

4. Establishing design and review criteria for the construction, function, and use of *engineered stormwater controls* that may be used to meet the minimum post-*development stormwater* management standards;

5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for *stormwater* and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;

6. Establishing provisions for the long-term responsibility for and maintenance of *structural and nonstructural stormwater BMPs* to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

7. Establishing administrative procedures for the submission, review, approval and disapproval of *stormwater management plans*, for the inspection of approved *projects*, and to assure appropriate long-term maintenance.

8. Controlling illicit discharges into the waters of the State.

9. Providing education and outreach to the public regarding methods to prevent and minimize pollutant contributions to the waters of the State.

78-62 APPLICABILITY AND JURISDICTION

a. General

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all *development* and expansion of *development* throughout all

unincorporated areas in Wayne County (including the southeastern corner of the County, which lies in the Cape Fear Basin) and any local government in which the County provides building inspection services with the following exclusions: Federal, State, and Local governments, including their agencies, unless intergovernmental agreements have been established giving the County enforcement authority.

b. Exemptions

Single family and duplex residential and related recreational *development* and expansion of *development* that disturbs less than one acre is exempt from the provisions of this ordinance.

Commercial, industrial, institutional, multifamily residential or local government *development* that disturbs less than one half acre and does not expand existing structures on a parcel is exempt from the provisions of this ordinance.

Commercial, industrial, institutional, multifamily residential or local government *development* that disturbs less than one half acre and expands existing structures on a parcel and, but does not result in a cumulative built-upon area for the parcel exceeding twenty-four (24) percent is exempt from the provisions of this ordinance.

Development and *redevelopment* that disturbs less than the above thresholds are not exempt if such activities are part of a *larger common plan of development or sale* and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.

Development of an individual single-family or duplex residential lot that is not part of a larger common plan of development or sale and does not result in greater than five (5) percent built-upon area on the lot is exempt from the provisions of this ordinance.

Existing development or *redevelopment* is exempt from the provisions of this ordinance.

Activities subject to requirements of the Neuse Agriculture Rule, 15A NCAC 02B .0712 is exempt from the provisions of this ordinance.

Development or expansion of *development* with a vested right per the standards of N.C.G.S. 160D-108 is exempt from the provisions of this ordinance.

Development or expansion of *development* for which the permit application was submitted prior to adoption of this ordinance is optionally exempt from the provisions of this ordinance per the requirements of N.C.G.S. 143-755.

c. No Development or Expansion of Development Until Compliance and Permit

No *development* or expansion of *development* shall occur except in compliance with the provisions of this ordinance or unless exempted. No *development* or expansion of *development* for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

78-63 INTERPRETATION

a. Meaning and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 78-61, Purpose. If a different or more specific meaning is given for a term defined elsewhere in Wayne County's Code of Ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.

b. Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

c. Authority for Interpretation

The Stormwater Administrator has authority to determine the interpretation of this ordinance. Any *person* may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this ordinance.

d. References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the *Design Manual*), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

e. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Wayne County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Wayne County. References to days are calendar days unless otherwise stated.

f. Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of Wayne County may be carried out by his or her designee.

g. Usage

(1) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

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(2) Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions and events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.

(3) Tense, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(4) Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

78-64 DESIGN MANUAL

a. Reference to Design Manual

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the NC Department of Energy, Mineral, and Land Resources *Design Manual* as the basis for decisions about stormwater permits and about the design, implementation and performance of *engineered stormwater controls* and other practices for compliance with this ordinance.

The *Design Manual* includes a list of acceptable *stormwater* treatment practices, including specific design criteria for each *stormwater* practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Neuse Rules.

b. Relationship of Design Manual to Other Laws and Regulations

If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual.*

c. Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

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78-65 RELATIONSHIP TO OTHER LAWS, REGULATIONS AND PRIVATE AGREEMENTS

a. Conflict of Laws

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

b. Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall Wayne County be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

78-66 SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

78-67 EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

a. Effective Date

This Ordinance shall take effect on May 1, 2023.

b. Final Approvals, Complete Applications

All *development* and expansion of *development projects* for which complete and full applications were submitted and approved by Wayne County prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of *development* shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of stormwater.

A phased development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

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1. For the initial or first phase of *development* or expansion of *development*, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the *project* and a *subdivision* plan that has been approved.

2. For any subsequent phase of *development* or expansion of *development*, sufficient detail so that implementation of the requirements of this ordinance to that phase of *development* would require a material change in that phase of the plan.

c. Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, *development*, construction, or other activity complies with the provisions of this ordinance.

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DIVISION 2: ADMINISTRATION AND PROCEDURES

78-68 REVIEW AND DECISION-MAKING ENTITIES

a. Stormwater Administrator

i. Designation

A Stormwater Administrator shall be designated by the Wayne County Board of Commissioners to administer and enforce this ordinance.

ii. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the Wayne County Code of Ordinances and other laws, the Stormwater Administrator shall have the following powers and duties under this ordinance:

a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.

b. To make determinations and render interpretations of this ordinance.

c. To establish application requirements and schedules for submittal and review of applications and appeals.

d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.

e. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this ordinance.

f. To provide expertise and technical assistance to the Wayne County Board of Commissioners, upon request.

g. To designate appropriate other *person*(s) who shall carry out the powers and duties of the Stormwater Administrator.

h. To take any other action necessary to administer the provisions of this ordinance.

78-69 REVIEW PROCEDURES

a. Permit Required; Must Apply for Permit

A stormwater permit, also known as a development permit, is required for all *development* and expansion of *development* unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

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b. Effect of Permit

A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including *engineered stormwater controls* and elements of site design for stormwater management other than *engineered stormwater controls*.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the *development* site consistent with the requirements of this ordinance, whether the approach consists of *engineered stormwater controls* or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the *project*; rather, compliance after *project* construction is assured by the maintenance provisions of this ordinance.

c. Authority to File Applications

All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land *owner* or the land *owner's* duly authorized agent.

d. Establishment of Application Requirements, Schedule, and Fees

i. Application Contents and Form

The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. The development permit application shall be considered the stormwater permit application for Wayne County. The permit application shall include documentation describing in detail how post-*development* stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed *project* will meet the requirements of this ordinance.

ii. Submission Schedule

The Stormwater Administrator may establish a submission schedule for applications. The schedule may establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

iii. Permit Review Fees

The Wayne County Board of Commissioners shall establish permit review fees and may amend and update the fees and policies from time to time.

e. Submittal of Complete Application

Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

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i. Approval

If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

ii. Fails to Comply

If the Stormwater Administrator finds that the application fails to comply with the standards of this ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

iii. Revision and Subsequent Review

A complete revised application shall be reviewed by the Stormwater Administrator after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same *project* shall be required along with the appropriate fee for a new submittal.

78-70 **APPLICATIONS FOR APPROVAL**

a. Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Stormwater Administrator or *developer* may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed *development project.* This consultation meeting should take place at the time of the preliminary plan of *subdivision* or other early step in the *development* process. The purpose of this meeting is to discuss the stormwater management measures necessary for the proposed *project,* as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans and other relevant resource protection plans should be consulted in the discussion of the concept plan.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

i. Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); stream

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and other buffers and features used in designing buffers and meeting any applicable buffer requirements including Neuse River Buffer rules; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

ii. Natural Resources Inventory

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the *project*. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for *development* and stormwater management.

iii. Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-*development* stormwater management system including: preliminary selection and location of proposed *engineered stormwater controls*; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

b. Stormwater Management Permit Application

The stormwater management permit application shall detail how post-*development* stormwater runoff will be controlled and managed and how the proposed *project* will meet the requirements of this ordinance, including Division 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this ordinance.

Incomplete submittals shall be treated pursuant to Section 78-69(d).

c. As-Built Plans and Final Approval

Upon completion of a *project*, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed *project* is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.

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The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

d. Other Permits

No certificate of compliance or occupancy shall be issued by the Wayne County Department of Building Inspections without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Wayne County Department of Building Inspections may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

78-71 APPROVALS

a. Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

b. Time Limit/Expiration

An approved plan shall become null and void if the applicant fails to make *substantial progress* on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

78-72 APPEALS

a. Right of Appeal

Any aggrieved *person* affected by any decision, order, requirement, or determination relating to the interpretation or application of this ordinance made by the Stormwater Administrator, may file an appeal to the Board of Adjustment within 30 days. Appeals of variance requests shall be made as provided in the section on Variances. In the case of requests for review of proposed civil penalties for violations of this ordinance, the Board of Adjustment shall make a final decision on the request for review within 90 days of receipt of the date the request for review is filed.

b. Filing of Appeal and Procedures

Appeals shall be taken within the specified time period by filing a notice of appeal and specifying the grounds for appeal on forms provided by the Wayne County Planning Department. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

c. Review by Superior Court

Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

(1) The decision of the Board of Adjustment is filed; or

(2) A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Clerk to the Board of Adjustment at the time of its hearing of the case.

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DIVISION 3: STANDARDS

78-73 GENERAL STANDARDS

All *projects* to which this ordinance applies shall comply with the standards of this section.

78-74 NITROGEN LOADING RATE TARGETS

(a) The *project* shall meet either a nitrogen stormwater loading rate target of 3.6 pounds per acre per year (lb/ac/yr) or meet "runoff volume match" as defined in 15A NCAC 02H .1002.

(b) The *project* area used for nutrient calculation and stormwater requirements includes the site area less any *existing built-upon area.* The *project* density used for determining stormwater requirements is the amount of *built-upon area* subject to this ordinance at *project* completion divided by the *project* area.

(c) The *developer* shall determine the nitrogen loading generated from the *project* area without *engineered stormwater controls*, and determine the needed nitrogen reduction by using the *approved accounting tool.*

78-75 NITROGEN STANDARD IS SUPPLEMENTAL

The nitrogen loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the *development.* This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 02B .0714 and .0295.

78-76 CONTROL AND TREATMENT OF RUNOFF VOLUME

All *projects* shall meet the *stormwater system* design requirements set forth in 15A NCAC 02H .1003. *Projects* shall use a *project* density threshold of twenty-four (24) percent *built-upon area* or greater, whereupon high-density stormwater design is required. All *engineered stormwater controls* will meet the standards set in the *Design Manual* and the State's Minimum Design Criteria, 15A NCAC 02H .1050 through .1062.

Where high-density stormwater design is required, *stormwater systems* shall meet the standards set forth in 15A NCAC 02H .1003(3) and be designed to control and treat the runoff generated from all *built-upon area* by one inch of rainfall in one or more *Primary SCMs.* These *projects* may utilize offsite *Primary SCMs* dedicated to treating an area encompassing the *project.*

Where high-density stormwater design is not required, *stormwater systems* shall meet the low-density stormwater design standards set forth in 15A NCAC 02H .1003(2).

78-77 METHODS TO MEET NUTRIENT CONTROL REQUIREMENTS

Projects subject to this ordinance shall meet nitrogen loading targets through a combination of the following methods:

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Projects may reduce nitrogen through any combination of *engineered stormwater controls* treating runoff on the site or in an approved offsite regional *engineered stormwater control.* The *developer* shall calculate the nitrogen reduction provided by these controls using the *approved accounting tool.*

A *developer* may meet nitrogen reduction needs for the *project* through the use of permanent nutrient offset credits pursuant to the Nutrient Offset Credit Trading Rule, 15A NCAC 02B .0703. A *developer* may propose other offset measures to Wayne County, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0703.

Proposed *development* undertaken by a local government solely as a public road expansion or public sidewalk *project,* or proposed development subject to the jurisdiction of the Surface Transportation Board, may meet nitrogen reduction needs for the *project* entirely through the use of permanent nutrient offset credits pursuant to the Nutrient Offset Credit Trading Rule, 15A NCAC 02B .0703.

78-78 EVALUATION OF STANDARDS FOR STORMWATER CONTROL MEASURES

a. Evaluation According to Contents of Design Manual

All *engineered stormwater controls* and *stormwater systems* required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice in the *Design Manual.* The Stormwater Administrator shall determine whether proposed *engineered stormwater controls* will be adequate to meet the requirements of this ordinance.

b. Determination of Adequacy; Presumptions and Alternatives

Engineered stormwater controls that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* and the *approved accounting tool* will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual,* the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

c. Hazardous Wildlife Attractants on or Near Airports

Stormwater treatment may not be provided by the use of stormwater retention ponds, stormwater detention ponds, or any other *engineered stormwater control* that promotes standing water in order to comply with this ordinance at public airports that support commercial air carriers or general aviation services. *Development projects* located within five statute miles from the farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July 2011 Edition), shall not use stormwater retention ponds, stormwater detention ponds, or any other stormwater

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control measure that promotes standing water in order to comply with this ordinance.

78-79 **VARIANCES**

(A) Any *person* may petition the County of Wayne for a variance granting permission to use the *person*'s land in a manner otherwise prohibited by this ordinance. For all proposed *major* and *minor variances* from the requirements of this ordinance, the local Board of Adjustment shall make findings of fact in accordance with the procedures of N.C.G.S 160D-406 showing that:

(1) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the ordinance;

(2) The variance is in harmony with the general purpose and intent of the local watershed protection ordinance and preserves its spirit; and

(3) In granting the variance, the *project* will ensure equal or better protection of waters of the State than the requirements of 15A NCAC 02B .0711 (Neuse Stormwater Rule), and that the public safety and welfare have been assured and substantial justice has been done.

(B) In the case of a request for a *minor variance*, the County of Wayne may vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(C) The County of Wayne may attach conditions to the *major* or *minor variance* approval that support the purpose of the local watershed protection ordinance. If the variance request qualifies as a *major variance*, and the County of Wayne decides in favor of granting the *major variance*, the Board shall then prepare a preliminary record of the hearing and submit it to the *Commission* for review and approval. If the *Commission* approves the *major variance* or approves with conditions or stipulations added, then the *Commission* shall prepare a *Commission* decision which authorizes Wayne County to issue a final decision which would include any conditions or stipulations added by the *Commission*. If the *Commission* denies the major variance, then the *Commission* shall prepare a decision to be sent to Wayne County. Wayne County shall prepare a final decision denying the major variance.

(D) Appeals from the local government decision on a *major* or *minor variance* request are made on certiorari to the local Superior Court. Appeals from the *Commission* decision on a *major variance* request are made on judicial review to Superior Court.

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DIVISION 4: MAINTENANCE

78-80 GENERAL STANDARDS FOR MAINTENANCE

a. Function of Engineered Stormwater Controls As Intended

The *owner* of each *engineered stormwater control* installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the *engineered stormwater control* was designed.

b. Annual Maintenance Inspection

The Wayne County Stormwater Administrator or other authorized agent has full power and authority to enter upon a premise housing engineered stormwater controls for the purpose of inspection on an annual basis. The Board of Commissioners has established an annual inspection fee as set in the Wayne County Fee Schedule.

The Stormwater Administrator, or authorized agent, may enter the site as necessary to document improperly operating engineered stormwater controls or follow up on scheduled maintenance activities.

The Stormwater Administrator, or authorized agent, will notify the owner of the premises where the engineered stormwater controls are located, in writing that maintenance is required. The owner will have 90 days from the receipt of such written notice to bring the engineered stormwater control into property working order.

If any person, having been ordered to perform such maintenance, fails, neglects, or refuses to perform such maintenance within 90 days from receipt of the order, shall be subject to remedies and penalties pursuant to Division 5 of this code.

78-81 OPERATION AND MAINTENANCE OF ENGINEERED STORMWATER CONTROLS

a. Operation and Maintenance Plan

There shall be an Operation and Maintenance Plan (O&M Plan) for every engineered stormwater control. The O&M Plan shall specify all operation and maintenance work necessary for the function of all engineered stormwater control components, including the stormwater conveyance system, perimeter of the device, inlet(s), pretreatment measures, main treatment area, outlet, vegetation, and discharge point.

The O&M Plan shall require the *owner* to maintain, repair and, if necessary, reconstruct the *engineered stormwater controls*, and shall state the terms, conditions, and schedule of maintenance for the *engineered stormwater controls*. The O&M Plan shall specify methods to be used to maintain or restore the *engineered stormwater controls* to design specifications in the event of failure.

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The O&M Plan shall be signed by the *owner* and notarized. The *owner* shall keep maintenance records and these shall be available upon request by the Stormwater Administrator.

b. Operation and Maintenance Agreement

Prior to the conveyance or transfer of any lot or building site to be served by *engineered stormwater controls* pursuant to this ordinance, and prior to issuance of any permit for *development* requiring *engineered stormwater controls* pursuant to this ordinance, the applicant or *owner* of the site must enter into an Operation and Maintenance Agreement (O&M Agreement) with the Stormwater Administrator. The O&M Agreement shall require the applicant or *owner* to maintain, repair, or reconstruct the *engineered stormwater controls* in accordance with the approved design plans and the Operation and Maintenance Plan. The O&M Agreement shall be binding on all subsequent *owners* of the site, portions of the site, and lots or parcels served by the *engineered stormwater control.* Until the transference of all property, sites, or lots served by the *engineered stormwater control,* the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the O&M Agreement.

The O&M Agreement shall grant to Wayne County a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *engineered stormwater control*; however, in no case shall the right of entry, of itself, confer an obligation on Wayne County to assume responsibility for the *engineered stormwater controls.*

The O&M Agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded O&M Agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

c. Special Requirement for Homeowners' and Other Associations

The subdivider shall form a homeowners association or some similar type of organization to provide for the continuing maintenance of engineered stormwater controls. The association so formed shall be required to maintain the engineered stormwater controls and shall have the means by which to maintain said system. The restrictive covenants in the subdivision must make reference to the requirements stated herein.

78-82 INSPECTION PROGRAM

Inspections and inspection programs by Wayne County may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in the *engineered stormwater controls*; and evaluating the condition of *engineered stormwater controls.*

If the *owner* or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant

pursuant to N.C.G.S. 15-27.2 or its successor. No *person* shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

78-83 NUISANCE

The *owner* of each *engineered stormwater control*, whether *engineered stormwater control* or non-*engineered stormwater control*, shall maintain it so as not to create or result in a nuisance condition.

DIVISION 5: ENFORCEMENT AND VIOLATIONS

78-84 GENERAL

a. Authority to Enforce

The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of Wayne County. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of Wayne County.

b. Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other *development approval* or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

c. Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

d. Responsible Persons/Entities

Any *person* who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, *engineered stormwater control*, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. *Persons* subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, *developer*, agency, or any other *person* who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an *owner*, any tenant or occupant, or any other *person*, who has control over, or responsibility for, the use or *development* of the property on which the violation occurs.

For the purposes of this article, responsible *person*(s) shall include but not be limited to:

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1. Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, *developer*, agency, or any other *person* who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

2. Responsibility For Land or Use of Land

The *owner* of the land on which the violation occurs, any tenant or occupant of the property, any *person* who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any *person*, who has control over, or responsibility for, the use or *development* of the property.

78-85 REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

a. Remedies

1. Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible *person* has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

2. Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Planning Board or Board of Commissioners may disapprove, any request for permit or *development approval* or authorization provided for by this ordinance or the zoning, *subdivision*, and/or building regulations, as appropriate for the land on which the violation occurs.

3. Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the County Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any *person* violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

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4. **Correction as Public Health Nuisance, Costs as Lien, etc.**

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by N.C.G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the County Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

5. **Stop Work Order**

The Stormwater Administrator may issue a stop work order to the *person*(s) violating this ordinance. The stop work order shall remain in effect until the *person* has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the *person* to take the necessary remedial measures to cure such violation or violations.

b. Civil Penalties

The Stormwater Administrator may assess a civil penalty against any person who violates any provision of this ordinance or of a permit or other requirement pursuant to this ordinance. Civil penalties may be assessed up to the full amount of penalty authorized by N.C.G.S. 143-215.6A.

c. Criminal Penalties

Violation of this ordinance may be enforced as a criminal matter under North Carolina law.

78-86 PROCEDURES

a. Initiation/Complaint

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any *person* may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

b. Inspection

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

c. Notice of Violation and Order to Correct

When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property *owner* or other *person* violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed,

the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

d. Extension of Time

A *person* who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the *person* requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 90 days. The Stormwater Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the *person* violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

e. Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. The Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance whether or not the violation has been corrected.

f. Emergency Enforcement

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any *person* so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

DIVISION 6: DEFINITIONS

78-87 TERMS DEFINED

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Approved accounting tool
The most recent version of the accounting tool for calculating nutrient loading and reduction approved by the *Division* for the relevant geography and development type under review.

Built-upon area (BUA)
That portion of a *development project* that is covered by impervious or partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. This includes, but is not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a slatted deck, the water area of a swimming pool, a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in N.C.G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

Commission
The North Carolina Environmental Management Commission, in the *Department.*

Department
The North Carolina Department of Environment and Natural Resources.

Design Manual
The State Stormwater Design Manual approved by the Department for the proper implementation of the State Minimum Design Criteria for engineered stormwater controls. All references herein to the *Design Manual* are to the latest published edition or revision. [

Developer
A person, including a governmental agency or redevelopment authority, who undertakes any *development* and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development
Any *land-disturbing* activity that increases the amount of *built-upon area* or that otherwise decreases the infiltration of precipitation into the soil. Development excludes any *existing development* or *existing built-upon area* that is onsite from stormwater requirements and project area and density calculations.

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Development approval
An administrative or quasi-judicial approval made pursuant to N.C.G.S. 160D-102 that is written and that is required prior to commencing *development* or undertaking a specific activity, *project*, or *development* proposal. *Development* approvals include, but are not limited to, zoning permits, *site plan* approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to N.C.G.S. 160D-102, including plat approvals, permits issued, *development* agreements entered into, and building permits issued.

Division
The Division of Water Quality in the *Department.*

Existing development or built-upon area
Those projects that are built or those projects that have established a vested right under North Carolina law as of the effective date of this stormwater program.

Engineered stormwater control
A physical device designed to trap, settle out, filter, or otherwise remove pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-*development* hydrology on a developed site; or to achieve any combination of these goals. *Engineered stormwater control* includes physical practices such as constructed wetlands, vegetative practices, vegetated conveyances, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "Primary SCM", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

Land disturbing activity
Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

Larger common plan of development or sale
A site where multiple separate and distinct development activities may be taking place at different times on different schedules but governed by a single development plan regardless of ownership of the parcels. Information that may be used to determine a "common plan of development" include plats, blueprints, marketing plans, contracts, building permits, public notices or hearings, zoning requests, and infrastructure development plans.

Major variance
A variance that is not a "minor variance" as that term is defined in this ordinance that are more stringent than the state's minimum water supply protection rules and Neuse rules, a variance to this ordinance is not considered a *major variance* as long as the result of the variance is not less stringent than the state's minimum requirements.

Minor variance
A variance from the minimum statewide watershed protection or Neuse Stormwater rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be

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calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.

1-year, 24-hour storm
The maximum amount of rainfall during a 24 consecutive hour period expected, on average, to occur once a year. One-year, 24-hour storm depths are estimated by the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server (PFDS), which is herein incorporated by reference, including subsequent amendments and editions, and may be accessed at no cost at http://hdsc.nws.noaa.gov/hdsc/pfds/.

Outfall

A point at which stormwater (1) enters surface water or (2) exits the property of a particular *owner*.

Owner
The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other *person* or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every *person* or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

Person
Includes, without limitation, individuals, firms, partnerships, associations, institutions, corporations, municipalities and other political *subdivisions*, and governmental agencies.

Primary SCM
A wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the State's Minimum Design Criteria.

Project
The proposed *development* activity for which an applicant is seeking a stormwater permit from the state or other entity in accordance with this Section. "*Project*" shall exclude any land adjacent to the area disturbed by the *project* that has been counted as pervious by any other *development* regulated under a federal, State, or local stormwater regulation. *Owners* and developers of large developments consisting of many linked *projects* may consider developing a master plan or that illustrates how each *project* fits into the design of the large development.

Redevelopment
Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development.

Site Plan

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A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The *site plan* may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the *project* and the *site plan* review. A *site plan* approval based solely upon application of objective standards is an administrative decision and a *site plan* approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision.

Stormwater
The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

Stormwater system

All *engineered stormwater controls* and conveyances owned or controlled by a *person* that drain to the same *outfall.* A system may be made up of one or more *engineered stormwater controls.*

Subdivision
The division of land for the purpose of sale or development as specified in G.S. 160D-802.

Substantial progress
For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a *site plan* or *subdivision* plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

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Draft
Wayne County
Neuse River Basin
Stormwater Management
Program

Revised December 1, 2021

WAYNECOUNTY
NORTH CAROLINA

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PART 1: INTRODUCTION

The purpose of this Neuse Local Program is to establish and define the means by which Wayne County will comply with the requirements of the Neuse nutrient stormwater rule (henceforth, "Rule") (15A NCAC 02B .0711).

This Local Program identifies the specific elements and minimum measures that Wayne County will develop, implement, enforce, evaluate and report to the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Resources (DWR) to comply with the requirements of the Rule. This Local Program covers activities associated with the discharge of nutrients in stormwater in Wayne County.

The Local Program will be evaluated annually, and updated as needed, to ensure that the elements and minimum measures it contains continue to adequately provide for Rule compliance.

Once the Local Program is approved by NCDEQ and the Environmental Management Commission, all provisions contained and referenced in it, along with any approved modifications, become enforceable.

PART 2: CERTIFICATION

By my signature below I hereby certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

I am also aware that the contents of this document shall become an enforceable part of the Local Program, and that NCDEQ has enforcement authority.

☐ I am a ranking elected official for Wayne County.

☐ I am a principal executive officer for Wayne County.

☐ I am a duly authorized representative for Wayne County and have attached the authorization made in writing by a principal executive officer or ranking elected official which specifies me as (*check one*):

- ☐ A specific individual having overall responsibility for stormwater matters.
- ☐ A specific position having overall responsibility for stormwater matters.

Signature:	
Print Name:	
Title:	
Signed this ____ day of 20____ .	

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PART 3: LOCAL GOVERNMENT INFORMATION

Local Program Area

This Local Program applies throughout the unincorporated areas of Wayne County within the Neuse River basin excluding municipal extraterritorial jurisdictions (ETJs) , including all regulated activities associated with the discharge of stormwater from the jurisdiction.

Interconnection with Other Local Jurisdictions

Wayne County does not have an interconnected stormwater system with another entity regulated under the Neuse Nutrient Management Strategy.

Shared Responsibility

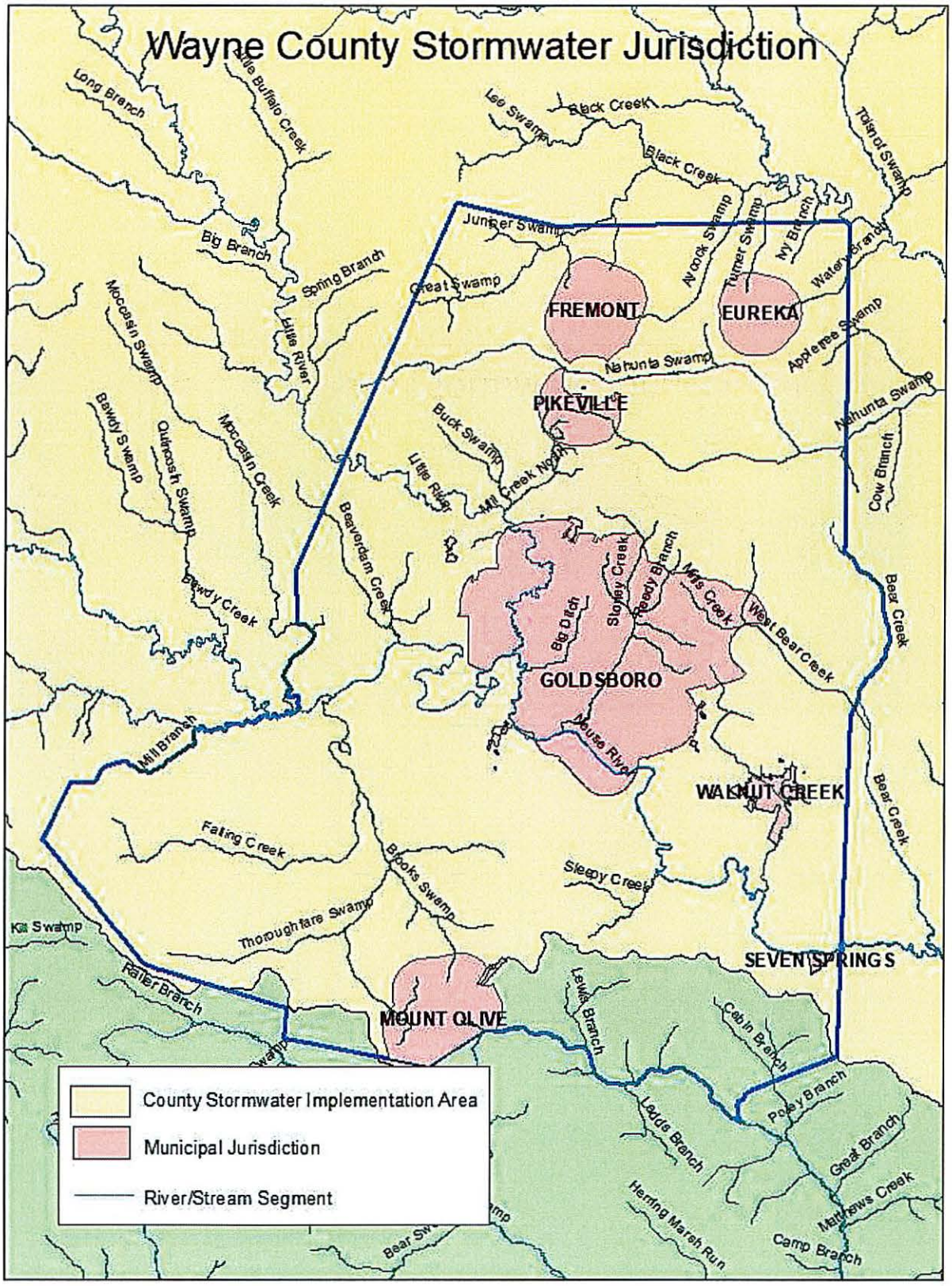
Wayne County will share the responsibility to implement the following Best Management Practices. Wayne County remains responsible for compliance if the other entity fails to perform the Local Program obligation and may be subject to enforcement action if neither Wayne County nor the other entity fully performs the Local Program obligation. Table 1: Shared Responsibilities summarizes who will be implementing the component, what the component program is called, the specific Local Program BMP or requirement that is being met by the shared responsibility, and whether a legal agreement to share responsibility is in place.

