

1 15A NCAC 02B .0271 is adopted with changes as published in 21:24 NCR 2302-2308 as follows:

2
3 15A NCAC 02B .0271 JORDAN WATER SUPPLY NUTRIENT STRATEGY: STORMWATER
4 REQUIREMENTS FOR STATE AND FEDERAL ENTITIES

5 The following is the stormwater strategy for the activities of state and federal entities within the Jordan watershed,
6 as prefaced in Rule 02B.0262.

7 (1) PURPOSE. The purposes of this Rule are as follows.

8 (a) To achieve and ~~maintain~~maintain, on new non-road development lands, the nonpoint
9 source nitrogen and phosphorus percentage reduction goals established for Jordan
10 Reservoir in Rule 15A NCAC 02B .0262 relative to the baseline period defined in that
11 ~~Rule~~ Rule, to provide the highest practicable level of treatment on new road
12 development, and to achieve and maintain the percentage goals on existing developed
13 lands by reducing loading from state-maintained roadways and ~~industrial~~facilities, and
14 from lands controlled by other state and federal entities in the Jordan watershed;

15 (b) To ensure that the integrity and nutrient processing functions of receiving waters and
16 associated riparian buffers are not compromised by erosive flows from state-maintained
17 roadways and ~~industrial facilities,~~facilities and from lands controlled by other state and
18 federal entities in the Jordan watershed; and

19 (c) To protect the water supply uses of Jordan Reservoir and of designated water supplies
20 throughout the Jordan watershed.

21 (2) APPLICABILITY. This Rule shall apply to all existing and new ~~development~~development, both
22 as defined in Rule 15A NCAC 2B .0263, that lies within or partially within the Jordan watershed
23 under the control of the NC Department of Transportation (NCDOT), including roadways and
24 ~~industrial~~facilities, and to all lands controlled by other state and federal entities in the Jordan
25 watershed. ~~Existing development is development that exists as of the effective date of stormwater~~
26 ~~management programs established under Section (3) and (4) of this rule or development that~~
27 ~~occurs after the effective date of those programs but is not subject to the requirements of those~~
28 ~~programs, such as vested projects and redevelopment that does not yield a net increase in built-~~
29 ~~upon area. New development is development that occurs subsequent to the effective date of, and~~
30 ~~is subject to, stormwater management programs established under Sections (3) and (4) of this~~
31 Rule.

32 (3) NON-NCDOT REQUIREMENTS. With the exception of the NCDOT, all state and federal
33 entities that control lands within the Jordan watershed shall meet the following requirements:

34 (a) For any new development proposed within their jurisdictions that would disturb ~~one-acre~~
35 ~~or more for single family and duplex residential property and recreational facilities, and~~
36 one-half acre or ~~more,~~more ~~for commercial, industrial, institutional, or multifamily~~
37 residential property, non-NCDOT state and federal entities shall develop stormwater

1 management plans for submission to and approval by the Division. These stormwater
2 plans shall not be approved by the Division unless the following criteria are met:

