

*J.M.W. File*

*Copy furnished Danny + Betty 8-5-87*

6280/4  
FAC  
JUL 31 1987

From: Commanding General, Marine Corps Base, Camp Lejeune  
To: Commandant of the Marine Corps (LFL)  
Commander, Atlantic Division, Naval Facilities Engineering  
Command, Norfolk, VA 23511-6287 (Code 09P and Code 114)

Subj: PROPOSED STATE REGULATIONS FOR STORM WATER RUN OFF

Encl: (1) Excerpts from the "North Carolina Register", Volume 2,  
Issue 4 dtd 15 Jul 87

1. Request your review of these proposed rules shown at the enclosure and any guidance you feel that would assist us in responding to the state. These revised regulations will require additional consideration by project planners and designers to assure compliance with coastal runoff policies.
2. Our POC is Mr. Bob Alexander, autovon 484-3034.

K. J. KIRIACOPOULOS  
By direction

Blind copy to:  
PWO  
BMO  
DNREAD ←  
CO, MCAS, NR

*Copy*  
*Danny*  
*+ Betty*

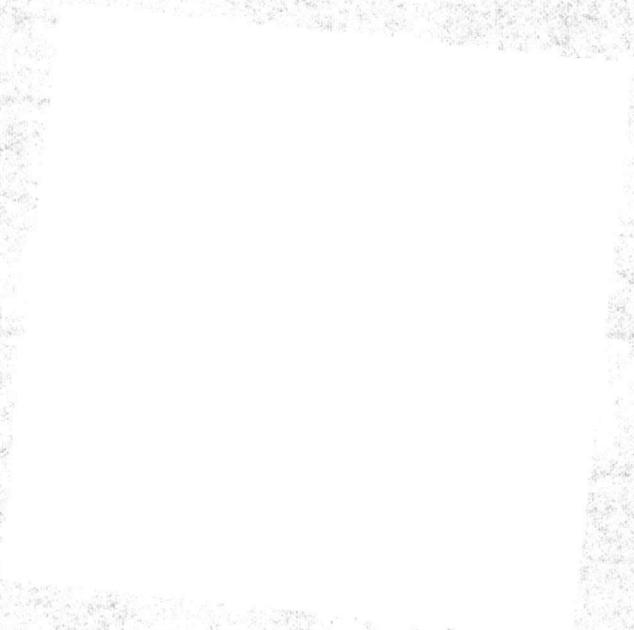
*[Handwritten initials/signature]*

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JUL 21 1987

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JUL 21 1987

RECEIVED  
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# The NORTH CAROLINA REGISTER