Table 1: Shared Responsibilities

BMP or Local Program Requirement	**Implementing Entity & Program Name**	**Legal Agreement (Y/N)**
Public Ed & Outreach	CWEP (See Appendix A)	Y

Receiving Waters

Wayne County is located within the Neuse watershed and does not discharge directly into receiving waters.



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PART 4: STORMWATER MANAGEMENT PROGRAM ADMINISTRATION

Organizational Structure

The Wayne County Planning Department is responsible for administration of the Wayne County Stormwater Management Program. The Planning Director serves as the Stormwater Program Administrator while the Enforcement Officer inspects stormwater controls. Wayne County participates in the Clean Water Education Program through the Triangle J Council of Government for education services.

Wayne County Planning Department
Organizational Chart

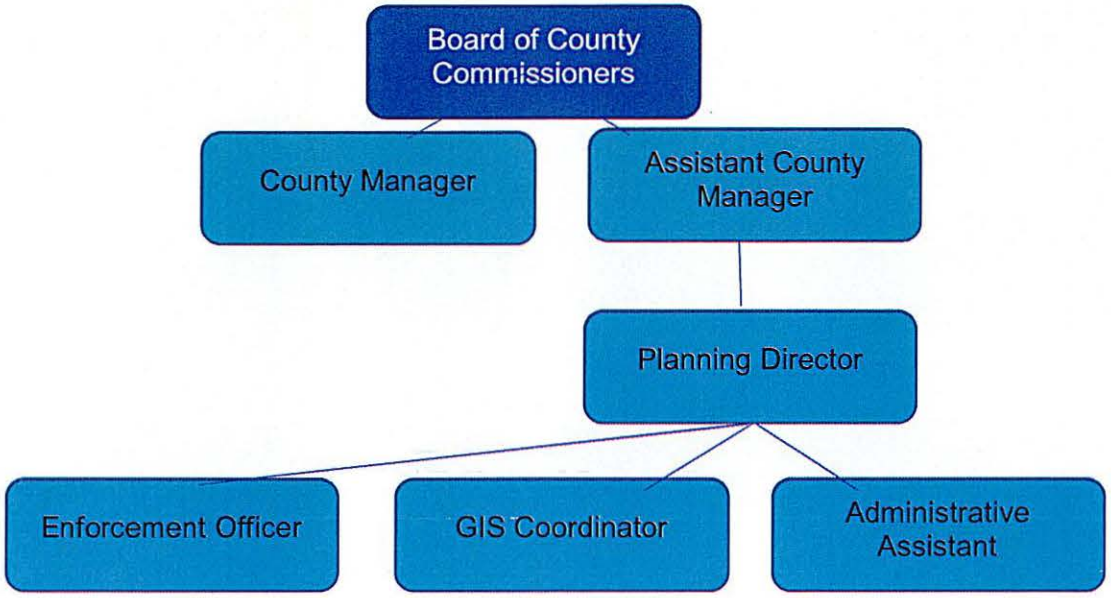


Table 3: Summary of Responsible Parties

Local Program Component	Responsible Position	Department
Stormwater Program Administration	Planning Director	Planning
Post-Construction Stormwater Management	Enforcement Officer	Planning
Illicit Discharge Detection & Elimination	Enforcement Officer	Planning
Public Education & Outreach	CWEP	Triangle J COG

Program Funding and Budget

Wayne County shall maintain adequate funding and staffing to implement and manage the provisions of the Local Program and comply with the requirements of the Neuse Stormwater Rule.

Wayne County charges a fee for stormwater plan review in the amount of $200 plus $50 per acre. In addition, the County bills annually for stormwater inspections in the amount of $50 plus $50 per BMP. The estimated annual revenue collected through the program is $7,000. There are no full time employees dedicated to

Stormwater Administration due to the small size of our staff. However, stormwater regulation is covered by funds for the Planning Department.

Measurable Tasks for Program Administration

Wayne County will manage and report on the following Best Management Practices (BMPs) for administration of the Local Program, as described in Table 4. The annual assessment and reporting period runs from July 1 to June 30 of every year, and is part of the annual reporting required to be submitted to comply with requirements of the Nutrient Management Strategy. This annual assessment is to be submitted to the Division of Water Resources by October 30 of each year.

Table 4: Program Administration BMPs

Program Administration BMPs				
	Annual Self-Assessment Measures to evaluate the performance and effectiveness of the Local Program components at least annually. Results will be used to modify the program components as necessary to accomplish the intent of the Neuse Stormwater Rule. The self-assessment reporting period is the fiscal year (July 1 – June 30).			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
1.	**Annual Self-Assessment and Report**			
	Perform an annual evaluation of Local Program implementation, suitability of Local Program commitments and any proposed changes to the Local Program utilizing the NCDEQ Annual Self-Assessment Template.	1. Record annual reporting metrics in the Annual Self-Assessment Template customized to this Local Program and submit to NCDEQ as part of annual reporting.	1. Annually	1. Annual reporting metrics received by NCDEQ - DWR no later than October 30 of each year.
		2. Review results of self-assessment for suitability and achievability of Local Program commitments. Propose Local Program changes to NCDEQ as part of annual reporting.	2. Annually	2. Assessment of Local Program commitments suitability, and proposed changes to the Local Program, are included in the Annual Self-Assessment submitted no later than October 30 of each year.
	Local Program Updates Process to be used to update the Local Program and/or Local Ordinances.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
2.	**Local Program Updates**			

Program Administration BMPs				
	Audit stormwater program implementation for compliance with Neuse Rules and approved Local Program and utilize the results to prepare and submit a permit renewal application package.	1. Self-audit and document any stormwater program components not audited by EPA or NCDEQ utilizing the DEQ Audit Template.	1. TBD	1. Submit Self-Audit DWR (required component of permit renewal application package).
		2. Participate in a Neuse Nutrient Management Strategy Audit, as scheduled and performed by NCDEQ.	2. TBD	2. N/A
	Adequate Funding and Staffing Local Program activities to determine and maintain adequate funding and staffing to implement and manage the provisions of the Local Program and meet all requirements of the Neuse Stormwater Rule			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
3.	**Funding and Staffing Evaluation**			
	Review of Annual Self-Assessment may identify uncompleted tasks. Determine if more funding or staffing is needed to implement the Local Program.	1. Identify uncompleted tasks from Annual Self-Assessment.	1. Annually.	1. List of uncompleted tasks
		2. Determine whether additional funding or staff time are needed to achieve task, if Local Program change is needed, or if there were unusual circumstances.	2. Annually.	2. Report corrective actions needed
		3. Set up steps to implement program changes.	3. Annually.	3. Date changes implemented.

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PART 5: POST-CONSTRUCTION SITE RUNOFF AND NUTRIENT LOADING MANAGEMENT PROGRAM

This part of the Local Program identifies the elements being used to develop, implement, and enforce a program to reduce nutrients in stormwater runoff from new development projects and development expansions. These elements meet the requirements set forth in the Neuse Stormwater Rule (15A NCAC 02B .0711). These elements are designed to minimize water quality impacts through a combination of structural Stormwater Control Measures (SCMs) and nutrient offset buy-downs, and to ensure adequate long-term operation and maintenance of SCMs.

Applicable State Post-Construction Programs

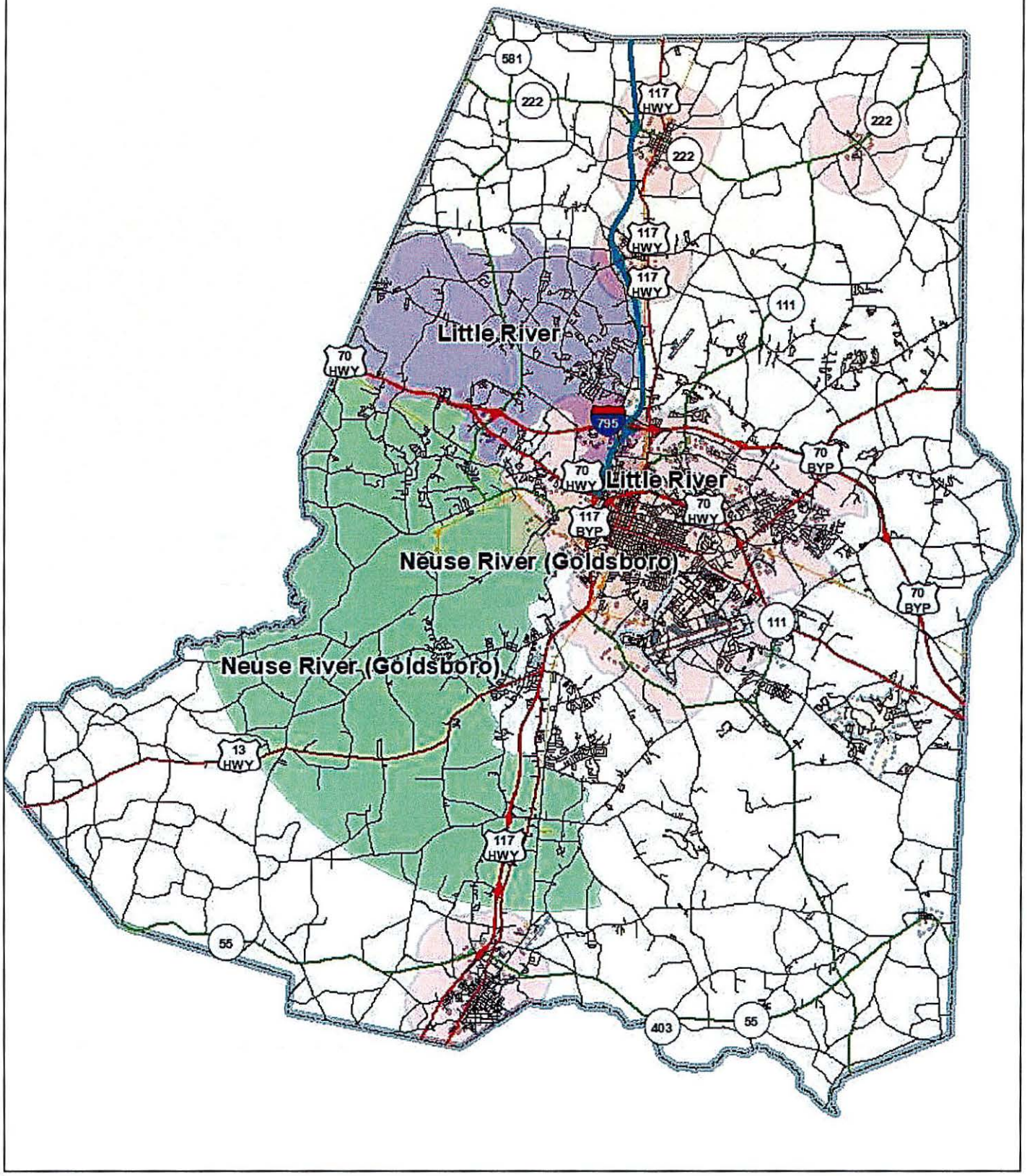
Wayne County implements the State post-construction programs for which reference information is added in Table 5.

Table 5: List of State Programs for Post-Construction Site Runoff Control

State Stormwater Program Name	State Requirements	Local Ordinance / Regulatory Mechanism Reference
Water Supply Watershed (WS-I)	15A NCAC 02B .0620 - .0624	
Water Supply Watershed (WS-II)	15A NCAC 02B .0620 - .0624	
Water Supply Watershed (WS-III)	15A NCAC 02B .0620 - .0624	
Water Supply Watershed (WS-IV)	15A NCAC 02B .0620 - .0624	Wayne County Code of Ordinances Chapter 30 Article II-Watershed Protection
Neuse River Basin Nutrient Management in Stormwater Strategy	15A NCAC 02B .0711	Wayne County Code of Ordinances Chapter 78 Article III-Stormwater Management
Tar-Pamlico River Basin Nutrient Management in Stormwater Strategy	15A NCAC 02B .0731	
Randleman Lake Water Supply Watershed Nutrient Management Strategy	15A NCAC 02B .0251	
Falls Reservoir Water Supply Nutrient Strategy: Stormwater Management for New Development	15A NCAC 02B .0277	
Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development	15A NCAC 02B .0265	
High Quality Waters (HQW) in Non-Coastal Counties	15A NCAC 02H .1021	
Outstanding Resource Waters (ORW) in Non-Coastal Counties	15A NCAC 02H .1021	

Coastal Counties: Stormwater Management Requirements	15A NCAC 02H .1019	
Universal Stormwater Management Program	15A NCAC 02H .1020	
Urbanizing Areas: MS4 Delegation	15A NCAC 02H .1018	

Water Supply Watershed Map
Wayne County, NC



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Existing Post-Construction Ordinances, Procedures, and Guides

Wayne County has existing ordinances, guidance manuals, standard operating procedures, and reference material that cover part or all of the implementation of the nutrient stormwater rule's post-construction requirements. These ordinances and references are summarized in Table 6 below.

Table 6: Summary of Existing Post-Construction Ordinances, Procedures, and References

Plan Review and Approval	**Municipal Ordinance/Code Reference(s) and/or Document Title(s)**	**Date Adopted**
Authority	Stormwater Management Plan/Ordinance	3/20/01
Federal, State & Local Projects	Stormwater Management Plan/Ordinance	3/20/01
Plan Review	Stormwater Management Plan/Ordinance	3/20/01
O&M Agreement	Stormwater Management Plan/Ordinance	3/20/01
O&M Plan	Stormwater Management Plan/Ordinance	3/20/01
Deed Restrictions/Covenants	Stormwater Management Plan/Ordinance	3/20/01
Access Easements	Stormwater Management Plan/Ordinance	3/20/01
Nutrient Calculation	Stormwater Management Plan/Ordinance	3/20/01
Nutrient Offset	Stormwater Management Plan/Ordinance	3/20/01
Inspections and Enforcement	**Municipal Ordinance/Code Reference(s) and/or Document Title(s)**	**Date Adopted**
Documentation	Stormwater Management Plan/Ordinance	3/20/01
Right of Entry	Stormwater Management Plan/Ordinance	3/20/01
Pre-CO Inspections	Stormwater Management Plan/Ordinance	3/20/01
Compliance with Plans	Stormwater Management Plan/Ordinance	3/20/01
Annual SCM Inspections	Stormwater Management Plan/Ordinance	3/20/01
Low Density Inspections	Stormwater Management Plan/Ordinance	3/20/01
Qualified Professional	Stormwater Management Plan/Ordinance	3/20/01

Summary Description of Stormwater Program

See the Wayne County Stormwater Ordinance.

Wayne County intends to prevent BUA overages by requiring site/plot plans for development expansion identifying existing BUA and proposed BUA. See BMP below.

Measurable Tasks for Post-Construction Runoff Control BMPs

Wayne County will implement the following program measures to satisfy the post-construction runoff control requirements of the nutrient stormwater rule.

Table 7: Post Construction Site Runoff Control BMPs

Post Construction Site Runoff Control BMPs				
	Minimum Post-Construction Reporting Requirements Measures to document activities over the course of the fiscal year (July 1 – June 30) including appropriate information to accurately describe progress, status, and results.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
4.	**Standard Nutrient Management Strategy Reporting**			
	Implement standardized tracking, documentation, inspections and reporting mechanisms to compile appropriate data for the annual self-assessment process.	1. Track number of NMS-subject plans approved in past year.	1. Continuously	1. Number of plan approvals issued for NMS-subject developments in the past year.
		2. Maintain a current inventory of developments and lots with BUA limits and constructed SCMs including SCM type or location, and last inspection date.	2. Continuously	2. Summary of number and type of SCMs added to the inventory in the past year; and number of developments with BUA limits added to inventory in the past year.
		3. Track number of post-construction SCM inspections performed by staff in the past year.	3. Continuously	3. Number of post-construction SCM inspections in the past year.
		4. Track number and type of construction-phase stormwater inspections performed.	4. Continuously	4. Number and type of construction-phase stormwater inspections.
5.	**Data Used in Nutrient Calculations**			
	Input data used for the calculation of nutrient export and reduction by SCMs for all development sites subject to .0711 will be collected for the year and submitted as an appendix for the Local Program's Annual Report.	1. Export SNAP input data from each development upon approval.	1. Continuously	1. Nutrient calculation input data for all developments and expansions subject to the Neuse Stormwater Rule submitted to NCDEQ by October 30 of each year.

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Post Construction Site Runoff Control BMPs				
		2. Provide adjusted SNAP input data from each development where completed landcovers are different from what was permitted.	2. Annually	2. Nutrient calculation data for these developments and a notice for which previously-submitted data are to be replaced.
	Legal Authority Measures to maintain adequate legal authorities through ordinance or other regulatory mechanism to: (a) review designs and proposals for new development and expansion of development to determine whether adequate stormwater control measures will be installed, implemented, and maintained, (b) implement requirements of the Neuse Nutrient Management Strategy Stormwater Rule, including nutrient targets, Rule applicability, stormwater treatment requirements, nutrient calculation methods, and nutrient offset. (c) request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Stormwater Management Program, and (d) enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with the Post-Construction Stormwater Management Program.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
6.	**Nutrient Management Strategy Requirements Specified in Ordinance**			
	Neuse Nutrient Management Strategy requirements shall be included in the jurisdiction's stormwater ordinance. Ordinance needs to be at least as stringent as the NMS Rule requirements for Rule applicability, nutrient targets, stormwater requirements, specify the calculation method, and procedures for nutrient offset.	1. Establish nutrient targets through code revision	1. First year	1. Completed y/n?
7.	**Legal Authorities for Development Plans and Plan Review**			
	Provide adequate legal authorities designed to meet the objectives of the Post-Construction Site Runoff Controls Stormwater Management program, including the ability to request stormwater plans, conduct development design reviews and approvals, review and approve O&M Plans and Agreements for all SCMs.	1. Establish legal authority through code revision	1. First year	1. Completed y/n?
8.	**Legal Authorities for Inspections and Enforcement**			

Post Construction Site Runoff Control BMPs				
	Provide legal authorities needed for inspections and enforcement including right-of-entry, ability to issue Notices of Violation and Stop Work Orders, ability to review as-builts for compliance with approved plans, and other enforcement mechanisms.	1. Establish legal authority through code revision	1. First year	1. Completed y/n?
9.	**SCM Minimum Design Criteria Specified**			
	Ensure the local ordinance specifically refers to the State's Minimum Design Criteria.	1. Revise code to specify State Minimum Design Criteria for SCM design	1. First year	1. Completed y/n?
	Plan Review and Approval Measures to maintain plan review and approval authority, standards, and procedures to: (a) (MS4 jurisdictions only) Require Federal, State, and local government projects to comply with Post-Construction Program requirements throughout the entire jurisdiction, unless the entity is subject to its own NPDES MS4 permit or a qualifying alternative program, or set up Memoranda of Agreement with Federal, State, and Local government property owners noting the appropriate reviewing authority for potential development plans on those properties, (b) Conduct site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre, and sites that disturb less than one acre that are part of a larger common plan of development or sale for compliance with 15A NCAC 02H .1017 and the qualifying alternative programs that apply within your jurisdiction (MS4 only), (c) Conduct site plan reviews of all new development and development expansions for compliance with the stormwater treatment and nutrient reduction requirements in 15A NCAC 02B .0711, including reviews of nutrient calculations using a DWR-approved calculation tool, (d) Ensure that each project has an Operation and Maintenance Agreement that complies with 15A NCAC 02H .1050(12), (e) Ensure that each project has an Operation and Maintenance Plan that complies with 15A NCAC 02H .1050(13), (f) Ensure that each project has recorded deed restrictions and protective covenants, that require the project to be maintained consistent with approved plans, and (g) Ensure that each SCM and associated maintenance accesses be protected in a permanent recorded easement per 15A NCAC 02H 1050 (9) and (10).			
BMP No.	**A** **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
11.	**MOAs for Plan Review – Federal, State, Local Government (non-MS4s only)**			
	Local Program will defer review of Federal and State Government projects to DEMLR.			
12.	**Review Plans for Compliance with Nutrient Management Strategy**			
	Conduct site plan reviews of all new development and	1. Establish application intake and review procedures	1. First year	1. Completed y/n?

Post Construction Site Runoff Control BMPs				
	development expansions for compliance with the stormwater treatment and nutrient reduction requirements in 15A NCAC 02B .0711 or .0731, including reviews of nutrient calculations using a DWR-approved calculation tool.	2. Conduct site plan reviews	2. Continuously	2. Number of plans approved that year
13.	**SCM Operations and Maintenance Agreements**			
	Ensure each stormwater control measure has an Operation and Maintenance Agreement that complies with 15A NCAC 02H .1050(12)	1. Establish legal authority through code revision	1. First year	1. Completed y/n?
		2. Enforcement of new code by requiring Agreement by Stormwater Administrator	2. Continuously	2. Number of O&M Agreements approved that year
14.	**Plan Review Staff Training on Nutrient Calculator Tool**			
	Ensure all plan review staff have gone through DWR-provided plan reviewer training for the approved nutrient calculator.	1. All current plan review staff participate in live online training for calculator tool.	1. First year	1. Number of review staff that attended live online training
		2. Plan review staff who were unable to attend live online workshop view recording of training.	2. As needed	2. Number of review staff that viewed recording of training that year
15.	**Require Recordation of BUA Limits on Deeds or Plats**			
	Ensure that for lots in developments with a Common Plan of Development that a BUA limit, based on the approved stormwater plan, is recorded with either the deed or plat	1. Establish legal authority through code revision	1. First year	1. Establish legal authority through code revision
	Inspections and Enforcement Measures to maintain inspection and enforcement authority, standards and procedures to: (a) Conduct post-construction inspections prior to issuing a Certificate of Occupancy or a Temporary Certificate of Occupancy. Alternatively, the project owner may provide a surety bond to guarantee compliance with the approved plan(s), (b) Ensure that the project has been constructed in accordance with the approved plan(s), (c) Ensure annual inspection of each permitted SCM to ensure compliance with the approved Operation and Maintenance Agreement, (d) Ensure inspection of low-density projects at least once every five years (MS4s only), and (e) Require that inspections be conducted by a qualified professional.			
BMP No.	**A** **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
16.	**Inspection of Post-Construction SCMs**			
	Conduct staff inspection of all post-construction SCMs at least once every five years.	1. Conduct inspection of 20% of SCMs each year	1. Annually	1. Number of SCMs inspected
17.	**End-of-construction SCM Inspections**			

Post Construction Site Runoff Control BMPs				
	Conduct post-construction SCM inspections prior to issuing a Certificate of Occupancy or a Temporary Certificate of Occupancy.	1. Conduct inspections on an as needed basis.	1. Continuously	1. Number of inspections performed
	Documentation Measures to maintain adequate documentation and standardized inspection and tracking mechanisms to: (a) Maintain an inventory of post-construction SCMs and their responsible parties, (b) Maintain an inventory of low-density projects (MS4s only), (c) Maintain an inventory of developments and parcels with BUA limits, (d) Document, track and maintain records of inspections and enforcement actions through the end of construction for compliance with development plans. Tracking shall include the ability to identify chronic violators, (e) Provide education resources for developers to meet stormwater and nutrient management Rules, *(f)* Provide education resources for the public regarding BUA limits in developments and management of SCMs.			
BMP No.	**A** **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
18.	**Inventory of Post-Construction SCMs**			
	Develop and maintain a comprehensive inventory of post-construction SCMs to be utilized for inspections and tracking.	1. Establish list of existing post-construction SCMs and responsible parties	1. First year	1. number of SCMs
		2. Add SCMs to inventory list when project as-builts are approved	2. Annually	2. total number of SCMs
19.	**BUA Overage Prevention**			
	Require site/plot plan submittal for expansion of existing development indicating existing BUA and proposed BUA prior to issuing approval permits.	1. Establish a process for plan review.	1. Continuously	1. completed y/n
20.	**Inspections & Enforcement Tracking – Construction-Stage Compliance**			
	Develop and maintain a tracking mechanism for inspections, enforcement, and follow-up actions through the end of construction for compliance with development plans, including SCM installations, BUA limits, and protection of forested areas. Provide the ability to identify chronic violators.	1. Develop inspection tracking mechanism to meet all requirements	1. First year	1. Completed y/n?
		2. Enforcement actions are followed for sites with frequent deficiencies	2. Continuously	2. Number of SCMs with deficiencies that year, number of SCMs with unresolved deficiencies
21.	**Inspections & Enforcement Tracking – Post-Construction SCM Compliance**			
	Develop and maintain a tracking mechanism for inspections, enforcement,	1. A list of SCMs and responsible parties is developed and kept updated	1. First year	1. Cumulative number of SCMs identified

Post Construction Site Runoff Control BMPs				
	and follow-up actions of post-construction SCM inspections, including annual staff inspections. Provide the ability to identify chronic violators.	2.Staff inspects SCMs.	2. Annually	2. Number of annual inspections.
		3.Enforcement actions are followed for sites with frequent deficiencies	3. Continuously	3. Number of SCMs with deficiencies that year, number of SCMs with unresolved deficiencies
22.	**Developer Resources - General**			
	(See full BMP description in Public Education and Outreach Table 12)			
23.	**Developer Resources – Nutrient Rules**			
	(See full BMP description in Public Education and Outreach Table 12)			
24.	**Public Education for BUA Limits and SCM Maintenance**			
	(See full BMP description in Public Education and Outreach Table 12)			

PART 6: ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

Non-Stormwater Discharges

The water quality impacts of non-stormwater discharges have been evaluated by Wayne County as summarized in Table 2: Non-Stormwater Discharges below as to whether they are incidental or possible. The unpermitted non-stormwater flows listed as incidental do not significantly impact water quality. Wayne County has evaluated residential and charity car washing and street washing for possible significant water quality impacts.

Street washing discharges are addressed under the Illicit Discharge Detection and Elimination section of this SWMP. The Division has not required that other non-stormwater flows be specifically controlled by Wayne County.

Wash water associated with car washing that does not contain detergents or does not discharge directly into the local drainage system is considered incidental. However, these types of non-stormwater discharges that do contain detergents have been evaluated by Wayne County to determine whether they may significantly impact water quality. This determination was made based on Wayne County having no local drainage system.

Table 2: Non-Stormwater Discharges

Non-Stormwater Discharge	Water Quality Impacts
Water line and fire hydrant flushing	Incidental
Landscape irrigation	Incidental
Diverted stream flows	Incidental
Rising groundwater	Incidental
Uncontaminated groundwater infiltration	Incidental
Uncontaminated pumped groundwater	Incidental
Uncontaminated potable water sources	Incidental
Foundation drains	Incidental
Air conditioning condensate	Incidental
Irrigation waters	Incidental
Springs	Incidental
Water from crawl space pumps	Incidental
Footing drains	Incidental
Lawn watering	Incidental
Residential and charity car washing	Incidental
Flows from riparian habitats and wetlands	Incidental
Dechlorinated swimming pool discharges	Incidental
Street wash water	Incidental
Flows from firefighting activities	Incidental

Measurable Tasks for Illicit Discharge Detection and Elimination BMPs

Wayne County will develop, manage, implement, document, report and enforce an Illicit Discharge Detection and Elimination Program which includes the following illicit discharge detection and elimination BMPs.