- 3 (i) The nitrogen and phosphorus loads contributed by the proposed new
4 development activity in a given subwatershed shall not exceed ~~ertain the~~ unit-
5 area mass loading ~~rates. rates applicable to that subwatershed as follows for~~
6 nitrogen and phosphorus, respectively. These loading rates shall be calculated as
7 the percentage reduction goals established in Rule 15A NCAC 02B .0262 for the
8 subwatershed or subwatersheds in which the development occurs, applied to
9 area weighted average loading rates of developable lands in the same
10 subwatershed or subwatersheds. These area weighted average loading rates
11 shall be determined using land use and loading information representative of the
12 baseline period defined in Rule 15A NCAC 02B .0262. Initial values for
13 nitrogen and phosphorus loading rate targets respectively in each subwatershed
14 shall be the following, expressed in units of pounds per acre per year: 2.2 and
15 0.82 in the Upper New Hope; 4.4 and 0.78 in the Lower New Hope; and 3.8 and
16 1.43 in the Haw. ~~The Division may adjust these initial values based on~~
17 ~~improved land use and loading data or based on modifications to the strategy~~
18 ~~reduction goals in Section (7) of Rule 15A NCAC 02B .0262.~~The developer
19 shall determine the need for engineered stormwater controls to meet these
20 loading rate targets by using the loading calculation method called for in this
21 Section or other similar equivalent method acceptable to the Division.
- 22 (ii) Proposed new development subject to NPDES, water supply, and other state-
23 mandated stormwater regulations shall comply with those regulations in addition
24 to the other requirements of this Sub-Item. Proposed new development in any
25 water supply watershed in the Jordan watershed designated WS-II, WS-III, or
26 WS-IV shall comply with the density-based restrictions, obligations, and
27 requirements for engineered stormwater controls, clustering options, and 10/70
28 provisions described in Sections (3)(b)(i) and (3)(b)(ii) of the applicable Rule
29 among Rules 15A NCAC 02B .0214 through .0216;
- 30 (iii) Stormwater systems shall be designed to control and treat the runoff generated
31 from all surfaces by one inch of rainfall. The treatment volume shall be drawn
32 down ~~no faster than 48 hours and no slower than 120 hours. pursuant to~~
33 guidance specific to each practice as provided in the most recent version of the
34 Stormwater Best Management Practices Manual published by the Division, or
35 other technically at least equivalent guidance acceptable to the Division.
36 Treatment systems shall achieve an 85 percent average annual removal rate for
37 Total Suspended Solids.To ensure that the integrity and nutrient processing

1 functions of receiving waters and associated riparian buffers are not
2 compromised by erosive flows, stormwater flows from the development shall
3 not contribute to degradation of waters of the State. At a minimum, the
4 development shall not result in a net increase in peak flow leaving the site from
5 pre-development conditions for the one-year, 24-hour storm event;

6 (iv) Proposed new development that would replace or expand structures or
7 improvements that existed as of December 2001, the end of the baseline period,
8 and which would not result in a net increase in built-upon area shall not be
9 required to meet the nutrient loading targets or high-density requirements except
10 to the extent that it shall provide ~~at least equal~~ stormwater control at least equal
11 to the previous development. Proposed new development that would replace or
12 expand existing structures or improvements and would result in a net increase in
13 built-upon area shall have the option ~~to~~ either to achieve at least the percentage
14 loading-load reduction goals stated in Rule 15A NCAC 02B .0262 as applied to
15 nitrogen and phosphorus loading from the previous development for the entire
16 project site, or to meet the loading rate targets described in Section (3)(a)(i);

17 (v) ~~The proposed~~Proposed new development shall comply with the riparian buffer
18 protection requirements of Rules 15A NCAC 02B .0267 and .0268;

19 (vi) The entity shall have the option of ~~partially~~-offsetting part of the nitrogen and
20 phosphorus loads by implementing or funding offsite management
21 measures-measures as follows: These offsite, offsetting measures shall achieve
22 at least equivalent reductions in nitrogen and phosphorus loading to the
23 remaining reduction needed onsite to comply with Sub Item (3)(a)(i) of this
24 Rule.—Before using offsite offset options, a development shall meet any
25 requirements for engineered stormwater controls described in Section (3)(a)(ii)
26 of this Rule, and shall attain a maximum nitrogen loading rate on-site of four
27 pounds per acre per year for single-family, detached and duplex residential
28 development and eight pounds per acre per year for other development,
29 including multi-family residential, commercial and industrial and shall meet any
30 requirements for engineered stormwater controls described in Section (3)(a)(iii)
31 of this Rule. Only offsetting loading reductions in excess of reductions required
32 under other Rules in this strategy shall receive credit. The entity may utilize the
33 offset option provided in Rule 15A NCAC 02B .0240 for this purpose,
34 contingent upon acceptance of their offset proposals by the NC Ecosystem
35 Enhancement Program.An entity may make offset payments to the NC
36 Ecosystem Enhancement Program contingent upon acceptance of payments by
37 that Program. An entity may propose other offset measures to the Division,

1 including providing its own offsite offset or utilizing a private seller. All offset
2 measures identified in this Sub-Item shall meet the requirements of Rule 15A
3 NCAC 02B .0273(2)-(4); Before using off site offset options, the development
4 shall meet any requirements for engineered stormwater controls described in
5 Section (3)(a)(ii) of this Rule and under NPDES Phase II regulations, and shall
6 attain a maximum nitrogen loading rate of 4 pounds/acre/year for single family
7 detached and duplex residential development and 8 pounds/acre/year for other
8 development, including multi-family residential, commercial and industrial; and

9 (vii) The non-NCDOT state or federal entity shall include measures to ensure
10 maintenance of best management practices (BMPs) implemented as a result of
11 the provisions in Sub-Item (3)(a) of this Rule for the life of the development.