*Proposed  
Rules only*

## IN THIS ISSUE .....

EXECUTIVE ORDERS

FINAL DECISION LETTERS

PROPOSED RULES

Administration

Agriculture

GPA

Community Colleges

Human Resources

Justice

NR & CD

FINAL RULES

Corrections

LIST OF RULES AFFECTED

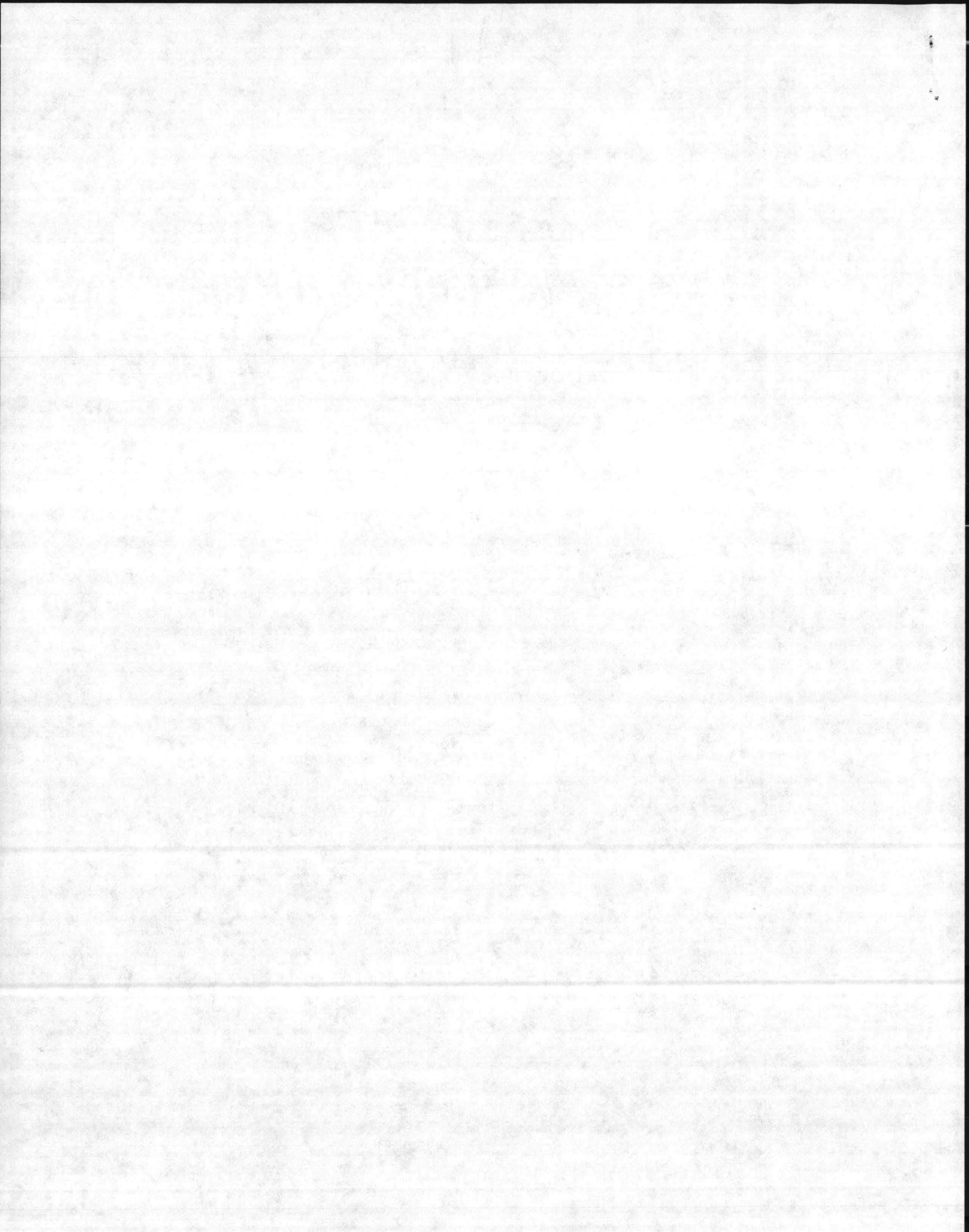
ISSUE DATE: JULY 15, 1987.

Volume 2 • Issue 4 • Pages 199-285

*Call for  
adopted rules  
as needed*



*1 to 30  
4/15/87  
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20-100*



# INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

## NORTH CAROLINA REGISTER

The *North Carolina Register* is published monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately one hundred pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 12 issues.

Requests for subscription to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: Subscriptions.

## ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include a reference to the Statutory Authority for the action, the time and place of the public hearing and a statement of how public comments may be submitted to the agency either at the hearing or otherwise, the text of the proposed rule or amendment, and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any amendment which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Following publication of the proposal in the *North Carolina Register*, at least 60 days must elapse before the agency may take action on the proposed adoption, amendment, or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule, cannot become effective earlier than the first day of the second calendar month after the adoption is filed.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

## TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in effect for the period specified in the rule or 120 days, whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

## NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter-size, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

(1) In looseleaf pages at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$0.15) per each additional page.

(2) On microfiche. The microfiche edition is revised semi-annually (March and October) and can be purchased for forty dollars (\$40.00) per edition. Due to the volume of the Code, the complete copy can only be purchased on microfiche. The NCAC on microfiche is updated monthly by publication of a "List of Rules Affected" which sets out rules filed the previous month, the action taken, and the effective date of the change. This list is published in the *North Carolina Register*.

Requests for looseleaf pages of rules or the NCAC on microfiche should be directed to the Office of Administrative Hearings.