Table 3: Illicit Discharge Detection and Elimination BMPs

Illicit Discharge Detection and Elimination BMPs				
	Stormwater Drainage Network Map Measures to develop, update and maintain a stormwater drainage network map including stormwater conveyances, flow direction, major outfalls and waters of the United States receiving stormwater discharges.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
25.	**Waters of the State GIS Data Layer**			
	A GIS data layer of waters of the state will be created or acquired, with regular updates sought.	1. Acquire a GIS data layer of the waters of the state from the USGS or other source	1. First year	1. Report when data layer is acquired and source of data, note publication date

Illicit Discharge Detection and Elimination BMPs				
		2.Check for regular updates from data source, or add field-identified objects to self-sourced dataset	2. Annually	2. Report whether data were updated (if self-sourced), or whether a new dataset was issued with publication date
26.	**Land Use GIS Data Layer**			
	The Local Program will maintain a GIS data layer of current land use types in the jurisdictional area.	1. Create landuse data layer starting from zoning maps or current landuse data layer.	1. First year	1. Report when data are acquired or updated.
27.	**Preparation of Source Tracking Maps for Field Staff**			
	The Local Program will prepare paper or electronic maps for use by field staff conducting dry weather inspections, discharge identification and tracking, and identification of sanitary cross-connections.	1. Create initial maps containing storm drain infrastructure, waters of the state, sanitary and septic locations, and land use.	1. First year	1. Completed y/n?
		2. Update maps with revised data layers, and additional data sources if available. Distribute to field staff.	2. Annually	2. Completed y/n?
	Regulatory Mechanism Measures to provide an IDDE ordinance or other regulatory mechanism that provides legal authority to prohibit, detect, investigate, and eliminate illicit connections and discharges, illegal dumping and spills into the stormdrain network, including enforcement procedures and actions.			
BMP No.	**A** **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
28.	**Maintain Legal Authority**			
	Maintain the legal authority to prohibit, detect, investigate, and eliminate illicit connections and discharges, illegal dumping and spills into the stormdrain network and waters of the state, including adequate support for enforcement procedures and actions. See Appendix B	1. Review ordinance against EPA model ordinance and update if revision is required to maintain adequate legal authority	1. First year	1. Report if a revision is required and if a revision is made.
	IDDE Plan and Implementation Measures to maintain and implement a written IDDE Plan to detect and address illicit discharges, illegal dumping and any non-stormwater discharges identified as significant contributors of pollutants to the stormdrain network.			
	A **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
29.	**Discharge/Dumping and Source Type Scoping**			
	A set of common or expected illicit discharge and dumping types for the community and	1. Use discharge/pollutant worksheet included in this document or similar approach	1. First year	1. Completed y/n?

Illicit Discharge Detection and Elimination BMPs				
	likely source types will be identified and revised based on IDDE investigations.	2. Revise worksheet based on past year's IDDE incidents	2. Second year and annually thereafter.	2. Date of review
30.	**Detection, Tracing, and Investigation Standard Operating Procedures**			
		1. Continue administration of SOP.	1. Completed	
31.	**IDDE Program Evaluation**			
	Yearly evaluation of IDDE program to promote continuance of effective components and improvement in areas that are lacking.	1. Evaluation meeting with IDDE program stakeholders; to include at least Stormwater Administrator and Environmental Health Director	1. Year 2 and annually thereafter.	1. Date of review
		2. Review of IDDE reports and identification of chronic violators, issues, and/or "hot-spot" areas	2. Year 2 and annually thereafter.	2. Chronic violators and/or hot-spots found? y/n
		3. Review against other BMPs for needed SWMP updates	3. Year 2 and annually thereafter.	3. date of review
32.	**Public/Business Outreach About Illicit Discharges, Dumping, Cross-Connection**			
	(See full BMP description in Public Education and Outreach Table 12)	1.	1.	1.

IDDE Tracking

Measures for tracking and documenting the date(s) an illicit discharge, illicit connection or illegal dumping was observed, the results of the investigation, any follow-up of the investigation, the date the investigation was closed, the issuance of enforcement actions, and the ability to identify chronic violators.

BMP No.	A	B	C	D
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
33.	**IDDE Tracking System**			
	Develop a tracking system for observed IDDE incidents and results of investigation, cleanup or elimination actions, follow-up actions, enforcement actions, and when the investigation was close.	1. Ensure IDDE incidents and followup are properly tracked.	1. First year and subsequent years.	1. date of review

Illicit Discharge Detection and Elimination BMPs				
	IDDE Training and Reporting Measures to provide training for municipal staff and contractors who, as part of their normal job responsibilities, may observe an illicit discharge, illicit connection, illegal dumping or spills. Training shall include how to identify and report illicit discharges, illicit connections, illegal dumping and spills. Each staff training event shall be documented, including the agenda/materials, date, and number of staff participating.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Goal(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
34.	**Staff Training and Reporting**			
	Work with the Environmental Health Department and/or Inspection Officer to incorporate identification and detection of illicit discharge into their current inspection procedures.	1. Provide training to the Env Health and Stormwater Inspector.	1.First year and annually as needed	1. Completed y/n?
	IDDE Reporting Measures for the public and staff to report illicit discharges, illegal dumping and spills. The mechanism shall be publicized to facilitate reporting and shall be managed to provide rapid response by appropriately trained personnel.			
BMP No.	**A**	**B**	**C**	**D**
	Description of BMP	**Measurable Task(s)**	**Schedule for Implementation**	**Annual Reporting Metric**
35.	**Stormwater Hotline**			
	Encourage the public to report illicit discharges, illegal dumping or spills to the Stormwater Inspector.	1. Advertise contact information on local website.	1. annually as needed	1. Completed y/n?

PART 7: PUBLIC EDUCATION AND OUTREACH PROGRAM

Wayne County will implement a Public Education and Outreach Program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and steps the public can take to reduce nutrients in storm water runoff.

Pollutants, Sources, Audiences Worksheet

Identified nutrient sources and target audiences listed in Table 11 below will be addressed by the Public Education and Outreach Program.

Table 4: Pollutants, Sources, Audiences Worksheet (with example entries)

Pollutants	Source Types	Landuse Types	Target Audience(s)	Detection Metho
Nitrogen	fertilizer	SFR, office/comm	Homeowners, businesses, City Public Works	
	Sanitary sewer leaks, sanitary cross-connections	All types		
	Animal waste	SFR ROW, parks	Dog owners	
Petroleum Products		low-density SFR, auto care businesses	General Public, Businesses, Local Government Employees	
Fecal Indicator Bacteria	Sanitary sewer leaks, sanitary cross-connections			
Chlorine (misc hypochlorite)	Pools	SFR, recreation centers		high conductivity
Detergents	Sanitary sewer leaks, cross-connections			
	Car washes	SFR, commercial	Homeowners, charity organizations	

Measurable Tasks for Public Education and Outreach BMPs

Wayne County will manage, implement and report the following public education and outreach BMPs.

Table 5: Public Education and Outreach BMPs

	Public Education and Outreach Planning Measures to develop a Public Education and Outreach Plan, review implementation, and adjust as needed. The Plan will identify the specific elements and implementation of a Public Education Program to share educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and how the public can reduce pollutants in stormwater runoff.

BMP No.	A Description of BMP	B Measurable Task(s)	C Schedule for Implementation	D Annual Reporting Metric
36.	**Review and Update Target Pollutants, Sources, Audiences List**			
	Develop a list of target pollutants, sources, and audiences for the Local Program. Review pollutants likely to have significant stormwater impact against past IDDE investigations, Impaired Waters list, and other resources. Update sources and potential audiences based on IDDE investigations and other resources.	1. Create table of target pollutants, sources, and audiences for inclusion in Local Program	1. First year	1. List is in initial Local Program.
	Education and Outreach Media Types Measures to collect and/or develop education, outreach, and involvement materials in different media or through different mechanisms. Media are not specific to pollutant types, pollutant sources, or target audiences – they comprise methods of education and outreach.			
BMP No.	A Description of BMP	B Measurable Task(s)	C Schedule for Implementation	D Annual Reporting Metric
37.	**Stormwater Page on Local Government Website**			
	Continue to provide Stormwater information on local website. Continue to convey the program's message(s) and provide a place to host online materials.	Continue to maintain the webpage, update any broken links upload Local Program	Annually	Report the date the web page is reviewed and updated
38.	**Stormwater Phone Hotline**			
	Currently allow for citizens to call in to ask stormwater questions and report stormwater issues. Questions or comments from the public and responses from staff are tracked through resolution.	1. Continue to train responsible parties in general stormwater knowledge, appropriate contacts for stormwater questions, and citizen opportunities within the stormwater program	1. Annually	1. Report the date of training, and the dates any additional staff are trained

		2. Publicize hotline in materials developed for the stormwater program, post on stormwater web page, include in local government's phone tree/contact lookup, include in staff email signatures	2. First year, and subsequent years as needed	2. Completed (yes/no), status
		3. Continue to document the number and type of calls received, actions and processes used through to resolution	3. Annually	3. Report the number and type of calls
39.	**Partnership with CWEP**			
	Wayne County will engage with CWEP to develop Education and Outreach Initiatives that will be administered by CWEP.	1. Arrange partnership with CWEP and establish legal agreement or contract	1. When task will be completed	1. Report date established and terms of legal agreement
		2. Monitor CWEP activities to ensure partnership commitments are met	2. Annually, following establishment of partnership	2. Yes/no/status
		3. CWEP will broadcast a combination of digital, radio, TV, and print media PSAs about stormwater pollutants and/or stormwater management strategies; permittee will participate in quarterly meetings, pay cost share, maintain annual membership agreement	3. Annually	3. Report dates and measurable activity specific to jurisdictional area
	Targeted Outreach Audiences and Topics Measures below include specific messages to singular or groups of target audiences, pollutant types, pollutant sources, or management actions.			
BMP No.	**A** **Description of BMP**	**B** **Measurable Task(s)**	**C** **Schedule for Implementation**	**D** **Annual Reporting Metric**
40.	**Developer Resources - General**			
	Establish a developer stormwater resources section on the website so relevant materials are easily accessible for developers. Include a checklist of submissions materials for development applications.	1. Upload links to ordinances, post-construction requirements, link to design standards, and other relevant material to website	1. First year	1. Report date
		2. Update when changes to resources occur	2. Annually	2.Report date
41.	**Developer Resources – Nutrient Rules**			

	Prepare educational materials for developers specific to the requirements of Nutrient Management Strategy implementation. Include information on nutrient calculation guidance, minimum onsite stormwater requirements, nutrient targets, and nutrient offset procedures.	1. Upload links to the NMS Rule, local ordinances, nutrient calculation guidance, nutrient targets, onsite stormwater requirements, and nutrient offset procedures	1. First year	1. Report date
		2. Update when changes to resources occur	2. Annually	2. Report date
42.	**Public Education for BUA Limits and SCM Maintenance**			
	Provide education and information resources for Property Owners Associations and the general public regarding BUA limits and the need for adequate SCM maintenance.	1. Provide guidance material on the website.	1. First year	1. Report date
		2.Update when changes to resources occur	2. Annually	2. Report date
43.	**Public/Business Outreach About Illicit Discharges, Dumping, Cross-Connection**			
	Design outreach materials for the general public and businesses addressing illicit discharges, dumping, and sewer-cross-connections. Materials describe the problem, how to report it if encountered, sources of assistance, and provide descriptions of desired alternative behavior.	1. Provide guidance material on the website.	1. First year	1. Report date
		2. Update when changes to resources occur	2. Annually	2. Report date

APPENDIX A

Draft Membership Agreement for
Clean Water Education Partnership (CWEP) Services
Provided by the Triangle J Council of Governments

This Memorandum of Understanding by and between the undersigned local government (Local Government) and the Triangle J Council of Governments (TJCOG) pertains to the services provided by TJCOG under the Clean Water Education Partnership (CWEP) program.

WITNESSETH:

WHEREAS, CWEP and local government stormwater programs have the same basic mission of providing stormwater outreach and education; and

WHEREAS, CWEP is a program administered by TJCOG that has excelled in providing direct education and mass media to its wide variety of partner communities;

NOW, THEREFORE, TJCOG, via CWEP, will prepare and make available to the Local Government the following direct education and mass media items:

1. CWEP will assist the Local Government with the following education/outreach tasks during the term of this MOU related to direct educational programming:
    a. Provide physical and digital outreach materials for local governments and target audiences that describe target pollutants and their likely sources and impacts on water quality
    b. Maintain an internet website conveying the CWEP program's messages about stormwater pollution
    c. Make available for download via website outreach materials for target audiences, and distribute materials at in-person or digital community events
    d. Post on social media channels to promote CWEP's key messages
    e. Provide unlimited local use and access to original and compiled educational materials on CWEP program website, to include educational videos, printable and digital lessons, lesson plans, and other resources useful for educating a variety of ages and audiences in various settings
    f. Coordinate annually with stormwater staff and/or relevant educational contacts (as requested by the Local Government) to schedule and conduct stormwater education activities that correlate with NC Essential Science Standards or provide opportunities for citizen participation which may include stream cleanups, citizen science activities, or similar efforts. CWEP will coordinate with the CWEP local government representative prior to contacting any formal educators in the member jurisdiction.
    g. Provide mechanisms on CWEP program website for public input on stormwater issues
2. CWEP will assist the Local Government with the following mass media programming:
    1) Coordinate an annual outreach campaign in the form of Public Service Announcements (PSAs) administered by local service providers, which includes the following:
        a. Six animated videos about common target pollutants, their likely sources, their negative impact on water quality, and best practices for target audiences likely to have significant stormwater impacts
        b. Static and animated banner ads stating the program's message of "Clean Water Begins with You and Me" with a link to the program website
        c. Approximately 12 weeks (as market costs allow) of digital pre-roll videos and display in-banner advertising
        d. Approximately 12 weeks (as market costs allow) of television, cable, and radio PSAs, spread across popular stations with the aim of reaching a variety of target audiences, including Spanish-language listeners, network news, and cable

entertainment. CWEP will make an effort to ensure that media reach adequately covers member's jurisdictions. Additional stations and programs may be proposed by local media placement companies and approved collectively by members.

e. Print and digital advertising in Spanish-language newspaper

2) Provide outreach materials for target audiences that describe target pollutants and their likely sources and impacts on water quality

3) Provide unlimited local use and access of digital media materials for Partner jurisdictions' use in public buildings, parks, DMV locations, outdoor movies, etc.

4) Promote regional outreach and education events (such as Creek Week) through CWEP website and social media platforms

Local Governments may use the tasks above to help comply with NPDES MS4 stormwater education requirements, Jordan Lake Rules and/or Neuse and Tar-Pamlico nutrient strategy education requirements. The Local Government's signature on this MOU (and MS4 permit number if applicable) signifies an understanding that any one of the items listed above may only partially fulfill its education requirements during an audit from NC DEQ. Accordingly, the Local Government acknowledges that it is ultimately responsible for meeting all federal and state laws, rules and regulations related thereto. The Local Government and CWEP share responsibility for determining how specific objectives can be cooperatively achieved, with the understanding that CWEP supplements local efforts to comply with regulatory requirements. The Local Government is highly encouraged to send one or more representatives to CWEP's quarterly steering committee meetings to collaborate on strategies. CWEP will make every reasonable attempt, as permitted by available staffing and supplies, to independently and proactively address the objectives in the Local Government's community, and will update the CWEP Local Government representative each quarter to offer opportunities for discussion and collaboration.

The Local Government agrees to pay TJCOG for the services provided herein based on a fee schedule adopted by TJCOG, voted on by CWEP Local Governments, and incorporated herein by reference. The period of performance under, and the term of, this MOU will begin on July 1, 2021 and will conclude on June 30, 2022. The Local Government reserves the unilateral right to terminate this MOU for cause or convenience (in the case of cause, immediately, and in the case of convenience, upon thirty (30) calendar days' written notice), whereupon CWEP and TJCOG will only be entitled to prorated compensation for services properly rendered up to the date of termination.

CWEP will provide an annual report by August 31 after fiscal year end, with local and regional outreach and education numbers for both mass media and direct education. Interim numbers can be provided as needed.

IN WITNESS WHEREOF, both the Local Government and TJCOG have caused this MOU to be executed by their chief executive officers, all as of the day and year first above written.

[Local Government Name – Edit upon signing] MS4 Permit No. __[edit N/A or insert #]__

By: _____ Date: _____

[Local Government Representative – Edit text upon signing with name & title]

TRIANGLE J COUNCIL OF GOVERNMENTS

By: _____ Date: _____

Executive Director, TJCOG

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APPENDIX B

Wayne County Existing IDDE Ordinance

Sec. 78-63. - Nonstormwater discharge controls.

(a) *Illicit discharges.* No person shall cause or allow the discharge, emission, disposal, pouring, or pumping, directly or indirectly, to any stormwater conveyance, the waters of the state, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the state), any fluid, solid, gas, or other substance, other than stormwater; provided that nonstormwater discharges associated with the following activities are allowed, and provided that they do not significantly impact water quality:

(1) Filter backwash and draining associated with swimming pools;

(2) Filter backwash and draining associated with raw water intake screening and filtering devices;

(3) Condensate from residential or commercial air conditioning;

(4) Residential vehicle washing;

(5) Flushing and hydrostatic testing water associated with utility distribution systems;

(6) Discharges associated with emergency removal and treatment activities for hazardous materials, authorized by the federal, state, or local government on-scene coordinator;

(7) Uncontaminated groundwater; including the collection or pumping of springs, wells, or rising groundwater, and groundwater generated by well construction or other construction activities;

(8) Collected, infiltrated stormwater from foundation or footing drains;

(9) Collected groundwater and infiltrated stormwater from basement or crawl space pumps;

(10) Irrigation water;

(11) Street wash water;

(12) Flows from firefighting;

(13) Discharges from the pumping or draining of natural watercourses or waterbodies;

(14) Flushing and cleaning of stormwater conveyances with unmodified potable water;

(15) Wash water from the cleaning of the exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and

(16) Other nonstormwater discharges for which a valid NPDES discharge permit has been approved and issued by North Carolina Department of Environment and Natural Resources (DENR).

Prohibited substances include, but are not limited to: oil, antifreeze, chemicals, animal and human waste, paints, garbage, litter, and other pollutants.

(b) *Illicit connections.*

(1) Connections to a stormwater conveyance or stormwater conveyance system which allow the discharge of nonstormwater, other than the exclusions described in subsection (a) of this section, are unlawful. Prohibited connections include, but are not limited to, floor drains, wastewater discharges from washing machines or sanitary sewers, washwater discharges from commercial vehicle washing or steam cleaning, and wastewater discharges from septic systems.

(2) Where such connections exist in violation of subsection (b)(1) of this section, but were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using the connection is allowed one year to remove the connection following application of this regulation; provided that this grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which

pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Time limit for connections.

a. Where it is determined that said connection:

1. May result in the discharge of hazardous materials, or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or

2. Was made in violation of any applicable regulation or ordinance;

the county planning director or his designee shall designate the time within which the connection shall be removed.

b. In setting the time limit for compliance, the county shall take into consideration:

1. The quantity and complexity of the work;

2. The consequences of delay;

3. The potential harm to the environment, to the public health, and to public and private property; and

4. The cost of remedying the damage.

(c) *Spills.* Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to, the stormwater conveyance system shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition. Persons associated with the spill or leak shall immediately notify the county emergency management office of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the cleanup, restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

(Ord. of 3-20-2001, § 203)

Sec. 78-64. - Inspections.

(a) The county building inspector, and/or environmental health supervisor (or other authorized agent of the county) has full power and authority to enter upon a premises for the purpose of investigating an illegal discharge. Should the owner or occupant of any property refuse to permit such reasonable access, the county planning director or his designee may obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

(b) No person shall obstruct, hamper or interfere with any such representative while carrying out his official duties.

(Ord. of 3-20-2001, § 204)

Sec. 78-65. - Civil penalties.

(a) *Illicit discharges.* Any person who allows or assists in a violation of this article shall be subject to civil penalties as follows:

(1) For first time offenders, if the discharge consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a civil penalty not to exceed $100.00, per violation or per day for any continuing violation. If the discharge contains nondomestic substances, including, but not limited to process wastewater, or if said person cannot provide clear and convincing evidence of the volume and nature of the substance

discharged, said person shall be assessed a civil penalty not to exceed $1,000.00, per violation or per day for any continuing violation.

(2) For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed $10,000.00, per violation or per day for any continuing violation.

(b) *Illicit connections.* Any person found with an illicit connection in violation of this article and any other person who assists in the establishment of an illicit connection in violation of this article, shall be subject to civil penalties as follows:

(1) First time offenders shall be subject to a civil penalty not to exceed $500.00, per day of continuing violation.

(2) Repeat violators shall be subject to a civil penalty not to exceed $1,000.00, per day of continuing violation.

(c) *Other violations.* Any person found in violation of other provisions of this article, not specifically enumerated elsewhere, shall be subject to a civil penalty not to exceed $100.00, per violation or per day for any continuing violation.

(d) *Payment/collection procedures.* Penalties shall be assessed by the county planning director or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested, or personal service (such as express mail service or courier). Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The county planning director or his designee shall make written demand for payment upon the person in violation. If the payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county, in the appropriate division of the general court of justice in the county for recovering the penalty.

(Ord. of 3-20-2001, § 205)

Sec. 78-66. - Injunctive relief.

(a) The county may petition the General Court of Justice in Wayne County seeking injunctive relief, or other relief as deemed appropriate, to require compliance with this article. Cost of such action shall be assessed against the individual who is failing to comply with this article.

(b) The institution of an action for injunctive relief under subsection (a) of this section shall not relieve any party to such proceeding from any further civil or criminal penalty prescribed for violations of this Code.

(Ord. of 3-20-2001, § 206)

Sec. 78-67. - Criminal penalties.

Any person who knowingly or willfully violates any provision of this article, rule, regulation, or order duly adopted or issued pursuant to this article, shall be guilty of a misdemeanor, punishable by a fine not to exceed $500.00. Each violation shall be a separate offense.

(Ord. of 3-20-2001, § 207)

Secs. 78-68—78-92. - Reserved.

APPENDIX C

3. PROGRAM PLAN FOR ILLEGAL DISCHARGES

3.1 Establishing Legal Authority to Control Illegal Discharges

The Neuse Stormwater Rule requires that selected local governments establish a program to prevent, identify, and remove illegal discharges. The Wayne County Planning Department had drafted a County Stormwater Ordinance to establish this authority within the areas of the County under their direct jurisdiction, as well as to provide for the long-term maintenance of structural BMPs. This draft ordinance is included in Appendix B of this Stormwater Management Program and shows that Wayne County will be able to:

- Control the contribution of pollutants to the stormwater collection system associated with industrial activity.
- Prohibit illegal discharges to the stormwater collection system.
- Prohibit discharge of spills and disposal of materials other than stormwater to the stormwater collection system.
- Determine compliance and noncompliance.
- Require compliance and undertake enforcement measures in cases of noncompliance.

Following approval of this Stormwater Management Program, the draft ordinances may be changed to incorporate any comments received in their regard. The County Board of Commissioners will then establish the legal authority to control illegal discharges by adopting the ordinances at one of their regularly scheduled 14 meetings (prior to March 9, 2001). Appendix C contains the minutes/resolution of the Board of Commissioners' August 29, 2000 meeting stating their intention to approve this Stormwater Management Program and adopt the draft Stormwater Ordinance following EMC program approval. Local governments with the exception of Goldsboro, who discharge stormwater into the County, will be identified and their discharge points located. If there is evidence of illegal discharges from those sources, the local governments will be notified and asked to correct the problem. If the problem is not corrected, Wayne County will take actions through the appropriate channels.

Tables 3.1 and 3.2, respectively, identify some discharges that are and are not allowed to the stormwater collection system.

Table 3.1 Discharges that May be Allowable to the Stormwater Collection System

Waterline Flushing
Landscape Irrigation
Diverted Stream Flows
Uncontaminated Rising Ground Water
Uncontaminated Ground Water
Infiltration to Stormwater Collection System
Uncontaminated Pumped Ground Water
Discharges from Potable Water Sources
Foundation Drains
Uncontaminated Air Conditioning Condensation
Irrigation Water Springs Water from Crawl Space Pumps
Footing Drains Lawn Watering Non-commercial Car Washing
Flows from Riparian Habitats and Wetlands
NPDES Permitted Discharges
Street Wash Water
Fire Fighting Emergency Activities
Wash Water from the Cleaning of Buildings
Dechlorinated Backwash and Draining Associated with Swimming Pools

Table 3.2 Typed of Discharges that are not Allowed to Stormwater Collection System

Dumping of Oil, Antifreeze,

Paint, Cleaning Fluids
Commercial Car Wash Industrial Discharges
Contaminated Foundation Drains
Cooling Water Unless No Chemicals Added and Has NPDES Permit
Washwaters from Commercial/Industrial Activities
Sanitary Sewer Discharges Septic Tank Discharges Washing Machine Discharges
Chlorinated Backwash and Draining Associated with Swimming Pools

3.2 Collecting Jurisdiction-Wide Information
The County will collect geographic information at three increasing levels of detail:
□ First, most cursory level of information shall be collected for the entire jurisdiction.
□ Second level is a more detailed screening for high priority areas within the jurisdiction.
□ Third level is a very detailed investigation that shall be done upon the discovery of an illegal discharge.
The purpose of collecting jurisdiction-wide information (which must be completed by the second annual report in October 2002) is to assist with the identifying potential illegal discharge sources and characterizing illegal discharges after they are discovered. Maps will be compiled at a scale no greater than 1:24,000 to show the following:
□ Location of sanitary sewers in areas of the major stormwater collection systems and the location of areas that are not served by sanitary sewers.
□ Waters that appear on the NRCS Soil Survey Map and the USGS 1:24,000 scale topographic maps.
□ Land uses, Categories, at a minimum, should include undeveloped, residential, commercial, agriculture, industrial, institutional, publicly owned open space, and others.
□ Currently operating and known closed municipal landfills and other treatment, storage, and disposal facilities, including hazardous materials.
□ Major stormwater structural controls.
□ Known NPDES permitted discharges to the stormwater collection system (this list can be obtained from DWQ).

Written descriptions will be provided for map components as follows:
□ A summary table of municipal waste facilities that included the names of the facilities, the status (open/closed), the types, and addresses.
□ A summary table of the NPDES permitted dischargers that includes the name of the permit holder, the address of the facility and permit number.
□ A summary table of the major structural stormwater control structures that shows the type of structure, area served, party responsible for maintaining, and age of structure.
□ A summary table of publicly owned open space that identifies size, location, and primary function of each open area.

3.3 Mapping and Field Screening in High Priority Areas
As part of the October 2002 annual report, Wayne County will identify a high priority area for more detailed mapping and field screening (at least 10 percent of the jurisdiction area). Each subsequent year, another high priority area of at least 10 percent size will be chosen. " High Priority" means the areas where it is most likely to locate illegal discharges (e.g., older development). The basis of the annual selection of each high priority area will be explained. The first part of the screening process for the selected area is mapping of the stormwater system, which should include:
□ Locations of the outfalls of any pipes from nonindustrial areas that are greater than or equal to 36 inches.
□ Locations of the outfalls of any pipes from industrial areas that are greater than or equal to 12 inches.
□ Locations of drainage ditches that drain more than 50 acres of nonindustrial land.
□ Locations of drainage ditches that drain more than 2 acres of industrial land.
□ An accompanying summary table listing the outfalls that meet the above criteria that includes outfall ID numbers, location, primary and supplemental classification of receiving water, and use-support of receiving water.

The second part of the process is conducting a dry weather field screening of all outfalls that meet the criteria to detect illegal discharges. The dry weather field screening will not be conducted during or within 72 hours following a rain event of 0.1 inches or greater. In residential areas, field screening will be scheduled either before 9:00 am or after 5:00 pm (if possible), hours when citizens are most likely to be home and illegal discharges are more likely to be evident. A field screening process, such as that illustrated in Figure 3.1 will be followed. If field screening shows that the outfall is dry, then the outfall should be checked for intermittent flow at a later date. If the field screening shows that an outfall has a dry weather flow, then a screening report for the outfall will be completed. The field screening report will contain information similar to that detailed in Table 3.3 (general information, field site description, visual observations, and any required sampling analysis). Analytical monitoring is required only if an obvious source of the dry weather flow cannot be determined through an investigation of the upstream stormwater collection system. Screening reports will be kept for five years. Outfalls with flow will be screened again with 24 hours for the parameters included in the field screening report. Any tests for ammonia and nitrate/nitrite that are purchased will be sensitive for 0.1 to 10mg/L.