12 (b) For existing development, non-NCDOT state and federal entities shall develop and
13 implement load reduction programs for achieving sustained and maintaining nutrient
14 loading-load reductions from existing development, development based on the standards
15 set out in this Sub-Item. Non-NCDOT state and federalSuch entities shall submit these
16 programs for approval by the Division. The A load reduction program shall include the
17 following elements and meet the following associated criteria:

18 (i) The long-term objective of this program shall be for the entity to achieve the
19 percentage nutrient loading-load reduction goals in Item (3) of Rule 15A NCAC
20 02B .0262 relative to annual mass loadingloads, in pounds per year,
21 representative of the baseline period defined in that Rule and as applied to
22 reaching Jordan Reservoir from existing development-developed lands within
23 each subwatershed under its land-use authority control. Loads shall be
24 calculated by applying the Tar-Pamlico Nutrient Export Calculation Worksheet,
25 Piedmont Version, dated October 2004, or an equivalent or more accurate
26 method acceptable to the Division, to acreages of different types of existing
27 developed lands as defined in this Sub-Item and in Item (2) of this Rule. To
28 provide entities spatial latitude to obtain reductions in different locations, loads
29 thus calculated shall be converted to delivered loads to Jordan Reservoir using
30 transport factors established in the Division document, Nitrogen and
31 Phosphorus Delivery from Small Watersheds to Jordan Lake, dated June 30,
32 2002. In addressing this long-term objective, subjectSubject entities shall
33 include estimates of, and plans for offsetting, nutrient loading-load increases
34 from lands developed subsequent to the baseline period but prior to
35 implementation of new development programs. For these post-baseline
36 developed lands, the new loading rate shall be compared to the applicable
37 loading rate target in Sub-Item (3)(a)(i) of Rule 15A NCAC 02B .0273 for the

1 subwatershed and acres involved, and the difference shall constitute the load
2 reduction need. Should percentage reduction goals be adjusted pursuant to
3 Section (7) of Rule 15A NCAC 02B .0262, then the annual ~~loading-load~~ goals
4 established in this Sub-Section shall be adjusted accordingly. Entities may seek
5 to fund implementation of load-reducing activities through grant sources such as
6 ~~the North Carolina Clean Water Management Trust Fund,~~ the North Carolina
7 Clean Water Act Section 319 Grant Program, or other funding programs for
8 nonpoint sources;

9 (ii) ~~Entities shall conduct feasibility studies to determine the extent to which the~~
10 ~~loading goals referenced in this Rule may be achieved from lands within an~~
11 ~~entity's jurisdiction that are not subject to Sub-Item (3)(a) of this Rule, including~~
12 ~~existing developed lands, through retrofitting. Entities shall develop a proposed~~
13 ~~implementation rate and compliance schedule for load reductions. The load~~
14 ~~reduction program shall include a plan and supporting technical analysis for~~
15 ~~achieving half of each load reduction goal within 10 years after the effective~~
16 ~~date of this Rule, and a plan and timeframes for achieving the remaining half~~
17 ~~subject to modification based on technical analysis at 10 years after effective~~
18 ~~date. A load reduction program may propose an alternative compliance~~
19 ~~timeframe provided it includes a technical analysis that demonstrates the need~~
20 ~~for that timeframe. A program technical analysis shall examine the feasibility of~~
21 ~~achieving stated goals and shall consider factors such as magnitude of reduction~~
22 ~~need relative to area within a subwatershed, the potential for utilizing the range~~
23 ~~of load-reducing activities listed in Sub-Item (3)(a)(iv), and relative costs and~~
24 ~~efficiencies of each activity to the extent information is available. The load~~
25 ~~reduction program shall propose implementation rates and timeframes for each~~
26 ~~activity, and This schedule shall provide for reasonable and steady proportionate~~
27 ~~annual progress toward reduction goals toward meeting the reduction goals as~~
28 ~~practicable, that is capable of being put into practice, done, or~~
29 ~~accomplished; throughout the proposed compliance period;~~