## NOTE

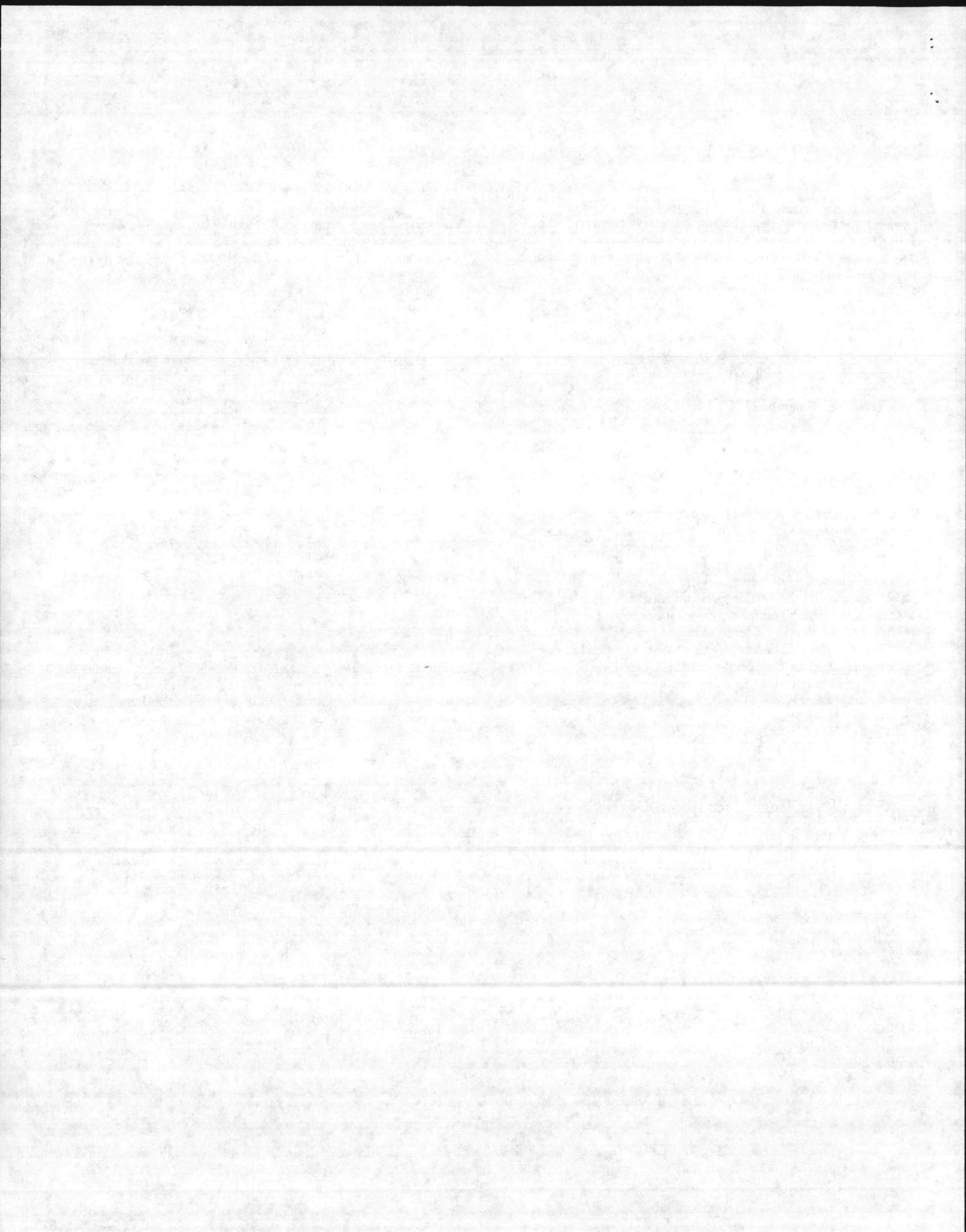
The foregoing is a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

## CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue, page number and date. 1st NCR 01-201, April 1, 1986 refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

North Carolina Register. Published monthly by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604 pursuant to Chapter 150B of the General Statutes. Subscriptions ninety-five dollars (\$95.00) per year.