Table 3.3 Field Screening Report Information
General Information Sheet Number
Outfall ID Number
Date
Time
Date, Time and Quantity of Last Rainfall Event
Field Site Description Location
Type of Outfall
Dominant Watershed Land Use(s)
Visual Observations Photograph
Odor
Color
Clarity
Floatables
Deposits/Stains
Vegetation Condition
Structural Condition
Biological
Flow Estimation
Sampling Analysis* Temperature
pH
Nitrogen-Ammonia
Nitrogen-Nitrate/Nitrite
Fluoride or Chlorine
* Analytical monitoring is required only if an obvious source of the dry weather flow cannot be determined through an investigation of the upstream stormwater collection system.

Figure 3.1 Field Screening Process
* Checking for intermittent flow includes rechecking outfall at a later date as well as visual observations for evidence of intermittent flow.
Flow Found
Flow Found

3.4 Identifying and Removing Illegal Discharges
After the field screening is complete, the County will take measures to identify and remove illegal discharges. The jurisdiction-wide information compiled as the first step in this process will be consulted for information on land uses, infrastructure, industries, potential sources, and types of pollution that exist in the

drainage area of the outfall. After potential sources have been identified, the Planning Department will be responsible for planning a systematic field investigation to minimize the amount of resources required to identify the source. Several field methods may be used, with the simplest approach recommended, if that will suffice. From simplest to more complex, the recommended approaches are:

- Site Investigation.
- Additional chemical analysis (recommended testing for fecal coliform if the ammonia concentration is found to exceed 1.0 mg/L).
- Flow monitoring (multiple site visits recommended rather than a depth indicator).
- Dye testing (fluorescent dye is recommended).
- Smoke testing.
- Television inspection.

Documentation of the results of the office and field investigations will be kept on file for five years with the screening report. After the source of an illegal discharge is identified, enforcement action will be taken to have the source removed or redirected to the sanitary sewer. Appendix B contains the draft Stormwater Ordinance which established the authority to control illegal discharges, as well as the authority to order a source removed (or redirected) and penalties fro noncompliance. Records of compliance actions will be kept for five years with the screening report.

In addition to keeping all screening reports on file, Wayne County will maintain a map of:

- Points of identified illegal discharges.
- Watershed boundaries of the outfalls where illegal discharges have been identified.

An accompanying table that summarizes the illegal discharges that have been identified that includeslocation, a description of pollutant(s) identified, and removal status. County personnel will be trained in how to conduct a through field screening, how to review the field screening results in conjunction with the jurisdiction-wide information collected previously, and how to plan an effective field investigation to identify the source of illegal discharge. The training of County personnel to undertake the process of investigating and identifying illegal discharges will be multi-phased. Training materials (pamphlets, flyers, and/or booklets) will be disseminated to all involved personnel as part of Wayne County's Public Education Action Plan (Section 5.0). It is anticipated that most (if not all) of these materials can be obtained from agencies such as DWQ and the US Environmental Protection Agency (EPA). In addition, the written training materials may be accompanied by seminars and hands-on field training. The Planning Department will be responsible for coordinating personnel training and for scheduling all illegal discharge activities.

1.3 Preventing Discharges and Establishing a Hotline

The Planning Department will contact persons who are responsible for establishments that are likely sources of illegal discharges (e.g. auto sales, rental and repair business, lawn care companies, cleaners, and certain types of contractors). A letter (a draft letter in included in Appendix D) will be mailed to all such businesses that can be identified. The mailing list will be compiled from Environmental Health's Food and Lodging inspection roll (containing establishments such as schools, motels, restaurants, food stores, day cares, swimming pools) and from the Fire Marshall's inspection list (containing a list of all development with the exception of single and duplex residential development). The letter will be mailed before the annual report is due in October 2001. By October 2002, Wayne County will establish an illegal discharge hotline as a cost effective way to identify illegal discharges. There will be a recording advising citizens what to do if they call during nonbusiness hours, or in the case where and illegal discharge is perceived to be an emergency. Part of the Public Education Action Plan (discussed in Section 5.0) will be to educate citizens about what types of discharges should not go to the stormwater collection system and make them aware of the hotline.

3.6 EPA's Phase II Stormwater Requirements

The Program Plan for Illegal Discharges outlined above for the Neuse Stormwater Rule, in conjunction with the Public Education Action Plan detailed in Section 5.0, addresses the expected requirements of EPA's Phase II Stormwater, Illicit Discharge Detection and Elimination Minimum Control Measure. It is expected that

only minimal adjustments will need to be made to the Stormwater Management Program to comply with all of the requirements of EPA's Phase II Stormwater rule once NCDENR has developed the Phase II Stormwater Permit.

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
RICHARD E. ROGERS, JR.
Director

NORTH CAROLINA
Environmental Quality

November 1, 2022

Berry Gray
Planning Director
134 N John Street
Goldsboro, NC 27530

Dear Mr. Gray:

This letter is to notify you that Wayne County's Neuse Draft Local Program was approved by the Environmental Management Commission on September 8, 2022.

The next step in local implementation is adoption and implementation of the approved Draft Local Program and accompanying draft ordinance changes. The target date for completing local adoption of these materials is six months from the date of this letter, May 1, 2023. Within 30 calendar days, please provide Trish D'Arconte (trish.darconte@ncdenr.gov) the anticipated schedule for local approval and implementation. Once the final version has been adopted, provide a copy to DWR via email (trish.darconte@ncdenr.gov).

We recognize your jurisdiction may require small adjustments based on internal and public feedback. Notify DWR (trish.darconte@ncdenr.gov) of any proposed changes **prior** to finalizing adoption of the materials for review and approval by DWR [as required per 15A NCAC 02B .0711 (6)(f)/.0731(f)(6)].

DEQ has a Stormwater Nitrogen and Phosphorus (SNAP) tool that can be used for purposes of implementing this rule, available online: https://deq.nc.gov/about/divisions/water-resources/water-planning/nonpoint-source-planning/nutrient-practices-and-crediting. We understand the importance of providing an updated tool for your use. The enforcement of revised local programs will take into account all training and the integration of the updated SNAP Tool with the local programs. An update of the Tool is in progress to incorporate user requests:

December 2022	Beta version released for public comment
February 2023	Formal release of the revised tool
Early March 2023	Online training* for local government plan review staff
Mid-March 2023	Online training* for consultants

* Note: these trainings will be recorded for those who cannot attend

Please contact Trish D'Arconte with any concerns via email (trish.darconte@ncdenr.gov) or phone (919-707-3678).

Sincerely,

Richard E. Rogers, Jr.

cc: Trish D'Arconte, Rich Gannon, Karen Higgins

Wayne County NC Stormwater Program Summary of Changes

Differences Between the Old and New Rules

The original versions of the Neuse and Tar-Pamlico Stormwater Rules, effective in 1998 and 2001 respectively, were written before comprehensive NPDES Phase 2 Stormwater Rules had been developed by DEMLR. The original rules provided specific post-construction unit-area nutrient export rate targets, but little else on post-construction requirements. As a result, other criteria such as development applicability, disturbance thresholds, definitions, and minimum standards were fleshed out in the Model Programs for the watersheds.

The new Rules explicitly define applicability and disturbance thresholds, and otherwise specifically require meeting relevant parts of the DEMLR 02H Stormwater Rules effective in 2017, or other more stringent storm water quality programs that might apply. Revisions also gave the two Rules virtually identical structure and standards, excepting nutrient targets, to ease the regulatory burden on jurisdictions that had to implement both sets of Rules. Further specifics of old and new rules and associated tools are provided as follows for comparative understanding purposes.

Old Rules

- Developer Requirements
    - Applicability: Development disturbance thresholds not provided in the Rules, but included in the approved Model Programs
    - Development must meet specific nutrient export rate targets:
        - Neuse – 3.6 lb N/ac/yr;
        - Tar-Pamlico – 4.0 lb N/ac/yr, 0.4 lb P/ac/yr
    - Nutrient export estimation methods not mentioned in rule; export calculated with Neuse Method 1 or 2, or with Tar-Pamlico Tool, provided in respective Model Programs
    - Treatment:
        - Developers provide onsite stormwater treatment if the development's untreated nitrogen export exceeds 6lb/ac/yr for residential or 10lb/ac/ac for other land uses
        - (No treatment requirements based on project BUA density)
    - Peak flow rate match required for 1yr, 24hr storm
    - Nutrient Offset
        - Reductions not achieved onsite can be covered with nutrient offsets
        - Developers fill in a form subsequently developed by DWQ to request local approval of nutrient offsets
        - Offsets are obtained in units of pounds of nitrogen or phosphorus
- Local Program Requirements
    - Review development plans to ensure they meet above requirements and riparian buffer rule requirements;

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- Identify potential retrofit locations
- Public education and illegal discharge programs.
- Stormwater mapping program (Tar-Pamlico only)
- Program to ensure maintenance of permitted stormwater BMPs (Tar-Pamlico only)
- Annual reports to DWQ documenting progress

New Rules

- Developer Requirements
  - Applicability:
    - Developer requirements do not apply in areas subject to the Falls Lake Stormwater rule, on existing development or redevelopment, and on activities subject to the respective Basin's Agriculture Rule
    - Development/disturbance thresholds are in the Rules, mostly mirror DEMLR 02H Stormwater Rules with added requirements to capture development expansion in areas other than single family/duplex residential
    - State and federal projects, if not permitted by the local program, shall obtain DEQ approval
  - Development must meet specific nutrient export rate targets:
    - Neuse – 3.6 lb N/ac/yr;
    - Tar-Pamlico – 4.0 lb N/ac/yr, 0.8 lb P/ac/yr.
  - Nutrient export calculated with the SNAP Tool or equivalent method meeting criteria provided in rule
  - Treatment
    - Developers provide onsite stormwater treatment for all BUA if the project density > 24% BUA, and meet other low-density, high-density and other stormwater requirements of DEMLR's 02H .1003
    - Stricter onsite treatment requirements may apply where development falls under DEMLR Water Supply Watershed Rule, the Coastal Stormwater Rule, or HQW/ORW Rule
    - Dedicated offsite regional SCMs may be used for stormwater treatment covering multiple otherwise unrelated projects
    - Projects meeting the definition of "runoff volume match" do not need to further address nutrient export
  - (Peak flow rate match not required)
  - Nutrient Offset
    - Nutrient reduction needs not achieved following treatment requirements can be covered with nutrient offsets
    - Projects < 24% BUA may meet nutrient rate targets entirely by nutrient offsets, but must also meet low density stormwater requirements of 02H .1003
    - Public road/sidewalk expansions may meet nutrient reductions entirely by nutrient offsets
    - SNAP tool can auto-generate the local government offset approval form
    - Offsets are obtained in units of pounds per year of nitrogen or phosphorus
- Local Program Requirements

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- Review development plans, approve those that meet above requirements and riparian buffer rule requirements;
- (No retrofit identification requirement)
- Implement public education and illicit discharge programs.
- Stormwater mapping program
- Program to ensure maintenance of permitted stormwater SCMs and compliance with rule for life of development
- Annual reports to DWQ documenting progress and providing all data entered into SNAP

*This Document Provided by NC DWQ staff

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Wayne County Stormwater Management Program For Nitrogen Control In the Neuse River Basin

August 2000



Prepared by ARCADIS Geraghty & Miller of North Carolina, Inc.

Kimberly Egler

William Sabata, P.E.
Project Manager

Approved by NC Environmental Management Commission
December 2000

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1. Introduction

1.1 Neuse River Basin Nutrient Sensitive Waters (NSW) Management Strategy

The goal of the Neuse River Basin Nutrient Sensitive Waters (NSW) Management Strategy (final adoption in August 1998) is to achieve a 30 percent nitrogen reduction from each controllable and quantifiable source of nitrogen in the basin. These sources are Wastewater Treatment, Urban Stormwater, and Agriculture and Nutrient Application. The NSW Strategy also includes a rule to protect riparian buffers (the Riparian Buffer Rule, 15A NCAC 2B .0233) to maintain their existing nitrogen removal capabilities.

The Neuse Stormwater Rule (15A NCAC 2B .0235) only applies to the largest and fastest growing local governments in the Neuse River Basin (there are 15); Wayne County is one of the affected governments. The rule establishes a broad set of objectives for reducing nitrogen runoff from urban areas and sets up a process fro the Division of Water Quality (DWQ) to work with the effected local governments to develop a model stormwater program for meeting the objectives. The timeframe fro implementation of the rule is as follows:

September 9, 2000: Deadline for submittal of local Stormwater Management Program (including ordinances) to the Environmental Management Commission (EMC).

March 9, 2001: Deadline for local governments to begin implementing local Stormwater Management Programs.

Each stormwater management program must include the following general elements: New Development Review/ Approval, Illegal Discharges, Retrofit Locations, and Public Education. Following implementation of the local Stormwater Management Programs, local governments are required to make annual progress reports to EMC by October 30 of each year that include nitrogen loading reduction estimates.

This document details Wayne County's Stormwater Management Program for Nitrogen Control in the Neuse River Basin. It closely follows the guidance provided in the *Neuse River Basin: Model Stormwater Program for Nitrogen Control* dated August 30, 1999. The implementation dates listed above differ from those listed in the model plan. The EMC committee decision to approve the model local government stormwater program occurred on September 9, 1999; the Stormwater Rule allows 12 months from EMC approval before the subject local government must submit their local stormwater management program plans to the Commission for review and approval, and 18 months for program implementation.

1.2 Wayne County's Stormwater Management Program

1.2.1 Program Goals

This document presents Wayne County's Stormwater Management Program for Nitrogen Control in the Neuse River Basin. It fulfills the requirements of the Neuse Stormwater Rule for all areas under the direct jurisdiction of the County, which excludes all incorporated areas (Goldsboro, Fremont, Eureka, Pikeville, Walnut Creek, Mount Olive, and Seven Springs), and any associated extraterritorial jurisdictions (ETJs). The County has prepared their program to be no less stringent than the program for the City of Goldsboro, the only other jurisdiction in Wayne County subject to the Neuse Stormwater Rule. In addition, teaming possibilities with Goldsboro will continually be explored, particularly in the areas of public education and outreach, and public participation/involvement. In this way, Wayne County and its constituents will garner the benefits of a standardized stormwater management program that requires the least expenditure of financial and personnel resources and avoids duplication of effort.

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Another goal of this program is to provide uniform guidelines and requirements for development and growth in both the City of Goldsboro and throughout Wayne County. Although the process may differ in each jurisdiction, the program elements and requirements of both Stormwater Management Programs will be consistent. Fee schedules and penalties will be no less rigorous than those required by the City of Goldsboro. Other incorporated areas will be considered in this process. This will serve not only to avoid inappropriate and unbalanced development as a result of program implementation, but will provide standardized requirements for unincorporated areas, which undergo annexation.

1.2.2 Organization of this Stormwater Management Program

This document reflects the organization of the *Neuse River Basin: Model Stormwater Program for Nitrogen Control.* Section 2.0 presents Wayne County's Program Plan for New Development. Section 3.0 discusses the Program Plan for Illegal Discharges. Section 4.0 explains the methodology for Identifying Retrofit Locations. Public Education is discussed in Section 5.0. Section 6.0 addresses annual Evaluation and Reporting requirements.

1.2.3 Responsibilities

The implementation of this Stormwater Management Program for Nitrogen Control will be the responsibility of the Wayne County Planning Director. The County Planning Board will provide oversight. The seven Board members are appointed by the County Commissioners. The objective is to create a Board that is comprised of representatives from across the County and from diverse interests. The current Board is comprised of members from agriculture, education, commerce, and industry, all of whom reside in unincorporated areas of the County. 2. Program Plan for New Development.

2. PROGRAM PLAN FOR NEW DEVELOPMENT

2.1 Controlling Nitrogen Through the New Development Review/Application Process

All new residential, commercial and industrial development in Wayne County must apply for a Development Permit from the Planning Department. All zoned areas, as well as subdivisions and manufactured housing/mobile home parks have separate ordinances that control development; however, it is the Development Permit that is common to all development under the County's jurisdiction.

It will be during this established permit application process that the County will review the Neuse Stormwater Rule components of any project falling under the "New Development" definition. The developer of builder will be required to comply with these provisions for any development that falls under either of the following definitions:

- Any activity that disturbs greater than one acre of land in order to establish expand, or modify a single family or duplex residential development or a recreation facility. [Land disturbances is defined as grubbing, stump removal, and/or grading.]
- Any activity that disturbs greater than one-half an acre of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial, or institutional facility.

To fund this additional new development review process, the Board of Commissioners will adopt a site review fee as part of the Development Permit application. It will be a sliding-scale fee based on the proposed land use (commercial verses residential) and acreage. The fee schedule is shown in Appendix A. This fee will apply to development that falls under the definition of "New Development" as detailed above. The Stormwater Ordinance adopted by Wayne County to comply with Neuse Stormwater Rule (discussed in Section 2.2 and 3.1, and included in draft form in Appendix B) will apply to all of Wayne County – including the southeastern corner of the County, which lies in the Cape Fear Basin.

All projects will be required to meet the goal of a 30 percent nitrogen reduction by implementation of planning considerations and best management practices (BMP). Agriculture, mining, or forest activities, and property owners with vested rights are not subject to the requirements of new development and will

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receive a waiver. Vested rights must be demonstrated by the property owner as of the effective date of this Stormwater Management Program (as adopted the County Board of Commissioners) and may be based on at least one of the following:

- Substantial expenditures of resources as determined by the County of Planning Board (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- Having an outstanding valid building permit in compliance with G.S. 153A-344.1 or G.S. 160A-385.1, or
- Having an approved development plan or preliminary subdivision development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be considered to have vested rights if a state permit was issued prior to the effective date of this Local Stormwater Management Program.

New development will be limited to 3.6 pounds per acre per year (lbs/ac/yr) nitrogen loading. Property owners will have the option to partially offset projected nitrogen loads by funding wetland or riparian area restoration through the NC Wetlands Restoration Program (WRP). As established by Rule 15A NCAC 2B .0240, the rate shall be $11 lb/yr, at an amount sufficient to fund 30 years of nitrogen reduction. The result is a one-time offset payment of $330 lbs/ac, which must be paid prior to receipt of the Development Permit. However, no new residential development will be permitted to exceed a total nitrogen-loading rate of 6.0 lbs/ac/yr, and no new nonresidential development will be permitted to exceed 10.0 lbs/ac/yr.

The nitrogen export standard of 3.6 lbs/ac/yr was estimated by the Environmental Management Commission (EMC) to be 70 percent of the average nitrogen load contributed by the nonurban areas in the Neuse River basin (as defined using 1995 LANDSAT data). It is understood that the EMC may periodically update the performance standards based on the availability of new scientific information.

2.1.1 Calculating Nitrogen Export from New Development

The nitrogen export from each new development will be calculated. Annual reports must contain the computed baseline and net change in nitrogen export from new development that year. Wayne County will utilize the methodologies as they are detailed below. The Planning Department will supply the necessary worksheets for the developer or builder to submit their calculations for new development sites as part of their Development Permit submission (to ensure that the 30 percent reduction has been attained or that appropriate and sufficient BMP's have been planned and/or offset fees paid). The calculations will be revisited prior to issuance of the Certificate of Occupancy (to ensure that the site was developed as planned, and that any required BMP's have been constructed properly).

1. ***Method 1*** for residential developments where lots are shown but the actual footprint of buildings is not shown on site plans. The impervious surface resulting from building footprints is estimated based on typical impervious area associated with a given lot size. Figure 2.1 contains the worksheet for this calculation (Figure 2a from the Model Plan).
2. ***Method 2*** for residential, commercial, and industrial developments when the entire footprint of the roads, parking lots, buildings, and any other built-upon area is shown on the site plans. Figure 2.2 contains the worksheet for this calculation (Figure 2b from the Model Plan).
3. ***For nonresidential subdivisions where the impervious surfaces are not shown on the plans at the time of submittal,*** the developer or building will specify areas of impervious surface, undisturbed open space, and managed open space in their Development Permit application, assuming the maximum impervious surfaces and minimum open space for the project design. The County will establish the Development Permit as a legal, enforceable mechanism to hold the developer or builder accountable for their estimations of each land use type not later than the effective date of this program. The developer or builder will then use Method 2 (Figure 2.2) for their calculation.

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4. ***For redevelopment projects,*** a modified procedure as described by DWQ will be used to determine the total change in nitrogen loading.

2.1.2 Methodology for Calculating Peak Runoff Volumes

The Neuse Stormwater Rule states that there can be no net increase in peak flow leaving a new development site from the predevelopment conditions for the 1-year 24-hour storm. The Planning Department will provide the developer or builder with a worksheet (Figure 2.3) that employs the Rational Method to determine the peak flow from both pre-development (performed prior to issuance of the Development Permit) and post-development (performed prior to issuance of the Certificate of Occupancy) conditions. The Rational Method is the most common method for computing the peak rate of runoff from small drainage basins (up to 150 acres). If peak runoff needs to be calculated from a larger drainage area (more than 150 acres), the Peak Discharge Method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55) will be employed. This methodology will be used for computing pre- and post-development conditions. (Note: The Putnam Method, while allowed by the Model Plan, was developed specifically for the Piedmont region of North Carolina, and will not be used for calculations in Wayne County, which lies in the Coastal Plain.

The equation for calculating peak runoff under the Rational Method is:

$$Q_P = Aci$$

where

Q_P = peak runoff, cubic feet per second
A = drainage area, acres
c = runoff coefficient, dimensionless
i = rainfall intensity, inches/hour

The acreage for each land use type will already be known from calculating the nitrogen export as described in Section 2.1.1. The runoff coefficients for a variety of surface types can be gotten from a table, such as the one developed by the American Society of Chemical Engineers (ASCE) & Water Environmental Federation (in *Design and Construction of Urban Stormwater Management Systems, 1972*). However, as stated by John E. Gribbin in *Hydraulics and Hydrology for Stormwater Management* (1997), typical design values for runoff coefficients are 0.90 for impervious surfaces, 0.30 for permanently protected managed open space (such as lawns), and 0.20 for permanently protected undisturbed open space (such as woods and brush).

In keeping with the spirit of the rule, and to maintain consistency with the approach taken to calculate total nitrogen export (where total nitrogen export coefficients are set), Wayne County will adopt these typical design values for the runoff coefficient. This will result in a more consistent, objective, and straightforward calculation of peak runoff that does not need to take into account the effects of soils, rainfall intensity and duration, slope, and impervious surface. A worksheet has been prepared for the Rational Method peak runoff calculation (Figure 2.3), which is structured to mirror the instruction sheet for Method 2 for nitrogen export calculations.

The only unknown remaining fro the peak runoff calculation is rainfall intensity information. DWQ will provide rainfall intensities for the County's use. These will be incorporated into this Stormwater Management Program by reference.

The developer or builder will perform the peak runoff calculation during the Development Permit submission process. Prior to issuance of a Development Permit, the post-development peak flow must be shown to be equal to or less than the pre-development peak flow (which may require the implementation of one or more BMP's), unless one of the two following conditions are met:

- The increase in peak flow between the pre- and post-development conditions does not exceed ten percent.
- The proposed new development meets all of the following criteria: overall impervious surface is less than 15 percent, and the remaining pervious portions of the site are utilized to the maximum extent practical to convey and control the stormwater runoff (as determined by the County Planning Board).

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Figure 2.1 Worksheet for Method 1: Quantifying Total Nitrogen Export from Residential Developments when Building and Driveway Footprints are Not Shown

Step 1: Determine area for each type of land use and enter in Column (2).
Step 2: Total the areas for each type of land use and enter at the bottom of Column (2).
Step 3: Determine the TN export coefficient associated with right-of-way using Graph 1.
Step 4: Determine the TN export coefficient associated with lots using Graph 2.
Step 5: Multiply the areas in Column (2) by the TN export coefficients in Column (3) and enter in Column (4).
Step 6: Total the TN exports for each type of land use and enter at the bottom of Column (4).
Step 7: Determine the export coefficient for the site by dividing the total TN export from uses at the bottom of Column (4) by the total area at the bottom of Column (2).

(1) Type of Land Cover	(2) Area (acres)	(3) TN export coeff. (lbs/ac/yr)	(4) TN export from use (lbs/yr)
Permanently protected undisturbed open space (forest, unmown meadow)		0.6	
Permanently protected managed open space (grass, landscaping, etc.)		1.2	
Right-of-way (read TN export from Graph 1)			
Lots (read TN export from Graph 2)			
Total			

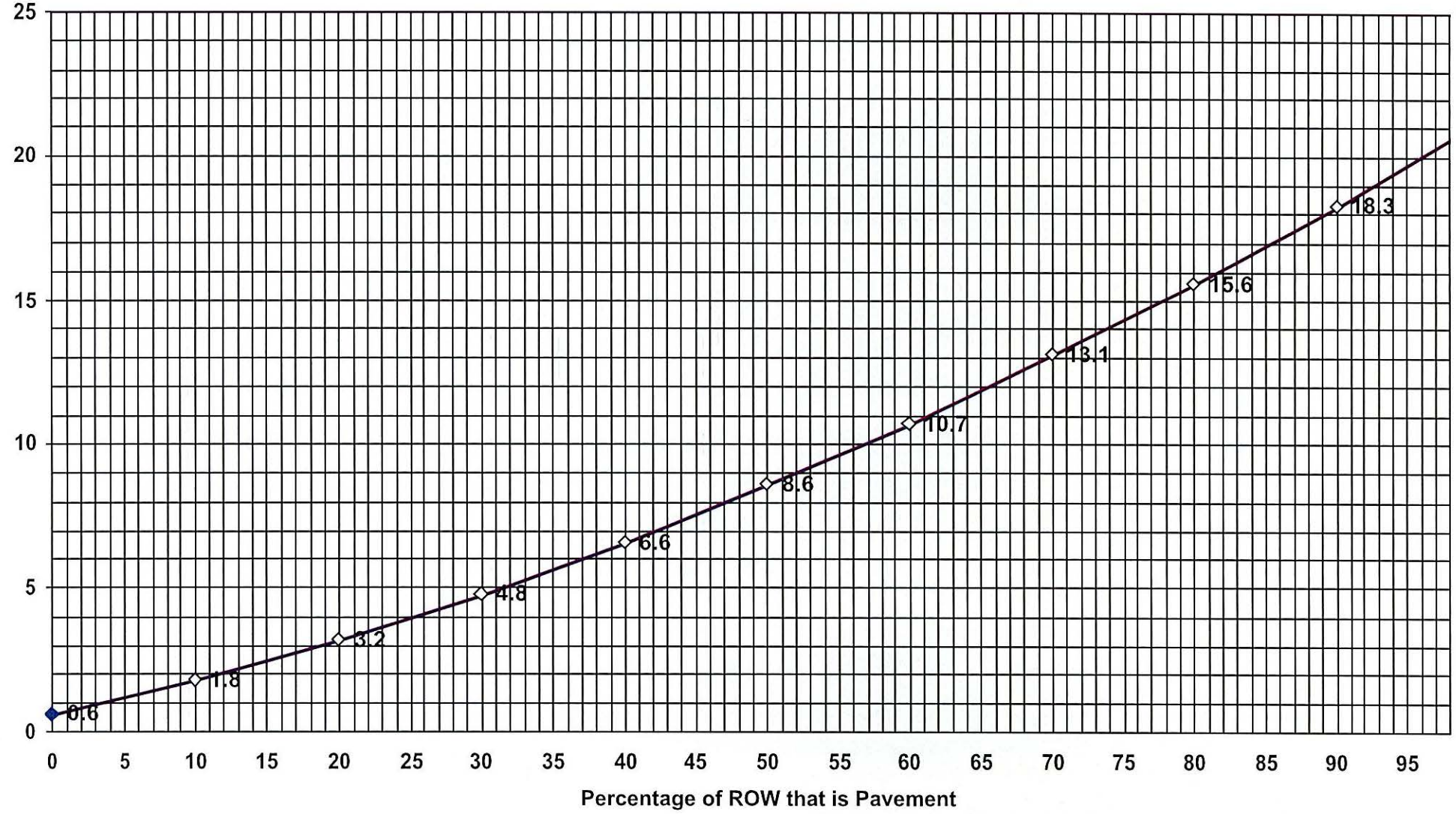
The stormwater rule requires that all new developments achieve a nitrogen export of less than or equal to 3.6 pounds per acre per year. If the development contributes greater than 3.6 lbs/ac/yr of nitrogen, then the options shown in Table 1 are available based on whether the development is residential or nonresidential.