30 (iii) The load reduction program shall identify specific load-reducing practices
31 implemented to date subsequent to the baseline period and for which it is
32 seeking ~~credit; credit.~~ It shall estimate load reductions for these practices using
33 methods provided for in Item (8), and their anticipated duration;

34 (iv) The load reduction program shall identify the types of activities the entity
35 intends to implement and types of existing development affected, relative
36 proportions or a prioritization of practices, and the relative magnitude of
37 reductions it expects to achieve from each. An entity may credit any nitrogen or

1 phosphorus load reductions in excess of those required by other rules in this
2 Chapter. The program shall identify the duration of anticipated ~~loading-load~~
3 reductions, and ~~should-may~~ seek activities that provide sustained, long-term
4 reductions. The load reduction program shall meet the requirements of Rule
5 15A NCAC 02B .0273. Potential load-reducing activities may include ~~but~~
6 ~~would not be limited to~~ stormwater activities such as street sweeping,
7 improvement of existing ponds and stormwater structures, removal of existing
8 built-upon area, retrofitting of existing development with engineered best
9 management practices (BMPs), ~~requiring~~ treatment of runoff in redevelopment
10 projects, ~~requiring~~ over-treatment of runoff in new development projects, source
11 control activities such as pet waste reduction and fertilization reduction,
12 alternative stormwater practices such as rain barrels, cisterns, downspout
13 disconnections, and stormwater capture and reuse, restoration of ecological
14 communities such as streams and riparian buffers, and wastewater activities
15 such as creation of surplus allocation through advanced treatment at wastewater
16 facilities, expansion of surplus allocation through regionalization, collection
17 system improvements, and removal of illegal discharges;

18 (v) The load reduction program shall identify anticipated funding mechanisms or
19 sources and discuss steps taken or planned to secure such funding;

20 ~~(v)~~ (vi) An entity shall have the option of working with municipalities or counties within
21 its subwatershed to jointly meet the loading-load targets from all existing
22 development within their combined jurisdictions;jurisdictions. An entity may
23 utilize private or third party sellers. All reductions shall meet the requirements
24 of Rule 15A NCAC 02B .0273; and

25 (vii) The entity shall include measures to provide for operation and maintenance of
26 retrofitted stormwater controls to ensure that they meet the ~~loading-load~~ targets
27 required in Sub-Item (3)(b) of this Rule for the life of the ~~development.~~
28 development; and

29 (viii) An entity may choose to conduct monitoring of stream flows and runoff from
30 catchments to quantify disproportionately high loading rates relative to those
31 used in the accounting methods stipulated under Item (8), and to subsequently
32 target load-reducing activities to demonstrated high-loading source areas within
33 such catchments for proportionately greater load reduction credit. An entity
34 may propose such actions in its initial load reduction program submittal or at
35 any time subsequent, and shall obtain Division approval of the monitoring
36 design. It shall also obtain Division approval of any resulting load reduction
37 benefits based on the standards set out in this Rule. As detailed in Item (5), an

1 entity that chooses such monitoring initially may delay submittal of its load
2 reduction program by one year for the purpose of incorporating monitoring
3 findings into its program design provided it submits to the Division within six
4 months of the effective date of this Rule a satisfactory monitoring proposal
5 involving at least one year of up-front monitoring, executes the monitoring, and
6 provides the results to the Division as part of its load reduction program
7 submittal.