North Carolina Administrative Code. Published in March and October by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604 pursuant to Chapter 150B of the General Statutes. Subscriptions forty dollars (\$40.00) per edition.



## PROPOSED RULES

### SUBCHAPTER 26H - REIMBURSEMENT PLANS

#### SECTION .0300 - ICF-MR PROSPECTIVE RATE PLAN

##### .0303 SPECIAL PAYMENT

(g) A special payment in addition to the prospective rate shall be made in the year that any provider changes from the cash basis to the accrual basis of accounting for vacation leave costs. The amount of this payment shall be determined in accordance with Title XVIII allowable cost principles and shall equal the Medicaid share of the vacation accrual that is charged in the year of the change including the cost vacation leave earned for that year and all previous years less vacation leave used or expended over the same period and vacation leave accrued prior to the date of certification. The payment shall be made as a lump sum payment that represents the total amount due for the entire fiscal year. An interim payment may be made based on a reasonable estimate of the cost of the vacation accrual. The payment shall be adjusted to actual cost after audit.

Statutory Authority G.S.  
108A-25(b); 108A-54; 108A-55; S.L.  
1985, c. 479, s. 86; 42 CFR Part 447,  
Subpart C.

### TITLE 12 - DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-12 that the Private Protective Services Board intends to amend regulation cited as 12 NCAC 7D .0401(a).

The proposed effective date of this action is November 1, 1987.

The public hearing will be conducted at 12:00 p.m. on August 21, 1987 at McKimmon Center, Gorman Street at Western Boulevard, Raleigh, N. C.

Comment Procedures: Any person wishing to propose changes must do so in writing 10 days prior to the date of the public hearing to: Mr. Jim Kirk, N. C. Private Protective Services Board, P. O. Box 29500, Raleigh, N. C. 27626.

### CHAPTER 7 - PRIVATE PROTECTIVE SERVICES

#### SUBCHAPTER 7D - PRIVATE PROTECTIVE SERVICE BOARD

##### SECTION .0400 - PRIVATE INVESTIGATOR: COUNTERINTELLIGENCE

##### .0401 EXPERIENCE REQUIREMENTS FOR A PRIVATE INVESTIGATOR LICENSE

(a) In addition to the requirements of 12 N.C.A.C. 7D .0200, applicants for a private investigator license shall meet the requirements of G.S. Chapter 74C-8(d)(3) and successfully complete an oral or written examination deemed by the board to measure an individual's knowledge and competence as a private investigator.

Statutory Authority G.S. 74C-5(2).

### TITLE 15 - DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Environmental Management Commission intends to adopt, amend, repeal regulations cited as 15 NCAC 2B .0217; 2H .0408; 2H .0409; 2H .1001-.1004.

The proposed effective date of this action is January 1, 1988.

The public hearing will be conducted at 7:00 p.m. on August 17, 1987 at College of the Albemarle, Bld. B-Room B-202, U.S. Hwy. 17 North, Elizabeth City, NC. At 7:00 p.m. on August 18, 1987, Craven Co. Community Coll., C-Bldg. Room C-15, South Glenburnie at Coll. Ct., New Bern, NC. At 7:00 p.m. on August 19, 1987, N.C. Aquarium, Fort Fisher, U.S. Hwy. 421, Kure Beach, NC. At 1:30 p.m. on August 20, 1987, Archdale Bldg., Ground Fl., Hearing Rm. 512, N. Salisbury St., Raleigh, NC.

Comment Procedures: All persons interested in this matter are invited to attend. Comments, statements, data, and other information may be submitted in writing prior to, during, or



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within 30 days after the hearing or may be presented orally at the hearing. Oral statements may be limited to 3 minutes at the discretion of the hearing officer. For further information or the submission of written comments, contact Bill Kreutzberger, DEM, P. O. Box 27687, Raleigh, NC 27611, (919) 733-5083.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS OF NORTH CAROLINA

.0217 STORMWATER CONTROL CRITERIA TO PROTECT WATER QUALITY STANDARDS (REPEALED)

Statutory Authority G.S. 143-214.J; 143-215.3(a)(1).