Table 1: Nitrogen Export Reduction Options

Residential	Commercial / Industrial
If the computed export is less than 6.0 lbs/ac/yr; then the owner may either: 1. Install BMP's to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr. 2. Pay a one-time offset payment of $330/lb to bring the nitrogen down to 3.6 lbs/ac/yr. 3. Do a combination of BMP's and offset payment to achieve a 3.6 lbs/ac/yr export.	If the computed export is less than 10.0 lbs/ac/yr, then the owner may either: 1. Install BMP's to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr. 2. Pay a one-time offset payment of $330/lb to bring the nitrogen down to 3.6 lbs/ac/yr. Do a combination of BMP's and offset payment to achieve a 3.6 lbs/ac/yr export.
If the computed export is greater than 6.0 lbs/ac/yr, then the owner must use on-site BMP's to bring the development's export down to 6.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 6.0 and 3.6 lbs/ac/yr.	If the computed export is greater than 10.0 lbs/ac/yr, then the owner must use on-site BMP's to bring the development's export down to 10.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 10.0 and 3.6 lbs/ac/yr.

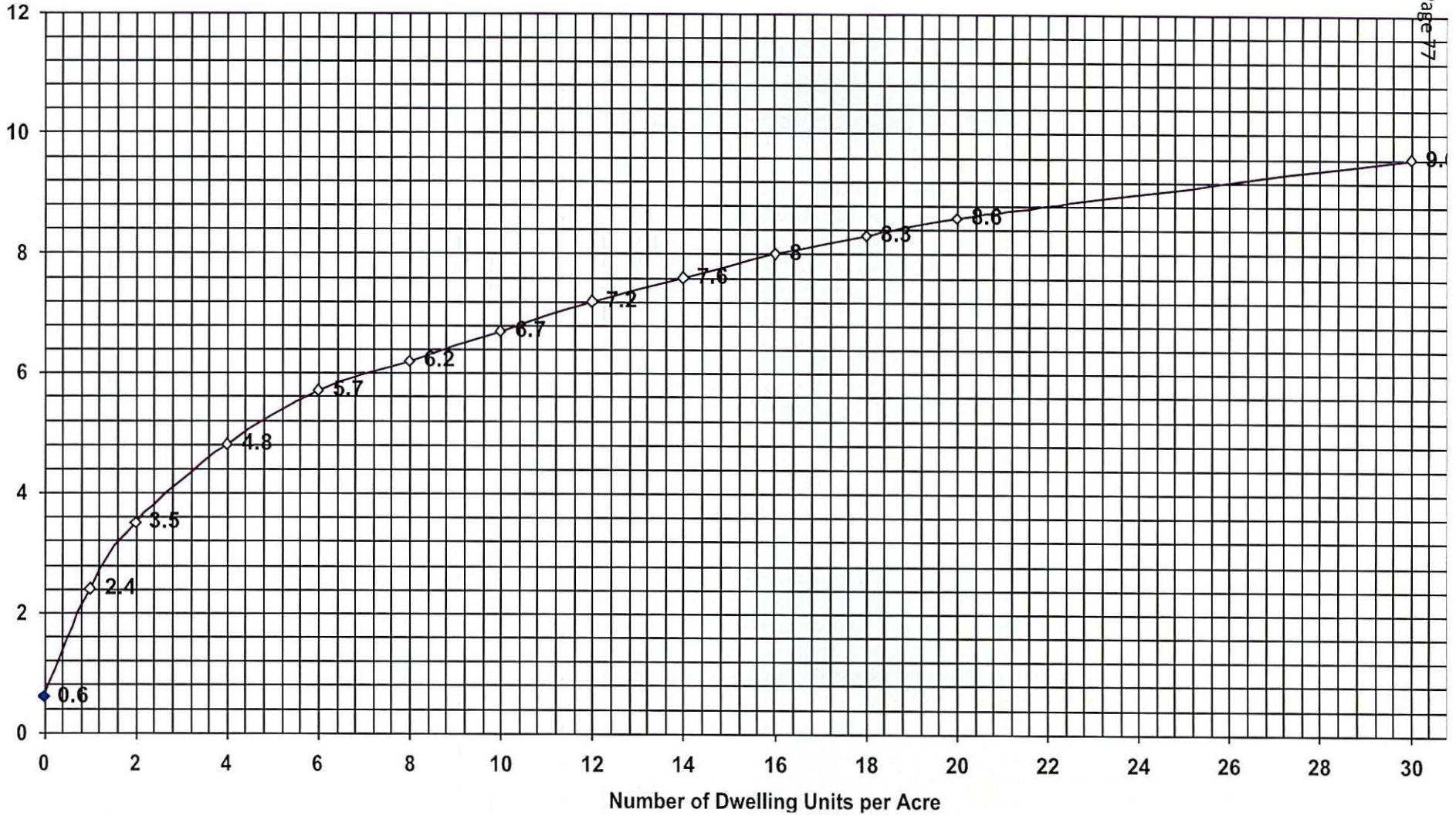
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Graph 1: Total Nitrogen Export from Right-of-Way



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Graph 2: Total Nitrogen Export from Lots



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Figure 2.2 Worksheet for Method 2: Quantifying Total Nitrogen Export from Residential / Industrial / Commercial Developments when Footprints of all Impervious Surfaces are Shown

Step 1: Determine area for each type of land use and enter in Column (2).

Step 2: Total the areas for each type of land use and enter at the bottom of Column (2).

Step 3: Multiply the areas in Column (2) by the TN export coefficients in Column (3) and enter in Column (4).

Step 4: Total the TN exports for each type of land use and enter at the bottom of Column (4).

Step 5: Determine the export coefficient for the site by dividing the total TN export from uses at the bottom of Column (4) by the total area at the bottom of Column (2).

(1) Type of Land Cover	(2) Area (acres)	(3) TN export coeff. (lbs/ac/yr)	(4) TN export from use (lbs/yr)
Permanently protected undisturbed open space (forest, unmown meadow)		0.6	
Permanently protected managed open space (grass, landscaping, etc.)		1.2	
Impervious surfaces (roads, parking lots, driveways, roofs, paved storage areas, etc.)		21.2	
Total			

Figure 2.3 Worksheet for Calculating Peak Runoff from Residential/Industrial Commercial Developments using the Rational Method.

Step 1: Calculate the runoff coefficient by using the table below. Enter the area for each type of land use in Column (2). This information can be obtained from either the Method 1 or Method 2 table (Figures 2.1 and 2.2) used to quantify the total nitrogen export from the site.

Step 2: Total the areas for each type of land use and enter at the bottom of Column (2).

Step 3: Multiply the areas in Column (2) by the runoff coefficients in Column (3) and enter in Column (4).

Step 4: Total the runoff coefficients for each type of land use and enter at the bottom of Column (4).

Step 5: Determine the runoff coefficient for the site by dividing the total runoff coefficient from uses at the bottom of Column (4) by the total area at the bottom of Column (2).

(1) **Type of Land Cover**	(2) **Area (acres)**	(3) **Runoff coeff. (dimensionless)**	(4) **Runoff coeff. from use (acres)**
Permanently protected undisturbed Open space (forest, unmown meadow)		0.20	
Permanently protected managed open space (grass, landscaping, etc.)		0.30	
Impervious surfaces (roads, parking, lots, driveways, roofs, paved storage areas, etc.)		0.90	
Total			

Step 6: Multiply the runoff coefficient for the site (calculated in Step 5) by the rainfall intensity (in in/hr) for the 1-year, 24-hour storm. The rainfall intensity for Wayne County is 3.5 inches.

_____ X _____ = _____		
Runoff coefficient For the site (dimensionless)	Rainfall intensity (1-year, 24-hour storm) (in/hr)	Peak runoff Volume (in/hr)

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Upon completion of the development project, and prior to approval of a Certificate of Occupancy, the post-development peak flow will again be calculated to ensure compliance with the regulations detailed above. Before the Zoning Enforcement Officer and/or Building Inspector issues the Certificate of Occupancy, the Planning Department will verify the post-construction calculation.

Because of the existence of local flooding problems, peak flow calculations may indicate the need for stormwater detention in areas that would actually increase flooding problems as a result of their implementation. For sites that are in (or drain to) these flood-prone areas, exemptions may be granted on a case-by-case basis. Wayne County addresses this problem in its *Flood Damage Prevention Ordinance*. One of the purposes of the ordinance is to "prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands."

2.3 Wayne County's Choice for Protection of Riparian Buffers in New Developments

The Neuse Stormwater Rule requires local governments to ensure that riparian areas are protected on new developments in accordance with the Riparian Buffer Rule (15A NCAC 2B .0233). The rule requires for protecting and maintaining the 50-foot riparian buffers on all sides of intermittent and perennial streams, ponds, lakes, and estuaries in the Neuse River basin. These waters must be shown on the most recent version of either a Natural Resources Conservation Service (NRCS) Soil Survey county map or a 1:24,000 scale (7.5-minute quadrangle) topographic map prepared by the US Geological Survey (USGS).

Wayne County will refrain from issuing local approvals for any new development activity that is proposed to take place within the first 50 feet adjacent to an affected water body, unless:

a. the person requesting the approval does not propose to impact the riparian buffer or a surface water indicted on the NRCS or USGS maps listed above, or
b. the property owner has received approval by DWQ. DWQ approval could be:
    - an on-site determination from DWQ that surface waters are not present,
    - an Authorization Certificate for a use designated as Allowable,
    - an Authorization Certificate for a use designated as Allowable,
    - a variance.

2.2 Best Management Practices (BMP's)

2.2.1 Choosing BMP's

Site planning practices that reduce nitrogen loadings from new development (including reducing impervious surfaces and protecting open spaces) will be encouraged; however, BMP's may still be required. Property owners will be instructed to consider the ability of the BMP's to reduce their nitrogen loading within acceptable limits, as well as the issues of aesthetics, long-term maintenance, safety, and reliability of the BMP design.

In conjunction with the Public Education component of this plan (Section 5.0), information sources will be made available to property owners and developers explaining the benefit to them of incorporating site planning practices into their new development plans from the onset (reducing road widths, reducing minimum parking requirements, minimizing use of curb and gutter, allowing cluster or open-space developments, allowing traditional neighborhood developments, and others). If they do not choose to incorporate these practices, or if BMPs are still required, information sources may be provided on the various BMPs available for nitrogen reduction, their individual effectiveness and cost, as well as data on which methods work best for the area's soil type(s). If more than one BMP is installed in series on a development, then the removal rate shall be determined through serial rather than additive calculations. As research and development in this field progresses, information sources on new BMP techniques or improvements in established BMP techniques may also be disseminated as part of the Public Education Action Plan.

The BMPs which may currently be utilized for reducing nitrogen from new developments are listed below. The estimated total nitrogen removal rate for each BMP included in parenthesis.

- Wet detention ponds (25%)
- Constructed wetlands (40%)
- Open channel practices (30%)
- Riparian buffers (30%)

- Bioretention (25%)
- Vegetated filter strips with level spreader (20%)
- Sand filters (35%)
- Proprietary BMPs (varies)

If a builder or developer includes one or more BMP as part of their design, they will be required to provide an engineering certification of the design at the time they submit their Development Permit application. Prior to issuance of a Certificate of Occupancy, the builder or developer will be required to submit an engineering certification that the BMP was constructed as designed and is operating properly.

2.2.2 Long-Term Maintenance Plan for BMPs

The Planning Department will conduct annual inspections of all BMPs. An annual inspection fee will be charged to fund this additional inspection program (as adopted by the Board of Commissioners). A current list of all BMPs, their location, and status will be maintained by the Planning Department to assist in the inspection process. BMPs will be required to be on the same lot as the new development, unless waived because of potential flooding problems, or unless an off-site location for the BMP has been approved by the County's Planning Department.

Wayne County has drafted a new Stormwater Ordinance to address the need for a maintenance plan for these BMPs, as well as the need to establish legal authority to control illegal discharges (see Section 3.1). For the long-tern maintenance of BMPs:

- The County will notify the owner upon finding that maintenance is needed on a BMP. If the owner does not complete the maintenance in a timely manner, then the County will contract out the maintenance and recover costs in the manner it determines most appropriate.

Appendix B contains the adopted Stormwater Ordinance for Wayne County.

2.3 Local Ordinance Review of Land-Use Planning and Design Techniques

The Model Plan addresses the use of land-use planning provisions to reduce impervious surfaces with design techniques and thereby reducing the need for BMPs and associated maintenance concerns. Jurisdictions are required to show they reviewed local ordinances with regard to the following planning techniques (and the general advantages and disadvantages of incorporating these approaches at the local level) and show that they have provided adequate flexibility for developers to utilize planning measures to reduce impervious surfaces. This review is intended to look for opportunities where these measures could be allowed, or obstacles to their use could be removed,

- Reducing road widths
- Reducing minimum parking requirements
- Minimizing curb and gutter use
- Cluster or open-space developments
- Traditional neighborhood developments
- Mixed-use developments

This review is underway by the Planning Department and will be completed by March 9, 2001, the expected date for program implementation. Although the County requires no curbing, and minimum street requirements are those established by the NC Department of Transportation, several ordinance areas have already been identified for a more detailed review. Where possible, Wayne County will insert verbiage into the County Ordinances which allows for, and encourages, the use of planning and design techniques to decrease impervious surface area.

2.4 Jurisdiction-Wide and Inter-local Approaches

Jurisdiction-wide and inter-local approaches may be incorporated into the County's Stormwater Management Program if appropriate information shows how they will achieve the nitrogen loading reduction requirements applicable to new development. Some ideas include:

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- Creating stormwater management facilities (such as ponds) would require on-site controls to locally protect against water quality degradation and flooding, and Neuse buffer requirements may impact the feasibility of some approaches.

- "Land Banking" within the same watershed where development is occurring. Land should have significant water quality value and secured in a permanent conservation easement or equivalent legal mechanism prohibiting both farming and unapproved logging practices, tracked on GIS, and recorded on the plat or deed.

Prior to incorporating such approaches into the County's Stormwater Management Program, it will demonstrate and quantify the associated nitrogen removals.

2.5 EPA's Phase II Stormwater Requirements

EPA's Phase II Stormwater Rule contains two minimum control measures which fall within this Program Plan for New Development: Construction Site Runoff Control and Post-Construction Runoff Control. Because of the way the Neuse Stormwater Rule is structured – limiting nitrogen export, freezing peak runoff volumes, establishing protection for riparian buffers in new development, and requiring the installation and maintenance of BMPs where necessary – the majority of the Phase II requirements for construction site runoff have already been addressed in this Program Plan.

2.5.1 Construction Site Runoff Control

The Construction Site Runoff Control Minimum Control Measure requires a regulatory mechanism to control polluted runoff from construction sites; a site plan review process to control erosion and sediment and other waste at the site; an inspection and enforcement program of control measures to deter infractions; and a procedure for the receipt and consideration of public enquires, concerns, and information submitted regarding local construction activities. The State Sedimentation Control Act (Title 15A, Chapter 4) addresses all of these issues except for the receipt of information from the public. It is likely that this particular component could be added as a part of the Public Education Action Plan (Section 5.0).

2.5.2 Post-Construction Runoff Control

The Post-Construction Site Runoff Control Minimum Control Measure requires the development and implementation of strategies which include a combination of structural and/or nonstructural BMPs; an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls. All of these provisions are included in this Stormwater Management Program.

3. PROGRAM PLAN FOR ILLEGAL DISCHARGES

3.1 Establishing Legal Authority to Control Illegal Discharges

The Neuse Stormwater Rule requires that selected local governments establish a program to prevent, identify, and remove illegal discharges. The Wayne County Planning Department had drafted a County Stormwater Ordinance to establish this authority within the areas of the County under their direct jurisdiction, as well as to provide for the long-term maintenance of structural BMPs. This draft ordinance is included in Appendix B of this Stormwater Management Program and shows that Wayne County will be able to:

- Control the contribution of pollutants to the stormwater collection system associated with industrial activity.
- Prohibit illegal discharges to the stormwater collection system.
- Prohibit discharge of spills and disposal of materials other than stormwater to the stormwater collection system.
- Determine compliance and noncompliance.
- Require compliance and undertake enforcement measures in cases of noncompliance.

Following approval of this Stormwater Management Program, the draft ordinances may be changed to incorporate any comments received in their regard. The County Board of Commissioners will then establish the legal authority to control illegal discharges by adopting the ordinances at one of their regularly scheduled

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meetings (prior to March 9, 2001). Appendix C contains the minutes/resolution of the Board of Commissioners' August 29, 2000 meeting stating their intention to approve this Stormwater Management Program and adopt the draft Stormwater Ordinance following EMC program approval.

Local governments with the exception of Goldsboro, who discharge stormwater into the County, will be identified and their discharge points located. If there is evidence of illegal discharges from those sources, the local governments will be notified and asked to correct the problem. If the problem is not corrected, Wayne County will take actions through the appropriate channels.

Tables 3.1 and 3.2, respectively, identify some discharges that are and are not allowed to the stormwater collection system.

Table 3.1 Discharges that May be Allowable to the Stormwater Collection System

Waterline Flushing	Landscape Irrigation	Diverted Stream Flows
Uncontaminated Rising Ground Water	Uncontaminated Ground Water Infiltration to Stormwater Collection System	Uncontaminated Pumped Ground Water
Discharges from Potable Water Sources	Foundation Drains	Uncontaminated Air Conditioning Condensation
Irrigation Water	Springs	Water from Crawl Space Pumps
Footing Drains	Lawn Watering	Non-commercial Car Washing
Flows from Riparian Habitats and Wetlands	NPDES Permitted Discharges	Street Wash Water
Fire Fighting Emergency Activities	Wash Water from the Cleaning of Buildings	Dechlorinated Backwash and Draining Associated with Swimming Pools

Table 3.2 Typed of Discharges that are not Allowed to Stormwater Collection System

Dumping of Oil, Antifreeze, Paint, Cleaning Fluids	Commercial Car Wash	Industrial Discharges
Contaminated Foundation Drains	Cooling Water Unless No Chemicals Added and Has NPDES Permit	Washwaters from Commercial/Industrial Activities
Sanitary Sewer Discharges	Septic Tank Discharges	Washing Machine Discharges
Chlorinated Backwash and Draining Associated with Swimming Pools		

3.2 Collecting Jurisdiction-Wide Information

The County will collect geographic information at three increasing levels of detail:

- First, most cursory level of information shall be collected for the entire jurisdiction.
- Second level is a more detailed screening for high priority areas within the jurisdiction.
- Third level is a very detailed investigation that shall be done upon the discovery of an illegal discharge.

The purpose of collecting jurisdiction-wide information (which must be completed by the second annual report in October 2002) is to assist with the identifying potential illegal discharge sources and characterizing illegal discharges after they are discovered. Maps will be compiled at a scale no greater than 1:24,000 to show the following:

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- Location of sanitary sewers in areas of the major stormwater collection systems and the location of areas that are not served by sanitary sewers.
- Waters that appear on the NRCS Soil Survey Map and the USGS 1:24,000 scale topographic maps.
- Land uses, Categories, at a minimum, should include undeveloped, residential, commercial, agriculture, industrial, institutional, publicly owned open space, and others.
- Currently operating and known closed municipal landfills and other treatment, storage, and disposal facilities, including hazardous materials.
- Major stormwater structural controls.
- Known NPDES permitted discharges to the stormwater collection system (this list can be obtained from DWQ).

Written descriptions will be provided for map components as follows:

- A summary table of municipal waste facilities that included the names of the facilities, the status (open/closed), the types, and addresses.
- A summary table of the NPDES permitted dischargers that includes the name of the permit holder, the address of the facility and permit number.
- A summary table of the major structural stormwater control structures that shows the type of structure, area served, party responsible for maintaining, and age of structure.
- A summary table of publicly owned open space that identifies size, location, and primary function of each open area.

3.3 Mapping and Field Screening in High Priority Areas

As part of the October 2002 annual report, Wayne County will identify a high priority area for more detailed mapping and field screening (at least 10 percent of the jurisdiction area). Each subsequent year, another high priority area of at least 10 percent size will be chosen.

" High Priority" means the areas where it is most likely to locate illegal discharges (e.g., older development). The basis of the annual selection of each high priority area will be explained.

The **first part of the screening process** for the selected area is mapping of the stormwater system, which should include:

- Locations of the outfalls of any pipes from nonindustrial areas that are greater than or equal to 36 inches.
- Locations of the outfalls of any pipes from industrial areas that are greater than or equal to 12 inches.
- Locations of drainage ditches that drain more than 50 acres of nonindustrial land.
- Locations of drainage ditches that drain more than 2 acres of industrial land.
- An accompanying summary table listing the outfalls that meet the above criteria that includes outfall ID numbers, location, primary and supplemental classification of receiving water, and use-support of receiving water.

The **second part of the process** is conducting a dry weather field screening of all outfalls that meet the criteria to detect illegal discharges. The dry weather field screening will not be conducted during or within 72 hours following a rain event of 0.1 inches or greater. In residential areas, field screening will be scheduled either before 9:00 am or after 5:00 pm (if possible), hours when citizens are most likely to be home and illegal discharges are more likely to be evident. A field screening process, such as that illustrated in Figure 3.1 will be followed.

If field screening shows that the outfall is dry, then the outfall should be checked for intermittent flow at a later date. If the field screening shows that an outfall has a dry weather flow, then a screening report for the outfall will be completed. The field screening report will contain information similar to that detailed in Table 3.3 (general information, field site description, visual observations, and any required sampling analysis). Analytical monitoring is required only if an obvious source of the dry weather flow cannot be determined through an investigation of the upstream stormwater collection system. Screening reports will be kept for five years.

Outfalls with flow will be screened again with 24 hours for the parameters included in the field screening report. Any tests for ammonia and nitrate/nitrite that are purchased will be sensitive for 0.1 to 10mg/L.

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Table 3.3 Field Screening Report Information

General Information	Sheet Number Outfall ID Number Date Time Date, Time and Quantity of Last Rainfall Event	
Field Site Description	Location Type of Outfall Dominant Watershed Land Use(s)	
Visual Observations	Photograph Odor Color Clarity Floatables	Deposits/Stains Vegetation Condition Structural Condition Biological Flow Estimation
Sampling Analysis*	Temperature pH Nitrogen-Ammonia	Nitrogen-Nitrate/Nitrite Fluoride or Chlorine

* Analytical monitoring is required only if an obvious source of the dry weather flow cannot be determined through an investigation of the upstream stormwater collection system.

Figure 3.1 Field Screening Process

Flow Found

Flow Found

* Checking for intermittent flow includes rechecking outfall at a later date as well as visual observations for evidence of intermittent flow.

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3.4 Identifying and Removing Illegal Discharges

After the field screening is complete, the County will take measures to identify and remove illegal discharges. The jurisdiction-wide information compiled as the first step in this process will be consulted for information on land uses, infrastructure, industries, potential sources, and types of pollution that exist in the drainage area of the outfall.

After potential sources have been identified, the Planning Department will be responsible for planning a systematic field investigation to minimize the amount of resources required to identify the source. Several field methods may be used, with the simplest approach recommended, if that will suffice. From simplest to more complex, the recommended approaches are:

- Site Investigation.
- Additional chemical analysis (recommended testing for fecal coliform if the ammonia concentration is found to exceed 1.0 mg/L).
- Flow monitoring (multiple site visits recommended rather than a depth indicator).
- Dye testing (fluorescent dye is recommended).
- Smoke testing.
- Television inspection.

Documentation of the results of the office and field investigations will be kept on file for five years with the screening report.

After the source of an illegal discharge is identified, enforcement action will be taken to have the source removed or redirected to the sanitary sewer. Appendix B contains the draft Stormwater Ordinance which established the authority to control illegal discharges, as well as the authority to order a source removed (or redirected) and penalties fro noncompliance. Records of compliance actions will be kept for five years with the screening report.

In addition to keeping all screening reports on file, Wayne County will maintain a map of:

- Points of identified illegal discharges.
- Watershed boundaries of the outfalls where illegal discharges have been identified.

An accompanying table that summarizes the illegal discharges that have been identified that includes location, a description of pollutant(s) identified, and removal status.

County personnel will be trained in how to conduct a through field screening, how to review the field screening results in conjunction with the jurisdiction-wide information collected previously, and how to plan an effective field investigation to identify the source of illegal discharge. The training of County personnel to undertake the process of investigating and identifying illegal discharges will be multi-phased. Training materials (pamphlets, flyers, and/or booklets) will be disseminated to all involved personnel as part of Wayne County's Public Education Action Plan (Section 5.0). It is anticipated that most (if not all) of these materials can be obtained from agencies such as DWQ and the US Environmental Protection Agency (EPA). In addition, the written training materials may be accompanied by seminars and hands-on field training. The Planning Department will be responsible for coordinating personnel training and for scheduling all illegal discharge activities.

1.3 Preventing Discharges and Establishing a Hotline

The Planning Department will contact persons who are responsible for establishments that are likely sources of illegal discharges (e.g. auto sales, rental and repair business, lawn care companies, cleaners, and certain types of contractors). A letter (a draft letter in included in Appendix D) will be mailed to all such businesses that can be identified. The mailing list will be compiled from Environmental Health's Food and Lodging inspection roll (containing establishments such as schools, motels, restaurants, food stores, day cares, swimming pools) and from the Fire Marshall's inspection list (containing a list of all development with the exception of single and duplex residential development). The letter will be mailed before the annual report is due in October 2001.

By October 2002, Wayne County will establish an illegal discharge hotline as a cost effective way to identify illegal discharges. There will be a recording advising citizens what to do if they call during nonbusiness

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hours, or in the case where and illegal discharge is perceived to be an emergency. Part of the Public Education Action Plan (discussed in Section 5.0) will be to educate citizens about what types of discharges should not go to the stormwater collection system and make them aware of the hotline.

Table 3.4 is a summary table showing the phased implementation schedule for illegal discharges.

Table 3.4 Phased Implementation Schedule for Illegal Discharge Activities

Year	Implementation Requirements	Annual Report Requirements
By March 9, 2001	• Establish legal authority to address illegal discharges.	Submit report identifying established legal authority to meet requirements.
By October 2002	• Collect jurisdiction-wide information. • Select high priority area for additional screening. • Initiate illegal discharge hotline.	• Report on completion of jurisdiction-wide information collection. • Submit map of high priority areas and reason for selection. • Report on initiation of illegal discharge hotline.
Each subsequent year after 2002	• Complete mapping and field screening for high priority area. • Select next high priority area. • Identify and remove illegal discharges as encountered. • Continue operating illegal discharge hotline.	• Submit map of stormwater collection system in high priority area upon request by DWQ. • Document illegal discharges found and resulting action. • Report on hotline usage and actions taken. • Submit map of next high priority area and reason for selection.

3.6 EPA's Phase II Stormwater Requirements

The Program Plan for Illegal Discharges outlined above for the Neuse Stormwater Rule, in conjunction with the Public Education Action Plan detailed in Section 5.0, addresses the expected requirements of EPA's Phase II Stormwater, Illicit Discharge Detection and Elimination Minimum Control Measure. It is expected that only minimal adjustments will need to be made to the Stormwater Management Program to comply with all of the requirements of EPA's Phase II Stormwater rule once NCDENR has developed the Phase II Stormwater Permit.

4. IDENTIFYING RETROFIT LOCATIONS

4.1 Annual Retrofit Actions

Wayne County will establish a program to identify places within existing developed areas that are suitable for retrofits. Based on their current census figures, Wayne County will identify a minimum of three retrofit locations. Possible sites for retrofits will be selected by the Planning Department. A feasibility study of each site will be conducted before compiling a final list of acceptable sites. This list will be submitted to the County Planning Board to set the priority for each site and to approve the final selections. The Planning Department will be responsible for preparing the retrofit information tables fro the annual report.

Retrofit opportunities will be considered acceptable if all of the following conditions have been investigated:

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- The retrofit, if implemented, clearly has the potential to reduce nitrogen loading to the receiving water.
- The watershed is clearly contributing nitrogen loading above background levels.
- The landowner where the retrofit is proposed is willing to have the retrofit installed on his property (often the most difficult aspect of implementing a retrofit).
- There is adequate space and access for the retrofit.
- It is technically practical to install a retrofit at that location.

Sites may be carried over to meet the minimum requirements for up to two subsequent years provided the BMPs/retrofits have not been implemented and the site continues to meet the criteria above on an annual basis.

4.2 Data Collection and Notification

Each retrofit opportunity that is identified will be accompanied by information to describe the location of the retrofit, the type of retrofit being proposed, the property owner, as well as basic information about the watershed and the receiving water. Table 4.1 (Table 4b from the Model Plan) or one very similar to it will be completed for each retrofit opportunity and be submitted on October 30 of each year, beginning in 2001, as part of the annual report.

DWQ will be responsible for posting the retrofit opportunities on its Web Page and also for notifying a minimum of 11 organizations of the opportunities for retrofitting within existing developed areas.