8 (4) NCDOT REQUIREMENTS The NCDOT shall develop a single Stormwater Management
9 Program that will be applicable to the entire Jordan watershed and submit this program for
10 approval by the Division. ~~The program shall include the following elements and meet the~~
11 ~~associated criteria;~~ Division according to the following standards:

12 (a) Identify NCDOT stormwater outfalls from Interstate, US, and NC primary routes;

13 (b) Identify and eliminate illegal discharges into the NCDOT's stormwater conveyance
14 system;

15 (c) Establish a strategy program for post-construction stormwater runoff control for new
16 development, including new and widening NCDOT roads and ~~industrial~~ facilities. ~~The~~
17 ~~strategy shall be designed to achieve and maintain the nitrogen and phosphorus~~
18 ~~percentage loading reduction goals established for each subwatershed in Rule 15A~~
19 ~~NCAC 02B .0262 on new development in each subwatershed relative to estimates of~~
20 ~~loads delivered to Jordan Reservoir from developable lands.~~ The program shall establish
21 a process by which the Division shall review and approve stormwater designs for new
22 NCDOT development projects. The program shall delineate the scope of vested projects
23 that would be considered as existing development, and shall define lower thresholds of
24 significance for activities considered new development. In addition, the following
25 criteria shall apply:

26 (i) For new and widening roads, compliance with the riparian buffer protection
27 requirements of Rules 15A NCAC 02B .0267 and .0268 which are expected to
28 achieve a 30 percent nitrogen reduction efficiency in runoff treatment through
29 either diffuse flow into buffers or other practices) shall be deemed as
30 compliance with the purposes of this Rule.

31 (ii) New non-road development shall achieve and maintain the nitrogen and
32 phosphorus percentage load reduction goals established for each subwatershed
33 in Rule 15A NCAC 02B .0262 relative to either area-weighted average loading
34 rates of all developable lands as of the baseline period defined in Rule 15A
35 NCAC 02B .0262, or to project-specific pre-development loading rates. Values
36 for area-weighted average loading rate targets for nitrogen and phosphorus,
37 respectively, in each subwatershed shall be the following, expressed in units of

1 pounds per acre per year: 2.2 and 0.82 in the Upper New Hope; 4.4 and 0.78 in
2 the Lower New Hope; and 3.8 and 1.43 in the Haw. The NCDOT shall
3 determine the need for engineered stormwater controls to meet these loading
4 rate targets by using the loading calculation method called for in Item (8) or
5 other equivalent method acceptable to the Division. Where stormwater
6 treatment systems are needed to meet these targets, they shall be designed to
7 control and treat the runoff generated from all surfaces by one inch of rainfall.
8 Such systems shall be assumed to achieve the nutrient removal efficiencies
9 identified in the most recent version of the *Stormwater Best Management*
10 *Practices Manual* published by the Division provided that they meet associated
11 drawdown and other design specifications included in the same document. The
12 NCDOT may propose to the Division nutrient removal rates for practices
13 currently included in the BMP Toolbox required under its NPDES stormwater
14 permit, or may propose revisions to those practices or additional practices with
15 associated nutrient removal rates. The NCDOT may use any such practices
16 approved by the Division to meet loading rate targets identified in this Sub-Item.
17 New non-road development shall also control runoff flows to meet the purpose
18 of this Rule regarding protection of the nutrient functions and integrity of
19 receiving waters.

20 (iii) For new non-road development, the NCDOT shall have the option of partially
21 offsetting its nitrogen and phosphorus loads by implementing or funding offsite
22 management measures. These offsite offsetting measures shall achieve at least
23 equivalent reductions in nitrogen and phosphorus load to the remaining
24 reduction needed onsite to comply with Sub-Item (4)(c)(ii) of this Rule. Before
25 using offsite offset options, a development shall attain a maximum nitrogen
26 loading rate of 8 pounds per acre per year. The NCDOT may make offset
27 payments to the NC Ecosystem Enhancement Program contingent upon
28 acceptance of payments by that Program. The NCDOT may propose other
29 offset measures to the Division. All offset measures identified in this Sub-Item
30 shall meet the requirements of Rule 15A NCAC 02B .0273.

31 (d) ~~Identify~~ Establish a program to identify and implement ~~load-load~~-reducing opportunities
32 on existing development within the watershed. The long-term objective of this effort
33 shall be for the NCDOT to achieve the nutrient ~~loading-load~~ goals in Rule 15A NCAC
34 02B .0262 as applied to existing development under its control, including roads and
35 ~~industrial~~-facilities.