SUBCHAPTER 2H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0400 - COASTAL WASTE TREATMENT DISPOSAL

.0408 DISPOSAL OF STORMWATER (REPEALED)

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

.0409 TRIAL IMPLEMENTATION PERIOD/COASTAL STORMWATER CONTROLS

The provisions of 15 NCAC 2H .0408 shall expire December 31, 1987 or one year from the effective date, whichever is later December 31, 1988 unless this Rule (15 NCAC 2H .0409) is specifically amended or repealed by the commission.

Statutory Authority G.S. 143-215.3(a)(1).

SECTION .1000 - STORMWATER RUNOFF DISPOSAL

.1001 STORMWATER DISPOSAL POLICY

(a) The increase in stormwater runoff associated with land development activities can substantially increase inputs of numerous pollutants to waters of the state over that which occurs in natural, undeveloped watersheds. The increased pollutant loading from stormwater runoff may

degrade ambient water quality, adversely impact best usage or otherwise violate water quality standards. For these reasons, the goal of the commission is that the water quality impacts of development activities be minimized to the extent practicable and in accordance with the provisions of this Section. In establishing this goal, the commission recognizes that the U.S. Environmental Protection Agency will be establishing permit requirements and best management practices for stormwater point sources pursuant to the Federal Water Pollution Control Act as amended.

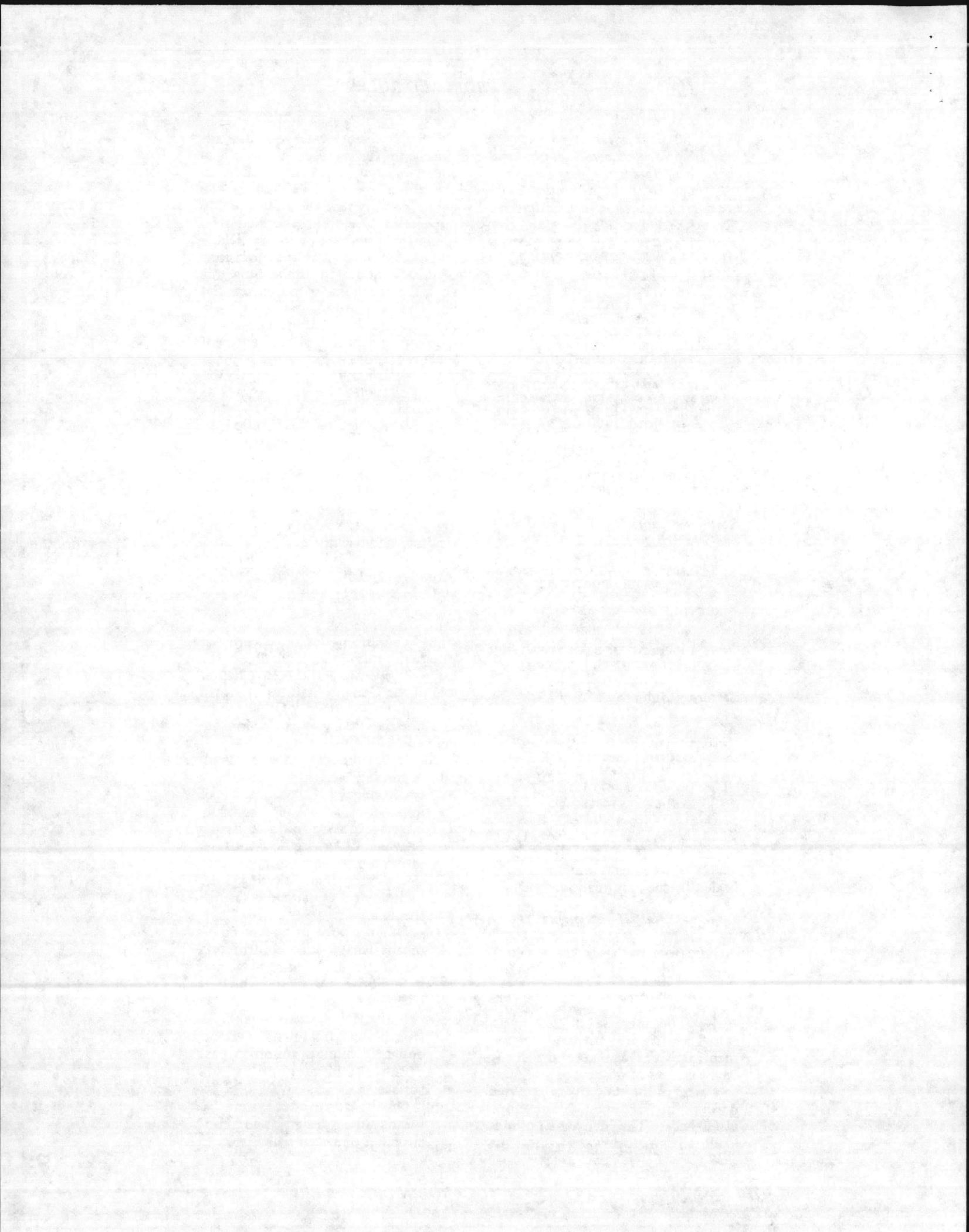
(b) The rules in this Section to control pollutants associated with stormwater runoff apply to development of land for residential, commercial, industrial, or institutional use but do not apply to land management activities associated with agriculture or silviculture.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