Table 4.1 Retrofit Opportunity Table

Location description, including directions from a major highway	
Type and description of retrofit opportunity	
Current property owner	
Is the property owner willing to cooperate?	
Land area available for retrofit (sq. ft.)	
Accessibility to retrofit site	
Drainage area size (acres)	
Land use in drainage area (percent of each type of land use)	
Average slope in drainage area (%)	
Environmentally sensitive areas in drainage area (steep slopes, wetlands, riparian buffers, endangered / threatened species habitat)	
Approximate annual nitrogen loading from drainage area (lbs/acre/year)*	
Potential nitrogen reduction (lbs/ac/yr)	
Estimated cost of retrofit	
Receiving water	
DWQ classification of receiving water	
Use support rating for receiving water	
Other important information	

* Suggested methodology: Use Figure 2.2 from Section 2.0 (Method2) to compute nitrogen export from the drainage area based on the amount of impervious surface, landscaped area and forested area in the watershed.

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4.3 Mapping Identified Retrofit Locations

Wayne County will prepare maps which show the locations of the retrofit opportunities (the mapping may be accomplished by using computers or with existing hard copy maps). The scale of the map will be large enough to adequately identify the following required parameters:

- Drainage area to retrofit opportunity site.
- Land uses within the drainage area.
- Location of retrofit opportunity.
- Property boundaries in the vicinity of the retrofit opportunity.
- Significant hydrography (as depicted on USGS topographic maps and NRCS Soil Survey maps).
- Roads
- Environmentally sensitive areas (steep slopes, wetlands, riparian buffers, endangered/threatened species habitat – where available).
- Publicly owned parks, recreation areas, and other open lands.

5. PUBLIC EDUCATION

5.1 Public Education Action Plan

The Neuse Stormwater Rule requires that Wayne County develop a locally administered environmental education program (a Public Education Action Plan) to address nitrogen-loading issues. The Action Plan will outline the proposed education activities for the upcoming year, and will identify target audiences and anticipated costs of the program. Wayne County will submit their annual Action Plan to DWQ for approval prior to October 1 of each year, starting October 1, 2001.

The Action Plan will consist of activities from each of the two categories listed in the Table 5.1 below. Innovative activities not included in this table may be considered on a case-by-case basis. All activities must be designed to raise awareness and educate the audience about water quality, nonpoint source pollution, and the effects of everyday activities on water quality and nutrient loading. At least one of these activities will be directed at educating the citizens about what types of discharges should not go to the stormwater collection system and to making them aware of the illegal discharge hotline. In addition to Category 1 and 2 activities, this Action Plan will include two technical workshops in the first year and a toll free hotline for reporting illegal discharges.

Table 5.1 Public Education Action Plan Category 1 and 2 Activities.

Category 1	Category 2
Demonstration Sites (for BMPs)	Fact Sheets
"Adopt-a-Program"	Environmental Freebies
Quarterly local newspaper articles	Fertilizer Tags
Storm drain marking	Flyers
Recognition Program (recognize environment friendly participants)	Postmarks
Web page	Utility bill inserts
Local Cable TV program	Close-out Packages (new homeowners)
Toll free hotline for reporting environmental programs	Speak to civic organizations quarterly
Environmental field day	
Technical Workshop (only applicable after 1st year	
Environmental Contest	

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As discussed in Section 2.2.1, information sources will be provided to property owners and developers explaining the benefit to them of incorporating site planning practices into their new development plans from the onset. Information sources may also be provided on the various BMPs available for nitrogen reduction as well as information on new BMP techniques or improvements in established BMP techniques.

For the training of County personnel to identify and remove illegal discharges (Section 3.4), training materials such as pamphlets, flyers, and/or booklets will be disseminated to all involved personnel. It is anticipated that most (if not all) of these materials can be obtained from agencies such as DWQ and the US EPA. In addition, the written training materials may be accompanied by seminars and hands-on field training.

5.1.1 Planned Activities

Wayne County (with a population of less than 60,000 under their jurisdiction) will include two Category 1 activities and two Category 2 activities in their annual Action Plan. The combination of activities selected by the County will be chosen as to provide a general awareness of nitrogen loading issues and address a diverse audience.

Wayne County has already anticipated that a creative approach may be needed to effectively reach the majority of the County's residents. For example, the only mass mailing made to Wayne County residents is their annual tax bill. Even if it weren't mailed on a post card (making insertion of flyer impossible), trying to educate someone and solicit their support for a program which they are being presented with their tax bill is probably not the most useful approach to take. However, almost everyone purchases electricity, making the electric bill a very effective and efficient way of distributing an informational flyer.

The ultimate goal of the public education program is to utilize major media advertising (television, radio, and newspaper) to reach a broad audience (but may be cost prohibitive). Should Wayne County use effective major media advertising, either independently or through cooperative effort, then Wayne County will be exempt from the minimum Category 1 and 2 requirements.

5.1.2 Technical Workshops

During the first year of program implementation, two technical workshops will be conducted. One shall be designed to educate local government officials and staff, and the other for the development community (including engineers, developers, architects, contractors, surveyors, planners and realtors). In subsequent years, workshops are considered an option under Category 2 activities, and will be considered for inclusion in the annual Education Action Plan.

5.2 Incorporating Existing Resources and Programs

Community teaming is encouraged in the Stormwater Rule, Wayne County will make every effort to research and incorporate existing resources and stormwater education programs. Although Wayne County's unique Action Plan will fulfill all public education requirements form the onset, the County recognizes that utilizing existing resources will not only result in a more consistent education effort for communities of all sizes, but will make the most efficient use of available resources and will reduce duplication of efforts.

Teaming possibilities with the City of Goldsboro will continually be explored, particularly in regards to the following Public Education activities:

- ***Major Media Advertising:*** If the County and City could implement effective major media advertising (radio, television, newspaper), they will become exempt from minimum Category 1 and 2 activities.
- ***Category 1 and 2 activities:*** If the effective major media advertising is not employed, it may prove easiest and most cost effective to conduct planned activities together.
- ***Workshops:*** The two technical workshops that must be conducted during the first year (one to educate local government officials and staff, and the other for the development community) could be sponsored jointly, thereby reducing costs and duplication of efforts.

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5.3 EPA's Phase II Stormwater Requirements

EPA's Phase II Stormwater Rule contains minimum control measures for public education and outreach and public participation/involvement. For Phase II, educational materials and strategies should be tailored to activities relevant to local situations and issues, while reaching a variety of audiences and communities including ethnic, minority, and low-income communities; academia and educational institutions; neighborhood and community groups; children; outdoor recreation groups; and business and industry. Wayne County's Public Education Action Plan for the Neuse Stormwater Rule will serve as an excellent foundation for the County's Phase II efforts and will be easily expanded and/or tailored as required.

6. EVALUATION AND REPORTING

Annual Neuse River Basin Stormwater Management Program reports must be submitted to DWQ by October 30 of each year beginning in 2001. All reports must contain the following information:

A. New Development Review/Approval

The following information will be submitted as part of the annual reporting requirement:

- Acres of new development and impervious surface based on plan approvals.
- Acres of new development and impervious surface based on Certificates of Occupancy.
- Summary of BMP's implemented and use of offset fees.
- Computed baseline and net change in nitrogen export from new development that year (see Table 6.1 for specific reporting requirements).
- Summary of maintenance activities conducted on BMP's.
- Summary of any BMP failures and how they were handled.
- Summary of results from jurisdictional review of planning issues.

Table 6.1 Specific Annual Nitrogen Loading Reporting Requirements*

1. The predevelopment nitrogen load from all land development during the past year. This can be determined by: • Taking total acres of cropland developed multiplied by 13.6 lbs/ac/yr and adding • Total acres of pasture developed multiplied by 4.4 lbs/ac/yr for pasture, and adding • Total acres of forested land developed multiplied by 1.7 lbs/ac/yr, and adding • Total acres of residential land redeveloped multiplied by 7.5 lbs/ac/yr, and adding • Total acres of commercial and industrial lands redeveloped multiplied by 13.0 lbs/ac/yr.
2.The post development nitrogen load from all land developed during the past year without structural BMP's.
3. The post development nitrogen load from all land developed during the past year with structural BMPs. Unfortunately, it will be very difficult to document the improvements in nitrogen loading due to implementation of nonstructural BMPs. However, jurisdictions are more than welcome to attempt this if they wish.
4. Pounds of nitrogen bought by developers making offset payments to the Wetlands Restoration Program.
5. The net change in nitrogen loading for the year. This would be (Item 3 – Item 1) – Item 4. A positive number would denote an increase; a negative number would denote a decrease.
6. The reduction in nitrogen loading due to structural BMPs and Wetland Restoration Program payments. This would be (Item 2 – Item 3) + Item 4. This should be a positive number that represents the pounds of nitrogen removed that year as a result of implementing the Neuse Stormwater Rule.

*This list of items that should be accounted for was agreed upon by the Neuse Stormwater Team during their June 1, 2000 meeting.

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B. Illegal Discharges

The annual reporting requirements for illegal discharges are detailed in Table 6.2.

Table 6.2 Annual Illegal Discharge Reporting Requirements

Year	Annual Report Requirements
By March 9, 2001	• Submit report identifying established legal authority to meet requirements
By October 2002	• Report on completion of jurisdiction-wide information collection. • Submit map of high priority areas and reason for selection. • Report on initiation of illegal discharge hotline.
Each subsequent year after 2002	• Submit map of stormwater collection system in high priority area upon request by DWQ. • Document illegal discharges found and resulting action. • Report on hotline usage and actions taken. • Submit map of next high priority area and reason for selection.

C. Retrofit Locations

- Data on each retrofit opportunity (Table 4.1 or equivalent),
- Maps of potential retrofit sites as specified in Section 4.3, and
- The status of any retrofit efforts that have been undertaken within the jurisdiction.

D. Public Education

The report must summarize the next years Action Plan and evaluate the implementation of the previous years Action Plan (if applicable). The report should include goals, activities completed, realized education program costs, explanation of experienced shortfalls, and a plan as to how the locality will address shortfalls.

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APPENDIX A
Site Review Fee Schedule

Wayne County
Site Review Fee Structure for New Development Review Process

The Wayne County Board of Commissioners establishes the following schedule of fees to partially defray the costs of reviewing new development projects for compliance with Neuse Stormwater Rule requirements as detailed in the *Wayne County Stormwater Management Plan for Nitrogen Reduction in the Neuse River Basin.* Fees payable at the time of submission of the development plans; a Building Permit/Development Permit will not be issued until payment has been made. Should a development plan change prior to issuance of the Certificate of Occupancy such that nitrogen export and peak flow calculations must be recalculated and the need for BMPs and/or offset fees redetermined, the site review fee will be reassessed to the developer for the additional review.

Site Review Fees*	
Subdivisions & Commercial	$200.00 plus $50.00 per acre
One lot residential	$50.00
BMP annual inspection	$50.00 plus $5.00 per BMP

* Adopted by Wayne County Board of Commissioners as part of 2002 – 2003 Operational Budget.

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APPENDIX B
Stormwater Management Ordinance

ARTICLE 100: Legal Authority to Control Illegal Discharges, Stormwater Management for New Development, and Long-Term Maintenance Plan for Structural Best Management Practices (BMPs) (stormwater control facilities).

Section 101. Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter (T15A), Article (02B), Section (.0235), entitled *Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements* [hereafter referred to as the Neuse Stormwater Rule], designated specific local governments (including Wayne County) for stormwater management requirements as part of the Neuse River Nutrient Sensitive Waters stormwater management strategy. The *Neuse River Basin: Model Stormwater Program for Nitrogen Control,* dated August 30, 1999, requires the following:

(A) Local governments are required to establish the legal authority to control illegal discharges. By March 2001, each local government is required to show that it has established the legal authority to do the following: (1) Control the contribution of pollutants to the stormwater collection system associated with industrial activity. (2) Prohibit illegal discharges to the stormwater collection system. (3) Prohibit discharge of spills and disposal of materials other than stormwater to the stormwater collection system. (4) Determine compliance and non-compliance. (5) Require compliance and undertake enforcement measures in cases of non-compliance.

(B) All new development projects (as defined in Section 102 and detailed in Article 300) are required to: (1) Meet the goal of a 30 percent reduction in nitrogen loading, (2) Result in no net increase in peak flow leaving a new development site from the predevelopment conditions for the 1-year, 24-hour storm, and (3) Protect riparian areas in accordance with the Riparian Buffer Rule (15A NCAC 2B .0233).

(C) If structural Best Management Practices (BMPs) are implemented to achieve the nitrogen loading and/or flow attenuation requirements for a development, then the local governments must require a maintenance plan for the BMPs (as detailed in Article 400). The county must inspect each BMP on an annual basis.

The Governing Board of Wayne County does hereby ordain and enact into law the following articles as the Stormwater Management Ordinance of Wayne County.

Section 102. Jurisdiction.

(A) The jurisdiction of this Ordinance shall apply to all unincorporated areas in Wayne County (including the southeastern corner of the County, which lies in the Cape Fear Basin) and any local_government in which the County provides building inspection services with the follow exclusions: Federal, State, and local governments, including their agencies, unless intergovernmental agreements have been established giving the County enforcement authority. (B) The Stormwater Management for New Development and Long-Term Maintenance of BMPs provisions apply only to development which falls under either of the Neuse Stormwater Rule's definitions for "New Development" (see Sections 105 and 301).

Section 103. Exception to Applicability. *(A and B are from the Watershed Protection Ordinance)*

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulations pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Wayne County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the county at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

Section 104. Severability. *(From the Watershed Protection Ordinance)*

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 105. Definitions.

As used in this Ordinance, unless the context clearly indicates otherwise, the following definitions apply:

Illicit connection. Any connection which allows the unlawful discharge of non-stormwater to the stormwater conveyance system or waters of the State in violation of this Ordinance.

Illicit discharge. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the waters of the State, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the State.

New Development. Any activity that disturbs greater than one acre of land in order to establish, expand, or modify a single family or duplex residential development or a recreational facility. [Land disturbance is defined as grubbing, stump removal, and/or grading.] Any activity that disturbs greater than one-half an acre of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial, or institutional facility.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution. Man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

Stormwater. Any flow resulting from, and occurring during or following, any form of natural precipitation.

Stormwater conveyance or stormwater conveyance system. Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made and natural channels, pipes, culverts, and storm drains, and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

Structural Best Management Practice (BMP). Any structure utilized for reducing nitrogen or peak flow rates from new developments. This may include but is not limited to wet detention ponds, constructed wetlands, open channel practices, riparian buffers, bioretention, vegetated filter strips with level spreader, sand filters, and proprietary BMPs.

Waters of the State. Surface waters within or flowing through the boundaries of the State including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United States Department of the Interior Geological Survey 7.5 minute series topographic maps. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the State and which are not the result of impoundment of waters of the State, are not waters of the State.

ARTICLE 200: Legal Authority to Control Illegal Discharges.

Section 201. Purpose.

(A) This article is adopted for the purposes of:

(1) Protecting the public health, safety and welfare by controlling the discharge of pollutants into the stormwater conveyance system (stormwater ditches);

(2) Promoting activities directed toward the maintenance and improvement of surface and ground water quality;

(3) Satisfying the requirements imposed upon the County by the Neuse Stormwater Rule; and

(4) Establishing administration and enforcement procedures through which these purposes can be fulfilled.

(B) The provisions of this article are supplemental to regulations administered by Federal and State governments.

Section 202. Objectives.

The objectives of this article are to:

(A) Regulate the discharge of substances, which may contaminate or cause pollution of stormwater, stormwater conveyances, or waters of the State; (B) Regulate connections to the stormwater conveyance system; (C) Provide for the proper handling of spills; and (D) Provide for the enforcement of same.

Section 203. Non-Stormwater Discharge Controls.

(A) Illicit discharges.

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the State), any fluid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

(1) Filter backwash and draining associated with swimming pools;
(2) Filter backwash and draining associated with raw water intake screening and filtering devices;
(3) Condensate from residential or commercial air conditioning;
(4) Residential vehicle washing;
(5) Flushing and hydrostatic testing water associated with utility distribution systems;
(6) Discharges associated with emergency removal and treatment activities, for hazardous materials, authorized by the federal, state, or local government on-scene coordinator;
(7) Uncontaminated ground water [including the collection or pumping of springs, wells, or rising ground water and ground water generated by well construction or other construction activities];
(8) Collected infiltrated stormwater from foundation or footing drains;
(9) Collected ground water and infiltrated stormwater from basement or crawlspace pumps;
(10) Irrigation water;
(11) Street wash water;
(12) Flows from fire fighting;
(13) Discharges from the pumping or draining of natural watercourses or waterbodies;
(14) Flushing and cleaning of stormwater conveyances with unmodified potable water;
(15) Wash water from the cleaning of the exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and
(16) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by DENR.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal and human waste, paints, garbage, litter, and other pollutants.

(B) Illicit connections.

(1) Connections to a stormwater conveyance or stormwater conveyance system which allow the discharge of non-stormwater, other than the exclusions described in section (a) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water discharges from washing machines or sanitary sewers, wash water discharges from commercial vehicle washing or steam cleaning, and waste water discharges from septic systems.
(2) Where such connections exist in violation of Section 204, that were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using the connection is allowed one (1) year to remove the connection following application of this regulation; provided that, this grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
(3) Where it is determined that said connection:
    (a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
    (b) Was made in violation of any applicable regulation or ordinance, the County Planning Director or his designee shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the County shall take into consideration: the quantity and complexity of the work,the consequences of delay, the potential harm to the environment, to the public health, and to public and private property, and the cost of remedying the damage.

(C) Spills.

Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to the stormwater conveyance system, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition.

Persons associated with the spill or leak shall immediately notify the County Emergency Management Office of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the clean-up, restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

Section 204. Inspections.

The County Building Inspector, and/or Environmental Health Supervisor (or other authorized agent of the County) has full power and authority to enter upon a premise for the purpose of investigating an illegal discharge(s). Should the owner or occupant of any property refuse to permit such reasonable access, the County Planning Director or his designee may obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

No person shall obstruct, hamper or interfere with any such representative while carrying out his official duties.

Section 205. Civil Penalties.

(A) Illicit discharges.

Any person who allows or assists in a violation of this Ordinance shall be subject to civil penalties as follows:

(1) For first time offenders, if the discharge consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a civil penalty not to exceed one hundred dollars ($100.00) per violation or per day for any continuing violation. If the discharge contains non-domestic substances, including but not limited to process waste water, or if said person cannot provide clear and convincing evidence of the volume and nature of the substance discharged, said person shall be assessed a civil penalty not to exceed one thousand dollars ($1,000.00) per violation or per day for any continuing violation.

(2) For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed ten thousand dollars ($10,000.00) per violation or per day for any continuing violation.

(B) Illicit connections.

Any person found with an illicit connection in violation of this ordinance and any other person who assists in the establishment of an illicit connection in violation of this ordinance, shall be subject to civil penalties as follows:

(1) First time offenders shall be subject to a civil penalty not to exceed five hundred dollars ($500.00) per day of continuing violation.

(2) Repeat violators shall be subject to a civil penalty not to exceed one thousand dollars ($1,000.00) per day of continuing violation.

(C) Other violations.

Any person found in violation of other provisions of this ordinance, not specifically enumerated elsewhere, shall be subject to a civil penalty not to exceed one hundred dollars ($100.00) per violation or per day for any continuing violation.

(D) Payment/collection procedures.

Penalties shall be assessed by the County Planning Director or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested, or personal service (such as express mail service or courier). Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The County Planning Director or his designee shall make written demand for payment upon the person in violation. If the payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the County Attorney for institution of a civil action in the name of the County, in the appropriate division of the general court of justice in Wayne County for recovering the penalty.

Section 206. Injunctive relief.

(A) Wayne County may petition the General Court of Justice in Wayne County seeking injunctive relief, or other relief as deemed appropriate, to require compliance with this Ordinance. Cost of such action shall be assessed against the individual who is failing to comply with this Ordinance.

(B) The institution of an action for injunctive relief under Section 207 shall not relieve any party to such proceeding from any further civil or criminal penalty prescribed for violations of this Code.

Section 207. Criminal penalties.

Any person who knowingly or willfully violates any provision of this ordinance, rule, regulation, order duly adopted or issued pursuant to this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500.00). Each violation shall be a separate offense.

ARTICLE 300: Stormwater Management for New Development.

Section 301. Nutrient Reduction Requirements.

(A) New Development/Land Disturbance. Any person, corporation, or other entity who proposes to engage in new development or land disturbing activity as defined in this section shall obtain a Development Permit from the Wayne County Planning Department. Each Development Permit issued shall become invalid if the work authorized by it has not been commenced within six (6) months of the date of issuance, or if the work authorized by it is suspended or abandoned for a period of one (1) year (unless the Planning Board determines that the delay was beyond the control of the person, corporation, or other entity).

As defined in Section 105, new development or land disturbance is:

(1) Any grubbing, stump removal and/or grading activity that disturbs greater than one acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.

(2) Any grubbing, stump removal and/or grading activity that disturbs greater than one-half acre of land in order to establish, expand or modify a multifamily residential development or a commercial, industrial or institutional facility.

(B) **Exemptions.** Agriculture, mining or forestry activities are not subject to the new development requirements of this chapter.

(C) **Vested Rights.** Property owners that can demonstrate that they have vested rights as of the effective date of this ordinance will not be subject to the requirements for new development. Vested rights may be based on at least one of the following:

(1) Substantial expenditures of resources as determined by the County Planning Board (time, labor, and money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(2) Having an outstanding valid building permit in compliance with G.S. 153A-344.1 or G.S. 160A-385.1, or

(3) Having an approved site specific or phased development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

Projects that require state permits, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be considered to have vested rights if a state permit was issued prior to the effective date of this ordinance.

(D) **Calculation of Nitrogen Export.** The nitrogen export from each development must be calculated. This export will be calculated in pounds per acre per year (lb/ac/yr). The following methodologies will be used for calculating nitrogen export from new development (refer to the *Wayne County Stormwater Management Program for Nitrogen Control in The Neuse River Basin* for calculating nitrogen export loading):

(1) Method 1 is intended for residential developments where lots are shown, but the actual footprints of buildings are not shown on the plans.

(2) Method 2 is for residential, commercial, and industrial developments when the entire footprint of the roads, parking lots, buildings, and any other built-upon area is shown on the site plans.

(3) For nonresidential subdivisions where the impervious surfaces are not shown on the plans at the time of submittal, the developer or builder will specify areas of impervious surface, undisturbed open space, and managed open space in their Development Permit application, assuming the maximum impervious surfaces and minimum open space for the project design. The developer or builder will then use Method 2 for their calculation.

(4) For redevelopment projects, Method 2 must be used to estimate the nitrogen loading from the site before and after the redevelopment project takes place. As long as the redevelopment project does not increase the nitrogen loading from the site, the developer shall be exempt from the program requirements for nitrogen control on new development.

(E) **Nitrogen Export Standards.** All new development will be limited to a nitrogen export of 3.6 pounds per acre per year (lbs/ac/yr). Property owners will have the option to partially offset projected nitrogen loads by funding wetland or riparian area restoration through the NC Wetlands Restoration Program. As established by Rule 15A NCAC 2B .0240, the rate shall be $11/lb/yr, at an amount sufficient to fund 30 years of nitrogen reduction. The result is a one-time offset payment of $330/lb/ac, which must be paid prior to approval of the development plan. However, no new residential development will be permitted to exceed a total nitrogen-loading rate of 6.0 lbs/ac/yr, and no new nonresidential development will be permitted to exceed 10.0 lbs/ac/yr. If the development contributes greater than 3.6 pounds per acre per year of nitrogen, then the table below summarizes the options available depending upon whether the development is residential or non-residential. Any changes to the nitrogen export standards approved by the Environmental Management Commission will be adopted by reference.

Nitrogen Export Reduction Options

Residential	Commercial/Industrial
If the computed export is less than 6.0 lbs/ac/yr then the owner may either: Install BMPs to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr. Pay a one-time offset payment of $330/lb/ac/yr to bring the nitrogen down to the 3.6 lbs/ac/yr. Do a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export.	If the computed export is less than 10.0 lbs/ac/yr, then the owner may either: Install BMPs to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr. Pay a one-time offset payment of $330/lb to bring the nitrogen down to the 3.6 lbs/ac/yr. Do a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export.
If the computed export is greater than 6.0 lbs/ac/yr, the owner must use on-site BMPs to bring the development's export down to 6.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 6.0 and 3.6 lbs/ac/yr.	If the computed export is greater than 10.0 lbs/ac/yr, the owner must use on-site BMPs to bring the development's export down to 10.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 10 and 3.6 lbs/ac/yr.

If an offset payment is being made to the Wetlands Restoration Program, the owner must provide the County with evidence that DWQ has received payment prior to the County's issuance of a Development Permit.

Section 302. Peak Runoff Control.

There shall be no net increase in peak stormwater runoff flow leaving a new development site from the predevelopment conditions for the 1-year, 24-hour storm as determined by calculating the pre- and post-development runoff in accordance with the *Wayne County Stormwater Management Program for Nitrogen Control in The Neuse River Basin.*

The Rational Method is the most common method for computing the peak rate of runoff from small drainage basins (up to 150 acres). It will be used to determine the peak flow from both the pre-development (performed prior to issuance of the Development Permit) and post-development (performed prior to issuance of the Certificate of Occupancy) conditions. If peak runoff needs to be calculated for a larger drainage area (more than 150 acres), the Peak Discharge Method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55) will be employed for computing the pre- and post-development conditions.

Section 303. Protecting Riparian Buffers.

(A) **Establishment of Buffer.** Riparian areas must be protected on new developments in accordance with the Riparian Buffer Rule (15A NCAC 2B .0233). The rule requires for protecting and maintaining the 50-foot riparian buffers on all sides of intermittent and perennial streams, ponds, lakes, and estuaries in the Neuse River Basin. These waters must be shown on the most recent version of either a Natural Resources Conservation Service (NRCS) Soil Survey county map or a 1:24,000 scale (7.5-minute quadrangle) topographic map prepared by the US Geological Survey (USGS).

Wayne County will refrain from issuing local approvals for any new development activity that is proposed to take place within the first 50 feet adjacent to an affected water body, unless:

(1) The person requesting the approval does not proposed to impact the riparian buffer of a surface water indicated on the NRCS or USGS maps listed above, or

(2) The property owner had received approval by DWQ. DWQ approval could be:

(a) An on-site determination from DWQ that surface waters are not present,

(b) An Authorization Certificate for a use designated as allowable,

(c) An Authorization Certificate and approval on a mitigation plan for a use designated as Allowable with Mitigation, or

(d) A variance.

(B) **Description of Buffers on Development Plans.** Riparian areas to be protected will be recorded on new or modified plats. If the plat shows an encroachment into a riparian buffer, the appropriate DWQ approval must accompany the preliminary and final plat submission.

Section 304. Allowable Best Management Practices.

The following best management practices may be utilized for nitrogen reduction:
Wet detention ponds, Constructed wetlands, Open channel practices, Riparian buffers, Bioretention, Vegetated filter strips with level spreader, Sand filters, Proprietary BMPs

The total nitrogen (TN) BMP removal rates to be used in calculating nitrogen reductions are provided in the table below. Any state-approved modifications or additions to the list of BMPs available for nitrogen reduction and/or determinations of TN removal rates are adopted by reference.

BMP Types, TN Removal Rates and Design Standards

BMP Types	TN Removal Rate based on Current Literature Studies	Design Standards
Wet detention ponds	25%	NC and MD Design Manuals
Constructed wetlands	40%	NC and MD Design Manuals
Open channel practices	30%	NC and MD Design Manuals
Riparian buffers	30%	Neuse Riparian Buffer Rule (15A NCAC2B.0233)
Bioretention	25%	NC and MD Design Manuals
Vegetated filter strips with level spreader	20%	NC and MD Design Manuals and other literature information
Sand Filters	35%	NC and MD Design Manuals
Proprietary BMPs	Varies	Per manufacturer subject to DWQ approval

If more than one BMP is installed in series on a development, then the removal rate shall be determined through serial rather than additive calculations. For example, if a wet detention pond discharges through a riparian buffer, then the removal rate shall be estimated to be 47.5 percent. The pond removes 25 percent of the nitrogen and discharges 75 percent into the buffer. The buffer then removes 30 percent of the nitrogen discharged from the pond, which is 22.5 percent. The sum of 25 and 22.5 is 47.5. The removal rate is not 25 percent plus 30 percent.

Section 305. Maintenance of Best Management Practices.

All best management practices that are implemented to achieve nitrogen reduction and flow attenuation will require a maintenance plan. Article 400 details the provisions for the Long-Term Maintenance Plan for Structural Best Management Practices (BMPs).

Section 306. Development Permit and Development Permit Review Fees.