36 (i) For existing non-roadway development, the program shall include estimates of,
37 and plans for offsetting, nutrient load increases from lands developed

1 subsequent to the baseline period but prior to implementation of its new
2 development program. It shall include a technical analysis that includes a
3 proposed implementation rate and schedule. This schedule shall provide for
4 proportionate annual progress toward reduction goals as practicable throughout
5 the proposed compliance period. The program shall identify the types of
6 activities NCDOT intends to implement and types of existing non-roadway
7 development affected, relative proportions or a prioritization of practices, and
8 the relative magnitude of reductions it expects to achieve from each.

9 (ii) For existing roadway development, NCDOT may meet minimum
10 implementation rate and schedule requirements by implementing retrofits or
11 other load-reducing measures in the watershed to achieve load reductions at the
12 rate of 500 pounds of nitrogen reduction per 5-year period and at least 50
13 pounds per year. To the maximum extent practicable, retrofits shall be designed
14 to treat the runoff generated from all surfaces by 1 inch of rainfall, and shall
15 conform to the standards and criteria established in the most recent version of
16 the Division-approved NCDOT BMP Toolbox required under NCDOT's
17 NPDES stormwater permit. To establish removal rates for nutrients in the
18 Toolbox, design criteria for individual practices therein shall be modified as
19 needed consistent with such criteria in the most recent version of the *Stormwater*
20 *Best Management Practices Manual* published by the Division, or other
21 technically at least equivalent guidance acceptable to the Division, and the
22 Division shall approve such modifications as part of the accounting process
23 defined in Item (8) of this Rule. Other aspects of nutrient mass load calculations
24 shall be based on the accounting process defined in Item (8) of this Rule.

25 (e) Initiate a “Nutrient Management Education Program” for NCDOT staff and contractors
26 engaged in the application of fertilizers on highway rights of way. The purpose of this
27 program shall be to contribute to the loading-load reduction goals established in Rule 15A
28 NCAC 02B .0262 through proper application of nutrients, both inorganic fertilizer and
29 organic nutrients, to highway rights of way in the Jordan watershed in keeping with the
30 most current state-recognized technical guidance on proper nutrient management; and

31 (f) Address compliance with the riparian buffer protection requirements of Rules 15A
32 NCAC 02B .0267 and .0268 through a Division approval process.

33 (5) NON-NCDOT RULE IMPLEMENTATION. For all state and federal entities that control lands
34 within the Jordan watershed with the exception of the NCDOT, this Rule shall be implemented as
35 follows:

36 (a) Within six months after the effective date of this Rule, any entity that intends to use water
37 quality monitoring to guide the initial design of its load reduction program shall provide a

1 monitoring design to the Division. The Division shall notify any such entity of the
2 adequacy of its design within three months of submittal. When an entity's monitoring
3 design is deemed adequate, it may delay submittal of its load reduction program by up to
4 one year from the timeframe given in Sub-Item (5)(c) of this Rule, whereupon the same
5 time interval would be added to the approval and implementation timeframes given in
6 Sub-Items (5)(d) through (5)(f) of this Rule;

7 (b) Upon Commission approval of the accounting methods required by Item (8) of this Rule,
8 subject entities shall comply with the requirements of Sub-Item (3)(a) of this Rule for any
9 new development proposed within their jurisdictions;

10 (b)(c) Within 36-24 months after the effective date of this Rule, Commission's approval of the
11 accounting methods, subject entities shall submit loading-load reduction programs
12 addressing Sub-Item (3)(b) of this Rule to the Division, Division for preliminary approval
13 according to the standards set out in Sub-Item (3)(b) of this Rule; including the following
14 regarding Sub-Item (3)(b)(ii) of this Rule:

15 (i) The results of feasibility studies that determine the extent to which the loading goals
16 referenced in this Rule may be achieved from existing development lands within
17 their jurisdictions;

18 (ii) A proposed implementation schedule for load reduction projects.