.1002 DEFINITIONS

The definition of any word or phrase in this Section shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. Other words and phrases used in this Section are defined as follows:

- (1) Development means any land disturbing activity which adds or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil thus altering the hydrological characteristics of the area;
(2) Drainage area or watershed means that area contributing runoff to a single point measured in a horizontal plane which is enclosed by a ridge line;
(3) Infiltration systems mean stormwater treatment systems designed to allow runoff to pass or move (infiltrate) into the soil surface;
(4) On-site stormwater system means the design and construction of systems necessary to



PROPOSED RULES

- control stormwater within an individual development project;
- (5) Off-site stormwater system means the design and construction of systems necessary to control stormwater from more than one development which is owned and operated as a duly licensed utility or by a local government;
- (6) Built-upon area means that portion of an individual development project that is covered by impervious or partially impervious cover including buildings, pavement, recreation facilities, etc. but not including decking.
- (7) Redevelopment means any rebuilding activity following fires, hurricanes or other natural disaster or other public restoration projects designated by the commission;
- (8) Wet detention pond means a structure that provides for the storage and treatment of runoff and includes a permanent pool of water.
- (9) Coastal Counties include Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington;
- (10) Sedimentation/erosion control plan means any plan submitted to the Division of Land Resources or delegated authority in accordance with 15 NCAC 4B .0005.
- (11) CAMA major development permit required by the Coastal Resources Commission according to 15 NCAC 7J Sections .0100 and .0200.
- (12) Vegetative filter means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that runoff does not become channelized and provides for infiltration of runoff and filtering of pollutants. The direction of stormwater flow defines the width of the filter.
- (13) Stormwater collection system

means any pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff.

Statutory Authority G.S. 143-214.1; 143-215.3(a)(1).

.1003 COASTAL STORMWATER DISPOSAL

(a) Applicability. Stormwater control measures as described in this Rule are required for any development activities in the coastal counties which require a CAMA major development permit or a sedimentation/erosion control plan after [the effective date of this Rule] unless:

- (1) the project site is one acre or less;
- (2) the project site drains to SA waters or unnamed tributaries to SA waters, has a built-upon area of 25 percent or less, there is no stormwater collection system and built-upon area is at least 30 feet from surface waters;
- (3) the project site drains to waters other than SA, has a built-upon area of 30 percent or less, there is no stormwater collection system and built-upon area is at least 30 feet from surface waters;
- (4) the runoff from the project site is controlled through an off-site stormwater system meeting provisions of this Rule and permitted in accordance with G.S. 143-215.1(d); or
- (5) The director certifies that the site is situated such that water quality standards and uses are not threatened regardless of the type and degree of development.

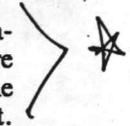
Projects with stormwater control measures in accordance with the provisions of this Rule shall be deemed permitted pursuant to G.S. 143-215.1(d) upon receipt of a permit from the Division of Coastal Management or plan approval from the Division of Land Resources (or delegated authority). In addition, NPDES permits for stormwater point sources may be required according to the provisions of 15 NCAC 2H .0126.