(A) As of the effective date of the adoption of this ordinance, any builder applying for a Development Permit must submit his calculations for nitrogen loading and peak runoff with both the preliminary and final plats. Application for a Development Permit constitutes a certification by the developer or builder that all provisions of this ordinance have been fully met and that the calculations for nitrogen loading and peak runoff, as shown on the preliminary and final plats, are correct. Any BMP requiring engineering design will have the engineer's seal and signature affixed to the design drawing, and the engineer's seal will attest that the design for the BMP was completed in accordance with good engineering practices.

(B) The County Planning Board may set a fee structure for the cost of reviewing all Development Permit applications for compliance with this ordinance, and the fee schedule will be as shown in the *Wayne County Stormwater Management Program for Nitrogen Control in the Neuse River Basin.*

(C) No person, corporation, or other entity shall develop or disturb land except pursuant to an approved Development Permit and this ordinance. Failure to comply with the provisions of this ordinance and the

Development Permit will constitute a violation of this ordinance and will be subject to the provisions of Section 307. Each day the violation exists shall be considered a separate and distinct offense.

Section 307. Enforcement.

(A) Criminal Penalties. Any person who is found in violation of any provision of this ordinance, rule, regulation, order duly adopted or issued pursuant to this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500.00). Each violation shall be a separate offense.

(B) Order to Correct Violation. Upon a determination that such a violation exists, the Building Inspector or his designee shall notify, in writing, the owner of the premises and shall order the prompt correction thereof. The owner will be allowed 180 days from the receipt of such written notice to comply with the provisions of this article.

(C) Failure to Correct Violation; Correction by County. If any person, having been ordered to correct a known violation of this article, fails, neglects, or refuses to correct the condition(s) within 180 days from receipt of the order, the Planning Director shall have employees of the County or other designated persons go upon said premises and perform the necessary work to bring the development into compliance with the provisions of this article.

(D) Cost of Correction. The actual cost incurred by the County to bring the development into compliance with the provisions of this article shall be charged to the owner of the development. They will be mailed a statement of charges with instructions that such charges are due and payable within 30 days from the receipt thereof.

(E) Failure to Pay Charges; Lien Created. In the event charges for the correction of the violation are not paid within 30 days after the receipt of a statement of charges as provided in 307 (D) above, such charges shall become a lien upon the land or premises where the violation existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193. In the event the person or persons found in violation of this ordinance have divested themselves of the land or premise where the violation existed, the County may pursue the responsible person or persons for payment of the charges through other legal means.

(F) **Procedure Deemed Additional to Other Remedies**. The procedure set forth in this subchapter shall be in addition to any other remedies that may now or hereafter exist under law for the correction of such violations as outlined in this article and this subchapter shall not prevent the County from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in G.S. § 14-4.

ARTICLE 400: Long-Term Maintenance Plan for Structural Best Management Practices (BMPs).

Section 401. Long-Term BMP Maintenance Requirements.

Structural BMPs may be required to comply with the nitrogen reduction and peak flow provisions of the Neuse Stormwater Rule. BMPs should be constructed on the same lot as the new development, with the property owner assuming responsible for the long-term maintenance. In the event that a BMP is severed from the original site it was designed for (such as by the division of the original site, sale of a portion of the original site, or construction of a road through the site), a substitute BMP must be constructed to fulfill the nitrogen and/or peak flow reduction capabilities of the original BMP.

The subdivider shall form a homeowners association or some similar type organization to provide for the continuing maintenance of any structural BMPs, which must be installed to insure that any storm water system properly operates. The organization so formed shall be required to maintain said BMP and shall have the means by which to maintain said system. The restrictive covenants in the subdivision must make reference to the requirement stated herein.

Wayne County will notify the owner upon finding that a BMP is operating improperly and in need of maintenance. If the owner does not complete the maintenance himself in a timely manner, then the County will contract out the maintenance itself and recover costs in the manner it determines most appropriate.

Section 402. Inspections.

(A) The Building Inspector (or other authorized agent of the County) has full power and authority to enter upon a premise housing a BMP for the purpose of inspecting the BMP on an annual basis. The Board of Commissioners has established an annual inspection fee of $100 per site to fund this additional inspection program.

(B) In addition, the Building Inspector may enter the site as necessary to document improperly operating BMPs, follow up on scheduled maintenance activities, or to conduct maintenance themselves.

Section 403. Order to Perform Maintenance.

The Building Inspector will notify the owner of the premises where the BMP is located, in writing that maintenance is required. The owner will have 90 days from the receipt of such written notice to bring the BMP into proper working order.

Section 404. Failure to Perform Maintenance; Maintenance by County.

If any person, having been ordered to perform such maintenance, fails, neglects, or refuses to perform such maintenance with 90 days from receipt of the order, the Planning Director shall have employees of the County or other designated persons go upon said premises and perform the necessary maintenance.

Section 405. Cost of Abatement.

The actual cost incurred by the County in performing the necessary BMP maintenance shall be charged to the owner of the land containing the BMP. They will be mailed a statement of charges with instructions that such charges are due and payable within 30 days from the receipt thereof.

Section 406. Failure to Pay Charges; Lien Created.

In the event charges for the maintenance of an improperly operating BMP are not paid within 30 days after the receipt of a statement of charges as provided in Section 305, such charges shall become a lien upon the land or premises where the improperly operating BMP existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

Section 407. Procedure Deemed Additional to Other Remedies.

The procedure set forth in this subchapter shall be in addition to any other remedies that may now or hereafter exist under law for the maintenance of structural BMPs and this subchapter shall not prevent the County from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in G.S. § 14-4.

This ordinance adopted the 20th day of March 2001 by the Wayne County Board of Commissioners, shall take effect and be in force from and the date of adoption.

AtlasPrice
Chairman
Wayne County Board of Commissioners

Marcia Wilson
Clerk
Wayne County Board of Commissioners

TO THE PUBLISHER OF THE NEWS-ARGUS:

Please publish the following once in the News-Argus on or prior to Friday, March 24, 2023:

NOTICE OF PUBLIC HEARING

The Board of Commissioners for the County of Wayne, North Carolina (the "County") has determined to consider whether to enter into an installment financing agreement (the "Agreement"), pursuant to Section 160A-20 of the General Statutes of North Carolina obligating the County to make installment payments thereunder in a principal amount not to exceed $40,000,000, plus interest thereon. The Agreement is for the purpose of providing funds, together with any other available funds, to pay the costs of acquiring, constructing and equipping a new combined Department of Social Services and Health Department Building for the County (the "Project"). To secure its obligations under the Agreement, the County will grant a lien on all or a portion of the Project, together with any improvements or fixtures located or to be located thereon.

Section 160A-20(g) of the General Statutes of North Carolina requires that the County hold a public hearing prior to entering into the Agreement. If the Board of Commissioners for the County so determines, an application will be submitted to the Local Government Commission of North Carolina for approval of the Agreement.

Please take notice that the Board of Commissioners for the County will conduct a public hearing in the Commissioners' Meeting Room in the Wayne County Courthouse Annex located at 224 East Walnut Street in Goldsboro, North Carolina at 9:15 a.m. on April 4, 2023 at which time any person may be heard regarding the proposed Agreement.

Any person wishing to comment in writing regarding the proposed Agreement should do so prior to April 4, 2023 to the County of Wayne, North Carolina, 224 East Walnut Street, Goldsboro, North Carolina 27530, Attention: Carol Bowden, Clerk to the Board of Commissioners.

Carol Bowden
Clerk to the Board of Commissioners
County of Wayne, North Carolina

The Board of Commissioners for the County of Wayne, North Carolina met in a regular meeting in the Commissioners' Meeting Room in the Wayne County Courthouse Annex located at 224 East Walnut Street in Goldsboro, North Carolina, the regular place of meeting, at 9:00 a.m. on March 21, 2023.

Present: ~~Chair Barbara Aycock~~ Vice-Chairman Chris Gurley, presiding, and Commissioners G. Wayne Aycock, Jr. Joe C. Daughtery, Bevan Foster, Freeman Hardison, Jr., & Antonio Williams

Absent: Commissioners Barbara Aycock

Also present: Staff and members of the public

* * * * * *

Freeman Hardison, Jr. introduced the following resolution the title of which was read and a copy of which had been distributed to each Commissioner:

RESOLUTION CALLING A PUBLIC HEARING IN CONNECTION WITH A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A NEW COMBINED DEPARTMENT OF SOCIAL SERVICES AND HEALTH DEPARTMENT BUILDING FOR THE COUNTY OF WAYNE, NORTH CAROLINA

WHEREAS, the County of Wayne, North Carolina (the "County") is considering entering into an installment financing agreement (the "Agreement") pursuant to Section 160A-20 of the General Statutes of North Carolina in the principal amount not to exceed $40,000,000 for the purpose of providing funds, together with any other available funds, to pay the costs of acquiring, constructing and equipping a new combined Department of Social Services and Health Department Building for the County; and

WHEREAS, in accordance with G.S. 160A-20(g), the County is required to hold a public hearing prior to entering into the Agreement;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners for the County hereby fixes 9:15 a.m. on April 4, 2023, in the Commissioners' Meeting Room in the Wayne County Courthouse Annex located at 224 East Walnut Street in Goldsboro, North Carolina, as the hour, day and place for the public hearing on the Agreement and hereby directs the Clerk to the Board of Commissioners to publish notice of such public hearing once in the News-Argus not later than the 10th day before said date.

Upon motion of Commissioner Freeman Hardison, Jr. the foregoing resolution was adopted by the following vote:

Ayes: C. Gurley, G.W. Aycock, Jr., B. Foster, J. Daughtery, F. Hardison, Jr., & A. Williams.

Noes: None

* * * * * *

I, Carol Bowden, Clerk to the Board of Commissioners for the County of Wayne, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting held on March 21, 2023, as relates in any way to the calling for a public hearing on a proposed installment financing agreement to finance a new combined Department of Social Services and Health Department Building for said County.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 21st day of March, 2023.

Carol Bowden
Clerk to the Board of Commissioners

[SEAL]

NC Department of Adult Correction
PROTECTION • INNOVATION
REHABILITATION

Roy Cooper, Governor
Todd Ishee, Secretary

Douglas Holbrook, Chief Deputy Secretary
Dr. Anthony Vann, Chief Financial Officer
Joanne B. Rowland, Director

February 21, 2023

Chip Crumpler
Wayne County Manager
224 E. Walnut Street
PO Box 227
Goldsboro, NC 27530

SUBJECT: Wayne County – Lease Agreement +/- 3,900 Net sf of Office Space Located at 209 S. William Street; Goldsboro, North Carolina

Dear County Manager Crumpler,

Wellbeing to you, the staff and citizens of Wayne County! This letter is referencing subject above for a new lease request effective April 1, 2023, expiring March 31, 2026.

With retrospect to §Statute 15-209 and in effort to initiate this request, please review the "no cost" lease document attached. Pending your approval, print two (2) originals, sign/notarize and return both originals attention to me at the MSC listed below. The lease will then be executed by the Department of Adult Correction (DAC) Purchasing and Logistics Office in which one (1) fully executed original will be returned to you for your records. ***Special note: please leave the "date" on the first page blank as this will be completed by the DAC Purchasing and Logistics Office upon a full execution.*** Should you have any questions or concerns, please contact us at 919/324.6467. Thank you in advance for your timeliness and assistance regarding this matter. "…establish for us. the work of our hands—yes, establish the work of our hands!"

Respectfully,

Nichole Renee Foxworthy
Administrative Specialist, II
p) 919/324.6275 f) 919/733.5188
nichole.foxworthy@dac.nc.gov

nrf

Enclosed: Lease Agreement

MAILING ADDRESS:
5227 MSC
Raleigh, NC 27609

OFFICE LOCATION:
3512 Bush Street
Raleigh, NC 27609-5227

An Equal Opportunity Employer

FROM THE OFFICE OF:
Joanne B. Rowland, Director
Purchasing and Logistics
Telephone: 919-743-8141
Fax: 919-431-2021

http://dac.nc.gov

BOOK 77 PAGE 260

THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED BY THE NORTH CAROLINA DEPARTMENT OF ADULT CORRECTION

STATE OF NORTH CAROLINA

COUNTY OF WAYNE **LEASE AGREEMENT**

THIS LEASE AGREEMENT, made and entered into this the_____day of _____, 2023, by and between **COUNTY of WAYNE,** hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA**, hereinafter designated as Lessee;

W I T N E S S E T H:

WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 18th day of January, 2017; and

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in **(See Below) County of Wayne**, North Carolina, more particularly described as follows:

Being +/- 3,900 Net Square Feet of Office Space Located at 209 S. William Street Wayne County; Goldsboro, North Carolina

DEPARTMENT OF ADULT CORRECTION (District 8)

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three **(3) years** commencing on the **1st day of April, 2023** or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the **31st day of March, 2026**.

2. The Lessee shall pay to the Lessor as rental for said premises the sum of **$1.00** dollar per term to be payable within five (5) days from receipt of invoice in triplicate. The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least 15 days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.

B. Janitorial services and supplies including maintenance of lawns, parking areas, common areas and disposal of trash.

C. All utilities except telephone.

D. Parking as available.

E. The lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have to make such repair at its own cost and to invoice the amount thereof to the Lessor for reimbursement. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, ***with the Lessor's prior consent***, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty without fault of the Lessee, or partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenantable in whole or in part, and during such period of repair, and if the Lessor can not provide suitable office space, the Lessee shall

have the right to obtain similar office space at the expense of Lessee with reimbursement from the County.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than 60 days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **P.O. Box 227; Goldsboro, North Carolina 27530** and the Lessee **at 3512 Bush Street, 5227 Mail Service Center, Raleigh, North Carolina 27609-5227**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

15. "N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

[remainder of page intentionally left blank - signatures on following pages]

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IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

BY: _____ (SEAL)
Joanne Rowland, Director
DAC Purchasing and Logistics

LESSOR: _____ (SEAL)
The County of Wayne
Chip Crumpler, County Manager

KAYLA WHITLEY NOTARY PUBLIC WAYNE COUNTY, NC

SEAL OF WAYNE COUNTY FIAT JUSTITIA NORTH CAROLINA

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STATE OF NORTH CAROLINA

COUNTY OF Wayne

I, Kayla Whitley, a Notary Public in and for the County and State aforesaid, do hereby certify that **Chip Crumpler,** personally came before me this day and acknowledged that s/he is the **County Manager**, and that by authority and given as an act of **Wayne County** and acknowledged the due execution of the foregoing instrument in its name.

WITNESS my hand and Notarial Seal, this the 21st day of March, 2023.

Kayla Whitley
Notary Public

My Commission Expires:

March 24, 2024

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, _____, a Notary Public in and for the County of _____ and State aforesaid, do hereby certify that **Joanne Rowland,** personally appeared before me this date and acknowledged the due execution by her of the foregoing instrument as Director of Purchasing and Logistics of the Department of Public Safety of the State of North Carolina, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 2023.

_____
Notary Public

My Commission Expires:

_____

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RESOLUTION NO. 2022-_____

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Goldsboro and County of Wayne jointly own certain real property at **2009 Rose Street (Pin #3509849535)**; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of **$5,500.00 (Five Thousand Five Hundred Dollars and no/100)** submitted by **Christopher White (Offeror)**; and

WHEREAS, Offeror has paid the required five percent (5%) deposit on his/her offer in the amount of **$300.00 (Three Hundred Dollars and No/100)**;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Goldsboro, North Carolina, that:

1) The City Council declares this property as surplus.
2) The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
3) The Finance Director shall cause a notice of the proposed sale to be published in a newspaper of general circulation within its jurisdiction. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
4) The Planning Department shall notify the adjoining property owners by U.S. mail that the property is being offered for sale under the upset bid procedure.
5) Persons wishing to upset the offer that has been received shall submit a **sealed bid** with their offer to the office of the Finance Director at 200 N. Center Street, Goldsboro, NC 27530 during normal business hours within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Finance Director shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6) Upset offer and deposit shall be delivered in a sealed envelope. The written offer proposal must include the name of the person or business making the offer, address of said property, and Wayne County parcel identification number. The offer shall be signed by the individual or person with signature authority if a business entity. The outside of the sealed envelope should have the address of the property, the words "Upset Bid" and include the address of the Property.
7) The City of Goldsboro reserves the right to reject any or all offers at any time.
8) If a qualifying higher bid is received, the Finance Director shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
9) A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first $1,000.00 of that existing offer and five percent (5%) of the remainder of that existing offer.
10) A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the

deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received; provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such, the return of the deposit will then be issued within 10 days of confirmation of clearing. The city will refund the deposit of the final high bidder at closing or apply to the sales price, as determined at the time of closing by the Finance Director.

11) Any Offeror's bid deposit shall be refunded if it is not the final high bidder; or if mutually agreeable terms cannot be settled upon if no upset bids are received, provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such. Refund will be issued within 10 days of confirmation of clearing.
12) The terms of the final sale are:
    a) City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed.
    b) The Wayne County Board of Commissioners must approve the final sale by concurrence after final approval by City Council.
    c) Buyer must pay with cash, cashier's check or certified check at the time of closing.
    d) Buyer must pay closing costs.
13) The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
14) If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. City staff is authorized to seek concurrence from the Wayne County Board of Commissioners and upon such approval, the appropriate city officials are authorized to execute the instruments necessary to convey the property to Offeror.

This resolution shall be in full force and effect from and after this _____ day of _____, 2022.

_____
Mayor David Ham

Attest: _____
City Clerk

Item_____

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 5, 2022 COUNCIL MEETING

SUBJECT: Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 2009 Rose Street to Christopher White

BACKGROUND: Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

DISCUSSION: The following offer has been received for the sale of surplus real property under **Negotiated offer, advertisement, and upset bid process (G.S. §160A-266(a) (3))**

2009 Rose Street
Offeror: Christopher White
Offer: $5,500.00
Bid Deposit: $300.00
Parcel #: 54277 Pin #: 3509849535
Tax Value: $11,000.00 Zoning: R9

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a personal check. The Planning Department shall notify the adjoining property owners via mail that the property is available for sale via upset bid.

RECOMMENDATION: It is recommended that the City Council, by motion:

1. Accept or reject offer on 2009 Rose Street.
2. If accepted, adopt attached resolution authorizing Finance to advertise for upset bids.

Date:_____ _____
Catherine F. Gwynn, Finance Director

Date:_____ _____
Timothy M. Salmon, City Manager

BOOK 77 PAGE 270

Item_____

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RECOMMENDATION: It is recommended that the City Council, by motion:

1. Accept or reject offer on 2009 Rose Street.
2. If accepted, adopt attached resolution authorizing Finance to advertise for upset bids.

Date: 11/30/2022

Catherine F. Gwynn, Finance Director

Date:_____

Timothy M. Salmon, City Manager

BOOK 77 PAGE 271

RESOLUTION NO. 2022-_____

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Goldsboro and County of Wayne jointly own certain real property at **2009 Rose Street (Pin #3509849535)**; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of **$5,500.00 (Five Thousand Five Hundred Dollars and no/100)** submitted by **Christopher White (Offeror)**; and

WHEREAS, Offeror has paid the required five percent (5%) deposit on his/her offer in the amount of **$300.00 (Three Hundred Dollars and No/100)**;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Goldsboro, North Carolina, that:

1) The City Council declares this property as surplus.
2) The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
3) The Finance Director shall cause a notice of the proposed sale to be published in a newspaper of general circulation within its jurisdiction. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
4) The Planning Department shall notify the adjoining property owners by U.S. mail that the property is being offered for sale under the upset bid procedure.
5) Persons wishing to upset the offer that has been received shall submit a **sealed bid** with their offer to the office of the Finance Director at 200 N. Center Street, Goldsboro, NC 27530 during normal business hours within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Finance Director shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6) Upset offer and deposit shall be delivered in a sealed envelope. The written offer proposal must include the name of the person or business making the offer, address of said property, and Wayne County parcel identification number. The offer shall be signed by the individual or person with signature authority if a business entity. The outside of the sealed envelope should have the address of the property, the words "Upset Bid" and include the address of the Property.
7) The City of Goldsboro reserves the right to reject any or all offers at any time.
8) If a qualifying higher bid is received, the Finance Director shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
9) A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first $1,000.00 of that existing offer and five percent (5%) of the remainder of that existing offer.
10) A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the

deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received; provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such, the return of the deposit will then be issued within 10 days of confirmation of clearing. The city will refund the deposit of the final high bidder at closing or apply to the sales price, as determined at the time of closing by the Finance Director.

11) Any Offeror's bid deposit shall be refunded if it is not the final high bidder; or if mutually agreeable terms cannot be settled upon if no upset bids are received, provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such. Refund will be issued within 10 days of confirmation of clearing.
12) The terms of the final sale are:
    a) City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed.
    b) The Wayne County Board of Commissioners must approve the final sale by concurrence after final approval by City Council.
    c) Buyer must pay with cash, cashier's check or certified check at the time of closing.
    d) Buyer must pay closing costs.
13) The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
14) If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. City staff is authorized to seek concurrence from the Wayne County Board of Commissioners and upon such approval, the appropriate city officials are authorized to execute the instruments necessary to convey the property to Offeror.

This resolution shall be in full force and effect from and after this _____ day of _____, 2022.

_____
Mayor David Ham

Attest: _____
City Clerk

BOOK 77 PAGE 273

I, Christopher White would like to offer the

City of Goldsboro the sum of $5,500.00 for the

purchase of property at the following location:

Parcel: PIN #: 3509849535

Street: 2009 Rose St., Goldsboro NC 27530

Signed: Christopher R. White

Date: 11-17-2022

Name Christopher White

Address: 2011 Rose St., Goldsboro NC 27534

Phone: 919-738-6098

Email: Christopher white 977.cw@gmail.com

Amount of Bid Deposit: $300.00

RECEIVED
2022 NOV 17 PM 3:21
CITY OF GOLDSBORO
FINANCE DEPARTMENT

BOOK 77 PAGE 274

[redacted]

CHRISTOPHER WHITE
2011 ROSE ST.
GOLDSBORO, NC 27530

1076

DATE 11-17-2022

PAY TO THE ORDER OF City of Goldsboro $ 300.00

Three hundred & 00/100 DOLLARS

Security Features Included. Details on Back.

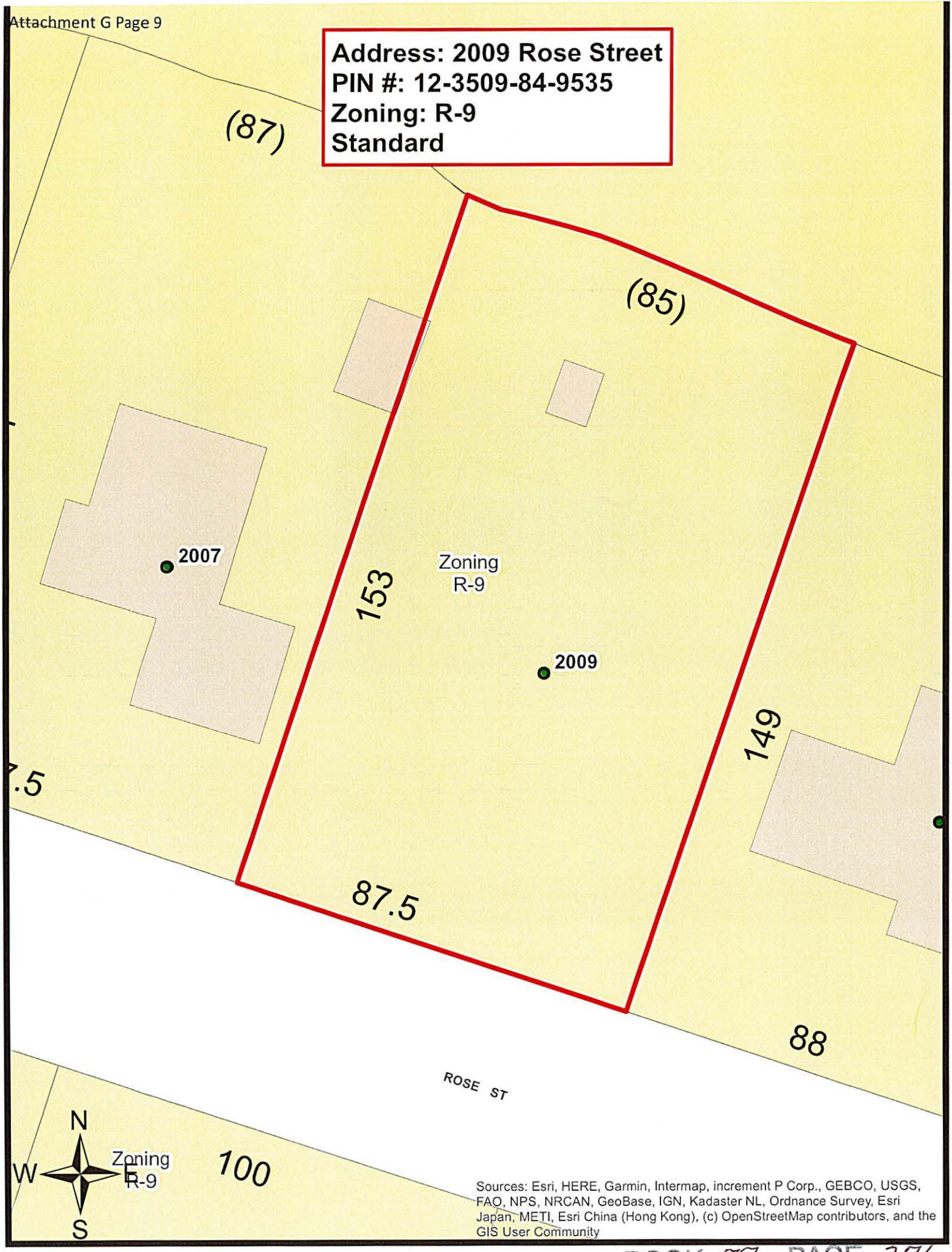
North Carolina Community Federal Credit Union
Goldsboro NC 27534

MEMO 2009 Rose St. Deposit

[redacted] 1076

SPECIALTY GRAY

BOOK 77 PAGE 275


Address: 2009 Rose Street
PIN #: 12-3509-84-9535
Zoning: R-9
Standard
(87)
(85)
2007
2009
153
Zoning
R-9
149
87.5
88
ROSE ST
100
N
W
E
S
Zoning
R-9
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Appraisal Card

WAYNE COUNTY **11/30/2022 2:00:39 PM**

CITY OF GOLDSBORO **WAYNE COUNTY**
2009 ROSE ST
75254500

Return/Appeal Notes: **Parcel: 3509849535**
PLAT: / UNIQ ID 54277
ID NO: 12000117007005

COUNTYWIDE ADVALOREM TAX (100), CITY - GOLDSBORO (100)
CARD NO. 1 of 1
Reval Year: 2019 Tax Year: 2022 LT 11&PT 15 A H ZEALY
1.0000 LT SRC=
Appraised by 60 on 12902 CHRISTIAN SCHOOL AREA
TW-12 CI-01 FR-00 EX-5 AT- LAST ACTION 20170729

CONSTRUCTION DETAIL	MARKET VALUE								DEPRECIATION
TOTAL POINT VALUE									
BUILDING ADJUSTMENTS	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	
	01	00							% GOOD
TOTAL ADJUSTMENT FACTOR									
TOTAL QUALITY INDEX									

TYPE: SINGLE FAMILY RESIDENTIAL

STYLE:

CORRELATION OF VALUE

CREDENCE TO

DEPR. BUILDING VALUE - CARD	0
DEPR. OB/XF VALUE - CARD	0
MARKET LAND VALUE - CARD	11,000
TOTAL MARKET VALUE - CARD	11,000
TOTAL APPRAISED VALUE - CARD	11,000
TOTAL APPRAISED VALUE - PARCEL	11,000
TOTAL PRESENT USE VALUE - PARCEL	0
TOTAL VALUE DEFERRED - PARCEL	0
TOTAL TAXABLE VALUE - PARCEL $	11,000

PRIOR

BUILDING VALUE	0
OBXF VALUE	0
LAND VALUE	11,000
PRESENT USE VALUE	0
DEFERRED VALUE	0
TOTAL VALUE	11,000

PERMIT

CODE	DATE	NOTE	NUMBER	AMOUNT

ROUT: WTRSHD:

SALES DATA

OFF. RECORD BOOK	PAGE	DATE MO	YR	DEED TYPE	Q/U	V/I	INDICATE SALES PRICE
02834	0846	1	2011	WD	C	V	0
02509	0014	3	2007	WD	U	I	100000
01047	0595	1	1983	WD	U	I	49000
00988	0366	1	1980		U	I	41500

HEATED AREA

NOTES

P9-08 DEMO

SUBAREA TYPE	GS AREA	%	RPL CS
FIREPLACE			
SUBAREA TOTALS			

CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
TOTAL OB/XF VALUE																0

BUILDING DIMENSIONS

LAND INFORMATION

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
0100	0100	R-9	88	151	1.0000	2	1.0000			125.00	88.000	FF	1.000	125.00	11000	0	
TOTAL MARKET LAND DATA																11,000	
TOTAL PRESENT USE DATA																	

BOOK 77 PAGE 277

GOLDSBORO
BE MORE DO MORE SEYMOUR
North Carolina

200 North Center Street
Goldsboro, NC 27530
(919) 580-4362

To: **Adjacent Property Owners**

From: **Austin Brinkley, Assistant Planning Director**

Date: **February 21, 2022**

Re: **NOTICE OF PROPERTY SALE:**
2009 Rose St. Goldsboro NC 27530

This letter is to inform you of the proposed sale of the above property. The property is jointly owned by Wayne County and City of Goldsboro and has been declared surplus property. Under NCGS §160A-269, local governments may sell surplus property following a 10-day period in which any person may upset the current offer. This letter is being sent to all adjoining property owners so they may have a chance to submit a bid if they so desire.