19 (e)(d) Within 46-34 months of the effective date of this Rule, after the Commission's approval
20 of the accounting methods, the Division shall request the Commission's approval of
21 entities' load reduction programs, programs submitted under Sub-Item (5)(b) of this Rule.
22 The Commission shall either approve the programs or require changes. Should the
23 Commission require changes, the Division shall address those changes and seek
24 Commission approval at the earliest feasible date subsequent to the original request;

25 (d)(e) Within 48-36 months of the effective date of this Rule, after the Commission's approval
26 of the accounting methods, or within two months following Commission approval of a
27 load reduction program, whichever is later, entities shall begin to implement load
28 reduction programs; programs on the timeframe established under the feasibility
29 study; and

30 (e)(f) Upon implementation of the requirements of Item (3) of this Rule, subject entities shall
31 provide annual reports to the Division documenting their progress in implementing those
32 requirements, the requirements of Item (3) of this Rule, including changes to nutrient
33 loading due to implementation of Sub-Item (3)(b) of this Rule.

34 (6) NCDOT RULE IMPLEMENTATION. For the NCDOT, this rule shall be implemented as
35 follows:

36 (a) Within 48-30 months of the effective date of this rule, the NCDOT shall submit the
37 Stormwater Management Plan-Program for the Jordan watershed to the Division for

1 approval. This ~~Plan-Program~~ shall meet or exceed the requirements in Item (4) of this
2 Rule;

3 (b) Within ~~28-40~~ months of the effective date of this Rule, the Division shall request the
4 Commission's approval of the NCDOT Stormwater Management ~~Plan;~~Program;

5 (c) Within ~~30-42~~ months of the effective date of this Rule, the NCDOT shall implement the
6 approved Stormwater Management ~~Plan;~~Program; and

7 (d) Upon implementation, the NCDOT shall submit annual reports to the Division
8 summarizing its activities in implementing each of the requirements in Item (4) of this
9 Rule. This annual reporting may be incorporated into annual reporting required under
10 NCDOT's NPDES stormwater permit.

11 (7) RELATIONSHIP TO OTHER REQUIREMENTS. ~~The NCDOT~~A party may in its program
12 submittal under ~~Sub-Item (5) or (6)(b)~~ of this Rule request that the Division accept ~~the~~
13 ~~NCDOT's~~sits implementation of another stormwater program or programs, such as NPDES
14 stormwater requirements, as satisfying one or more of the requirements set forth in Item ~~(3) or (4)~~
15 of this Rule. The Division shall provide determination on acceptability of any such alternatives
16 prior to requesting Commission approval of ~~NCDOT~~-programs as required in ~~Sub-Item~~
17 ~~(6)(b) Items (5) and (6)~~ of this Rule. The ~~NCDOT~~party shall include in its program submittal
18 technical information demonstrating the adequacy of the alternative requirements.

19 (8) ACCOUNTING METHODS. Within 18 months after the effective date of this Rule, the Division
20 shall submit a nutrient accounting framework to the Commission for approval. This framework
21 shall include tools for quantifying load reduction assignments on existing development for parties
22 subject to this Rule, load reduction credits from various activities on existing developed lands, and
23 a tool that will allow subject parties to account for loading from new and existing development
24 and loading changes due to BMP implementation. The Division shall work in cooperation with
25 subject parties and other watershed interests in developing this framework. The Division shall
26 periodically revisit these accounting methods to determine the need for revisions to both the
27 methods and to existing development load reduction assignments made using the methods set out
28 in this rule. It shall do so no less frequently than every ten years. Its review shall include values
29 subject to change over time independent of changes resulting from implementation of this rule,
30 such as untreated export rates that may change with changes in atmospheric deposition. It shall
31 also review values subject to refinement, such as BMP nutrient removal efficiencies.

32
33 *History Note:* Authority G S. 143-214.1; 143-214.5; 143-214.5(i); 143-214.7; 143-214.12; 143-214.21; 143-
34 215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; ~~143-282(d); 143-215.8B; 143-215.8B(b);~~
35 ~~143B-282(c); 143B-282(d);~~ S.L. 2005-190; S.L. 2006-259;
36 *Eff. July 1, 2008.*