If you are interested in submitting a bid on either property or have additional questions, please contact the finance office at the number listed above.

Sincerely,

Kenneth Talton
Planning Director

Cc: Catherine Gwynn, Finance Director

BOOK 77 PAGE 278

RESOLUTION NO. 2022- 113

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Goldsboro and County of Wayne jointly own certain real property at **2009 Rose Street (Pin #3509849535)**; and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of **$5,500.00 (Five Thousand Five Hundred Dollars and no/100)** submitted by **Christopher White (Offeror)**; and

WHEREAS, Offeror has paid the required five percent (5%) deposit on his/her offer in the amount of **$300.00 (Three Hundred Dollars and No/100)**;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Goldsboro, North Carolina, that:

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13) The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
14) If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. City staff is authorized to seek concurrence from the Wayne County Board of Commissioners and upon such approval, the appropriate city officials are authorized to execute the instruments necessary to convey the property to Offeror.

This resolution shall be in full force and effect from and after this 5th day of December, 2022.

David Ham, Mayor

Attest:

Holly Jones, Deputy City Clerk

BOOK 77 PAGE 280

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

February 15, 2023

J. ERIC BOYETTE
SECRETARY

Board of Commissioners
Wayne County
PO Box 227
Goldsboro, NC 27533

SUBJECT: Leslie Rd
Wayne County
Fork Township

Dear Commissioners:

We have been petitioned to add the following roads in the subject subdivision to the State Maintenance System:

SR 1327 (Leslie Road)

The petition is attached along with a copy of our Investigation Report and a vicinity map showing the location of the roads. If you concur with the petitioners recommendation, please return the petition along with Form SR-2 for our further handling. This is ***not*** to be mistaken as final abandonment from the State Maintenance System.

If you have any questions or need additional assistance, please contact Chris Overman or myself at 919-739-5300.

Sincerely,

DocuSigned by:
Sam Lawhorn
ED17CED1D2B44B2...

Sam Lawhorn, PE
District Engineer

SCL/cbo
Attachments
cc: Subdivision File
ec: Berry Gray – Wayne County Planning Director

NC DEPARTMENT OF TRANSPORTATION
DISTRICT ENGINEER
67 JR Rd., Suite 700
Selma, NC 27576

Telephone:(919) 739-5300
Fax: (919) 731-2017
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

BOOK 77 PAGE 281

Date Petition Received by NCDOT: JAN 24, 2023

North Carolina Department of Transportation
Division of Highways
Abandonment Petition

North Carolina

County of WAYNE

Petition request for the abandonment of Secondary Road 1327 from the State.

Maintained System

We the under signed, being all of the property owners on Secondary Road 1327

in WAYNE County do hereby request the Division of Highways of the Department of Transportation to abandon the road from the State Maintained System.

PROPERTY OWNERS

Printed Name and Signature	Address
Norwood Bruce Howell 919-922-9777	118 Oak Heights Dr Goldsboro NC 27530

Form SR-3 (8/2022)

BOOK 77 PAGE 282

North Carolina Department of Transportation
Division of Highways
Secondary Road Abandonment Investigation Report

County WAYNE Co. File No. _____ Date FEB 15, 2023
Township FORK Div. File No. _____ Div.# FOUR

SR No. & Local Name If Any SR 1327 LESLIE ROAD
Length To Be Abandoned 0.03 MI. Length To Be Retained 0.63 MI.
Width 20 Type SOIL Condition _____
Number of homes having entrances into road Ø
Other uses having entrances into road Ø
Is the road a school bus route? NO
Average Daily Traffic Count (estimated) Ø
Date of last State maintenance performed N/A
Is the road a mail route? NO
Are there any bridges, pipe > 48''or retaining walls present in the right of way? NO
Is a petition for this request attached? YES
Is the County Commissioners' Approval attached? _____
If not, give reason _____
Additional information applicable SURPLUS ROW

Submitted by DocuSigned by: [signature] ED17CED1D2B44B2 DISTRICT ENGINEER DATE
Reviewed and Approved _____ DIVISION ENGINEER DATE

Reviewed and Approved Signature and Date
BOARD OF TRANSPORTATION MEMBER _____

	Do not write in this space- For Use by Secondary Roads Unit Petition #

Form SR-5 (August 2022)

BOOK 77 PAGE 283

COUNTY: Wayne
TIP/PARCEL NO.: R-2554A 032
WBS ELEMENT: 36109.HF

DATE: 1/14/22
PROJECT: 34461.2.4

AGREEMENT TO PURCHASE SURPLUS RIGHT OF WAY HELD IN FEE SIMPLE (Enhancement)

Right of Way Acquired by R/W Agreement, Fee Simple Deed, or Consent Judgment from:
Catherine S. Smith

Purchase of Surplus Right of Way requested by:
Bruce Howell

I hereby acknowledge that the procedures for right of way abandonment have been explained to me. I understand that I must have underlying fee title to the property adjacent to the right of way being considered for abandonment. I also understand I must at my expense, provide the Department with a metes/bounds survey by a Professional Land Surveyor, along with a text description of the area(s) to be abandoned. I understand that if the original acquisition was a total take and acquired by the Department through condemnation or if the original owner of the Right of Way owns adjacent property, it will be necessary to secure a release from the former owner. I further understand that I will be required to pay the enhancement value of the right of way being abandoned as well as appraisal costs and any engineering costs determined by the Department to be necessary.

As a guarantee that I would like to pursue this request for right of way abandonment, I hereby agree to pay to the Department of Transportation in advance of the initiation of any procedures by the Department to effect the abandonment, the sum of **$3,500.00** as the Department's estimate of administrative and appraisal costs.

I understand and agree that if I do not complete the procedures associated with this right of way abandonment request within two (2) years from the date this request was approved, said date being December 13, 20 23, all approvals and appraised values will become null and void, unless extended by the Department. In addition, I understand and agree that should I decide, at any time after the execution of this instrument, not to accept the conditions established for the approval of my request of right of way abandonment, all monies paid to the Department of Transportation as a part of this agreement will be forfeited.

I further hereby acknowledge that I have received a copy of the conditions and project plans as approved by the Right of Way Disposal and Control of Access Committee; I acknowledge that these conditions have been explained to me; and, that by this agreement, I acknowledge my acquiescence to these conditions and agree to satisfy them within the time limits set by the Right of Way Disposal and Control of Access Committee.

I am aware that any conveyance of property by the Department is subject to approval by the North Carolina Board of Transportation and in some instances, the Council of State.

Convey surplus right of way to: Norwood Bruce Howell

Signature of Requesting Party

Accepted: Department of Transportation

BY: _____

Type Name: Norwood Bruce Howell
Address: 118 Oak Heights Dr.
Telephone #: Goldsboro NC 27530
919-922-9777

FRM14-BB-FS-E (Fee Simple with Enhancement)
Revised 11-21-14

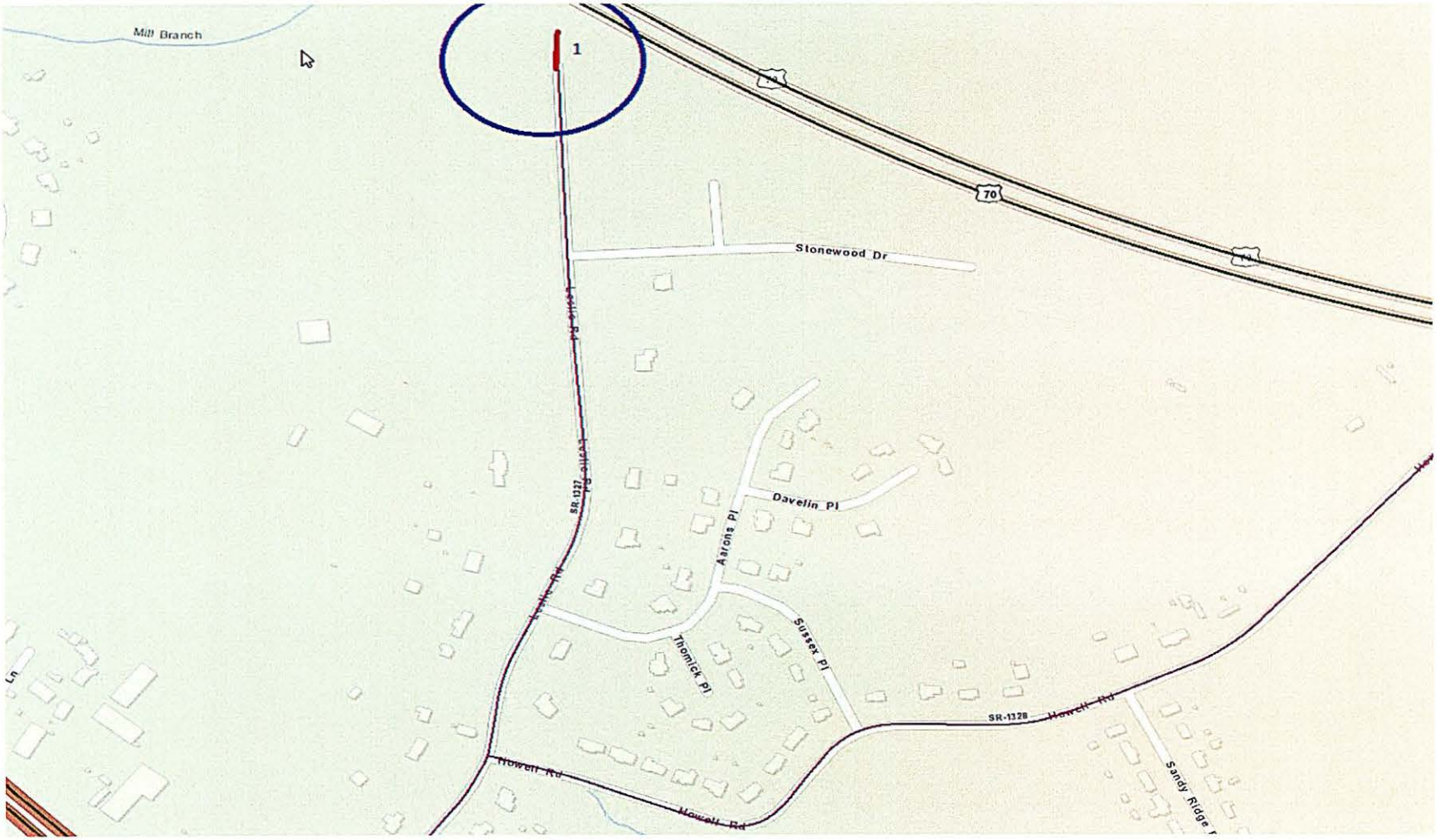
BOOK 77 PAGE 284

Johnston County – Vicinity Map
Petition for Road Abandonment

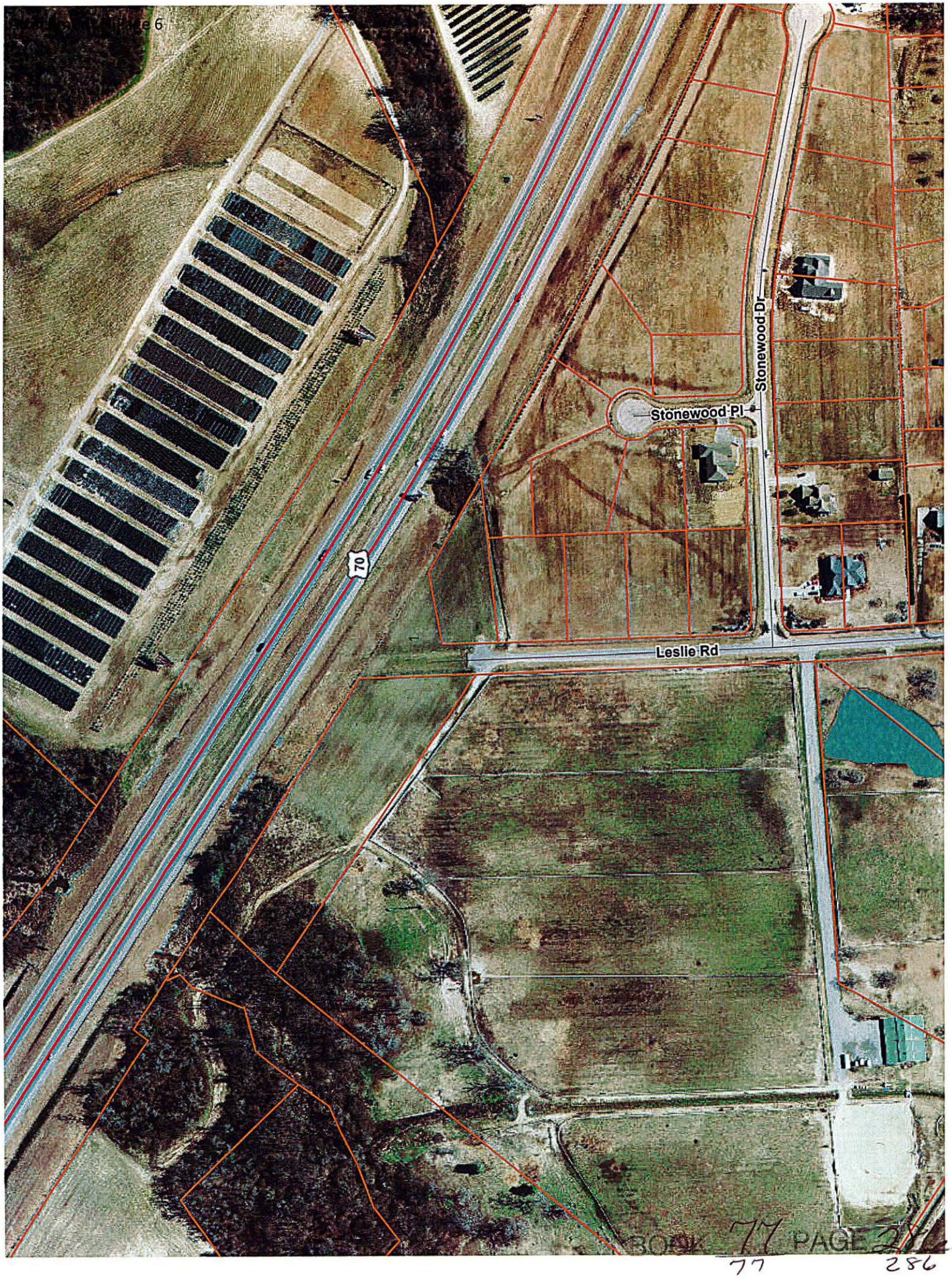
The abandoned portion of SR 1327 is 0.14 mile North from the intersection of SR 1327 and SR 1328.

1. SR 1327 Leslie Road 0.03 mi

_ _ _ _ _ - Unpaved SR
_____ - Paved SR
_____ - Proposed SR Abandonment



BOOK 77 PAGE 285


Stonewood Dr
Stonewood Pl
70
Leslie Rd

WAYNE COUNTY
NORTH CAROLINA

RESOLUTION #2023-11: A RESOLUTION IN SUPPORT OF RAIL SERVICE FROM GOLDSBORO, NC TO WILMINGTON, NC

WHEREAS, every year, railroads save consumers billions of dollars while reducing energy consumption and pollution, lowering greenhouse gas emissions, cutting highway gridlock, and reducing the high costs to taxpayers of highway construction and maintenance; and

WHEREAS, North Carolina's first system dates back to 1833 when the Wilmington & Weldon Railroad was charted to connect its namesake cities, which it completed on March 7th, 1840. By doing so the railroad became the longest railroad operated in the world at that time, spanning some 161 miles; and

WHEREAS, the North Carolina Railroad (NCRR) manages a 317-mile rail corridor spanning the state of North Carolina from Morehead City to Charlotte, over which about 60 Norfolk Southern freight trains and 10 Amtrak passenger trains travel each day. Since its creation, NCRR has been a driver for economic growth in the state; and

WHEREAS, annually, North Carolina's passenger rail services contribute to 430 jobs, $20.1 million in earned wages, $30.6 million in gross state product, and $47.4 million in benefits rail passengers receive from taking the train instead of other modes of travel; and

WHEREAS, nearly 900,000 passengers boarded trains in North Carolina in 2016, served by six intercity passenger routes with stops in 16 cities and towns. Nine of those stops are along the busy, 174-mile Piedmont Corridor between Charlotte and Raleigh; and

WHEREAS, Eastern North Carolina would benefit in the same way with job creation, a reduction of highway construction and maintenance, as well as reducing highway gridlock, energy consumption and pollution, and lowering greenhouse gas emissions; and

WHEREAS, Goldsboro and Wayne County are home to Goldsboro Union Station, a once thriving rail depot from 1907 to 1968, and that station stands ready to begin passenger and freight service once again; and

THEREFORE, the Wayne County Board of Commissioners does hereby request the State of North Carolina to consider and begin the process to bring rail service back to Goldsboro and Wayne County, and connect to Wilmington, North Carolina.

This the 21st day of March, 2023.

Barbara Aycock

Barbara Aycock, Chairwoman
Wayne County Board of Commissioners

SEAL OF WAYNE COUNTY FIAT JUSTITIA NORTH CAROLINA

ATTEST:

Carol Bowden

Carol Bowden, Clerk to the Board

BOOK 77 PAGE 287

Journal Proof Report

Journal Number: 275 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104370-531100	Travel-Meals & Lodging		N		$440.00
BUA	1104370-545200	Vehicle Insurance		N	$440.00	
			Journal 2023/9/275	Total	$440.00	$440.00

BOOK 77 PAGE 288

Journal Proof Report

Journal Number: 276 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6324530-531100	Travel-Meals & Lodging		N		$1000.00
BUA	6324530-532100	Telephone		N	$4750.00	
BUA	6324530-532900	Other Communications		N		$2750.00
BUA	6324530-537000	Advertising		N		$1000.00
			Journal 2023/9/276	Total	$4750.00	$4750.00

BOOK 77 PAGE 289

Journal Proof Report

Journal Number: 277 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104920-526000	Office Supplies		N		$900.00
BUA	1104920-526200	Non-Capital Computer Equipment		N	$900.00	
			Journal 2023/9/277	Total	$900.00	$900.00

BOOK 77 PAGE 290

Journal Proof Report

Journal Number: 278 Year: 2023 Period: 9 Description: AC Reference 1: 409 Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1100000-399100	Fund Balance Appropriated		N		$15000.00
BUA	1104380-526100	Office Supplies-NonCaptl FF&E		N	$15000.00	
			Journal 2023/9/278	Total	$15000.00	$15000.00

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Journal Proof Report

Journal Number: 279 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104131-519700	Prof Services-Background Check		N		$150.00
BUA	1104131-526100	Office Supplies-NonCaptl FF&E		N		$200.00
BUA	1104131-526200	Non-Capital Computer Equipment		N		$200.00
BUA	1104131-531100	Travel-Meals & Lodging		N	$450.00	
BUA	1104131-539500	Training		N		$200.00
BUA	1104131-543100	Rental of Copier Equipment		N	$300.00	
			Journal 2023/9/279	Total	$750.00	$750.00

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Journal Proof Report

Journal Number: 280 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104310-531100	Travel-Meals & Lodging		N	$12500.00	
BUA	1104200-599000	Contingency		N		$12500.00
			Journal 2023/9/280	Total	$12500.00	$12500.00

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Journal Proof Report

Journal Number: 281 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104370-521200	Uniforms		N	$4500.00	
BUA	1104370-531100	Travel-Meals & Lodging		N		$4500.00
			Journal 2023/9/281	Total	$4500.00	$4500.00

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Journal Proof Report

Journal Number: 282 Year: 2023 Period: 9 Description: WCC Reference 1: 391 Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1215920-399100	Fund Balance Appropriated		N		$2569.91
BUA	1215922-563100	Capital Outlay		N	$2569.91	
			Journal 2023/9/282	Total	$2569.91	$2569.91

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Journal Proof Report

Journal Number: 283 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104311-526000	Office Supplies		N		$739.00
BUA	1104311-544000	Service & Maintenance Contract		N	$739.00	
			Journal 2023/9/283	Total	$739.00	$739.00

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Journal Proof Report

Journal Number: 284 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6324530-525100	Vehicle Supplies-Fuel/Diesel		N	$2500.00	
BUA	6324530-526100	Office Supplies-NonCaptl FF&E		N		$2500.00
			Journal 2023/9/284	Total	$2500.00	$2500.00

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Journal Proof Report

Journal Number: 285 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104130-519100	Professional Serv-Accounting		N	$250.00	
BUA	1104130-531100	Travel-Meals & Lodging		N	$1000.00	
BUA	1104130-575100	Service Charges		N		$1250.00
			Journal 2023/9/285	Total	$1250.00	$1250.00

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Journal Proof Report

Journal Number: 286 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104260-526000	Office Supplies		N	$2000.00	
BUA	1104260-535100	Repairs & Maint-Buildings		N		$2000.00
			Journal 2023/9/286	Total	$2000.00	$2000.00

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Journal Proof Report

Journal Number: 287 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1265304-519000	Professional Services		N		$1200.00
BUA	1265310-549700	Direct Service Allocations		N	$1200.00	
			Journal 2023/9/287	Total	$1200.00	$1200.00

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Journal Proof Report

Journal Number: 288 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104312-531100	Travel-Meals & Lodging		N	$800.00	
BUA	1104312-539500	Training		N		$800.00
			Journal 2023/9/288	Total	$800.00	$800.00

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Journal Proof Report

Journal Number: 289 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104150-526000	Office Supplies		N		$1000.00
BUA	1104150-539500	Training		N	$1000.00	
			Journal 2023/9/289	Total	$1000.00	$1000.00

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Journal Proof Report

Journal Number: 290 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1315180-523100	Program Supplies		N	$500.00	
BUA	1315180-526000	Office Supplies		N	$50.00	
BUA	1315180-529100	Data Processing Supplies		N		$1000.00
BUA	1315180-531100	Travel-Meals & Lodging		N	$750.00	
BUA	1315180-537000	Advertising		N		$300.00
			Journal 2023/9/290	Total	$1300.00	$1300.00

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Journal Proof Report

Journal Number: 291 Year: 2023 Period: 9 Description: S&W Reference 1: 397 Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1100000-398400	Transfers from Other Funds-CPF		N		$39761.63
BUA	4908100-399100	Fund Balance Appropriated		N		$39761.63
BUA	1104960-554000	Capital Outlay-Vehicles		N	$39761.63	
BUA	4908100-598000	Transfers to Other Funds		N	$39761.63	
			Journal 2023/9/291	Total	$79523.26	$79523.26

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Journal Proof Report

Journal Number: 292 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1315153-523900	Other Medical Supplies		N		$4250.00
BUA	1315153-523100	Program Supplies		N	$4250.00	
BUA	1315153-531100	Travel-Meals & Lodging		N	$400.00	
BUA	1315153-539500	Training		N		$400.00
			Journal 2023/9/292	Total	$4650.00	$4650.00

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Journal Proof Report

Journal Number: 293 Year: 2023 Period: 9 Description: IT Reference 1: 402 Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1100000-398100	Transfers from Other Funds-GF		N		$34450.00
BUA	1104210-552000	Capital Outlay-Computers		N	$34450.00	
BUA	4908100-599110	Contingency-Capital Outlay		N		$34450.00
BUA	4908100-598000	Transfers to Other Funds		N	$34450.00	
			Journal 2023/9/293	Total	$68900.00	$68900.00

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Journal Proof Report

Journal Number: 294 Year: 2023 Period: 9 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6287140-535200	Repairs & Maint-Equipment		N		$3057.00
BUA	6287140-526200	Non-Capital Computer Equipment		N	$3057.00	
			Journal 2023/9/294	Total	$3057.00	$3057.00

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Journal Proof Report

Journal Number: 135 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6676160-512500	Telephone Allowance		N		$1150.00
BUA	6676160-595101	Purchase of Inventory-Rental		N	$1150.00	
			Journal 2023/10/135	Total	$1150.00	$1150.00

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Journal Proof Report

Journal Number: 137 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104330-519900	Professional Services-Other		N		$1000.00
BUA	1104330-524200	Safety Supplies		N		$600.00
BUA	1104330-526100	Office Supplies-NonCaptl FF&E		N	$1600.00	
			Journal 2023/10/137	Total	$1600.00	$1600.00

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Journal Proof Report

Journal Number: 138 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6324530-526100	Office Supplies-NonCaptl FF&E		N		$1700.00
BUA	6324530-537000	Advertising		N		$1400.00
BUA	6324530-539500	Training		N		$900.00
BUA	6324530-539700	Credit Card Fees		N	$4000.00	
			Journal 2023/10/138	Total	$4000.00	$4000.00

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Journal Proof Report

Journal Number: 139 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	6324530-533500	Sewer		N	$3000.00	
BUA	6324530-535100	Repairs & Maint-Buildings		N		$3000.00
			Journal 2023/10/139	Total	$3000.00	$3000.00

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Journal Proof Report

Journal Number: 140 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104312-535300	Repairs & Maint-Vehicles		N	$858.00	
BUA	1104250-535300	Repairs & Maint-Vehicles		N		$858.00
			Journal 2023/10/140	Total	$858.00	$858.00

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Journal Proof Report

Journal Number: 140 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104312-535300	Repairs & Maint-Vehicles		N	$858.00	
BUA	1104250-535300	Repairs & Maint-Vehicles		N		$858.00
			Journal 2023/10/140	Total	$858.00	$858.00

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Journal Proof Report

Journal Number: 141 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1315162-523100	Program Supplies		N	$1600.00	
BUA	1315162-539500	Training		N		$1600.00
			Journal 2023/10/141	Total	$1600.00	$1600.00

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Journal Proof Report

Journal Number: 142 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1315163-523100	Program Supplies		N	$2000.00	
BUA	1315163-531100	Travel-Meals & Lodging		N		$1000.00
BUA	1315163-532500	Postage		N		$1000.00
			Journal 2023/10/142	Total	$2000.00	$2000.00

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Journal Proof Report

Journal Number: 143 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1106111-512100	Salaries and Wages		N	$370.00	
BUA	1106111-518000	Social Security-FICA		N		$190.00
BUA	1106111-518200	Retirement Contribution		N		$260.00
BUA	1106111-518210	401K Retirement Contribution		N	$80.00	
			Journal 2023/10/143	Total	$450.00	$450.00

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Journal Proof Report

Journal Number: 144 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104370-521200	Uniforms		N	$1000.00	
BUA	1104370-523100	Program Supplies		N		$1000.00
			Journal 2023/10/144	Total	$1000.00	$1000.00

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Journal Proof Report

Journal Number: 145 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1165600-512100	Salaries and Wages		N		$1024.00
BUA	1165600-512200	Overtime		N	$1024.00	
			Journal 2023/10/145	Total	$1024.00	$1024.00

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Journal Proof Report

Journal Number: 155 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1165603-512600	Part Time or Extra Help		N		$1100.00
BUA	1165603-518600	Workers Compensation		N		$415.00
BUA	1165603-523100	Program Supplies		N	$1201.00	
BUA	1165603-523100	Program Supplies		N	$314.00	
			Journal 2023/10/155	Total	$1515.00	$1515.00

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Journal Proof Report

Journal Number: 156 Year: 2023 Period: 10 Description: Reference 1: Reference 2: Reference 3:

Source	Account	Account Description	Line Description	OB	Debit	Credit
BUA	1104350-525100	Vehicle Supplies-Fuel/Diesel		N	$2000.00	
BUA	1104350-526000	Office Supplies		N	$700.00	
BUA	1104350-539500	Training		N		$700.00
BUA	1104350-539500	Training		N		$2000.00
			Journal 2023/10/156	Total	$2700.00	$2700.00

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