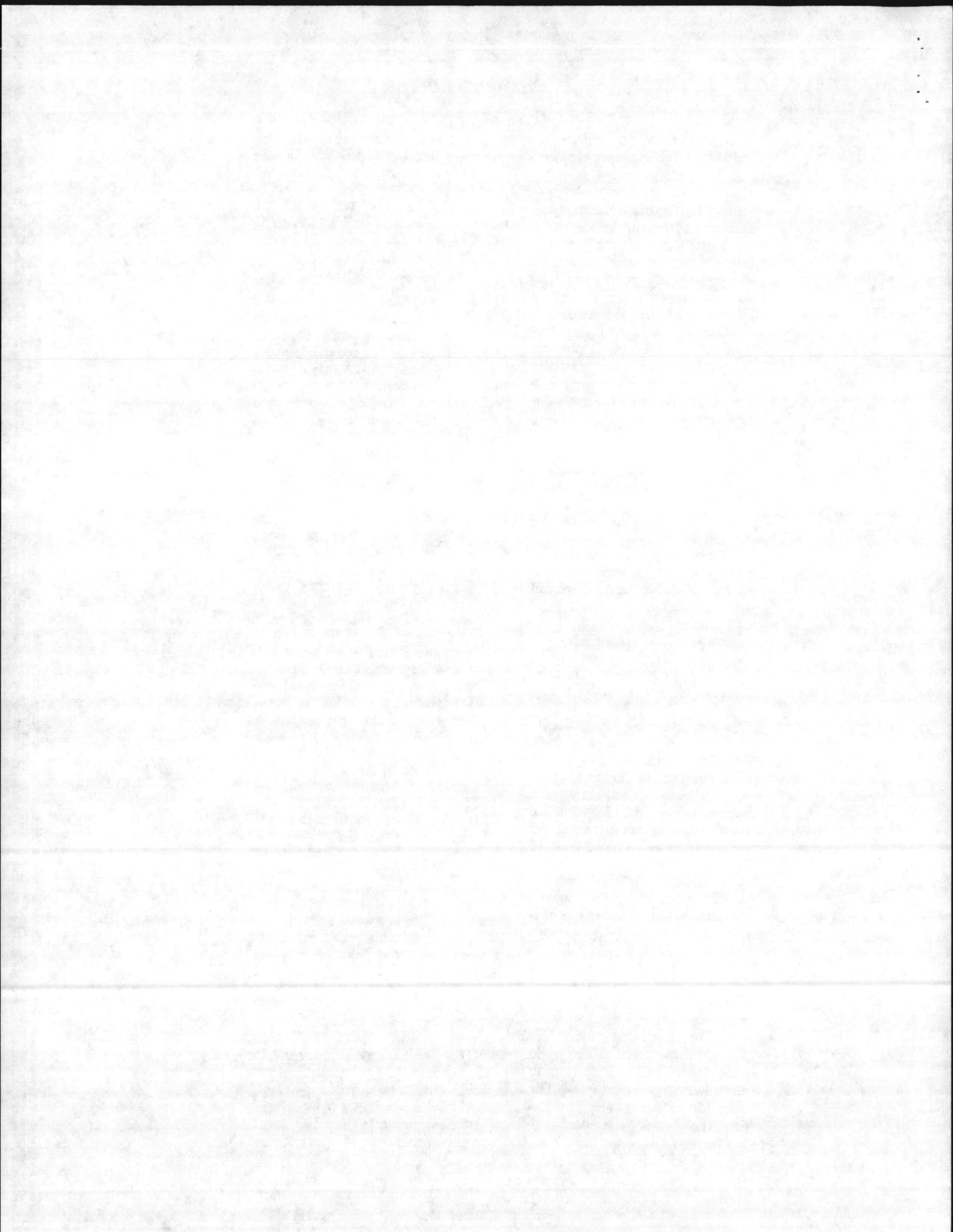
(b) Stormwater Control Options. Non-innovative stormwater control

*Countdown P  
Beag  
Dartlow Beach*

*Rest of Base*

*None presently  
are*





PROPOSED RULES

measures which can be approved according to this Rule include:

- (1) Stormwater infiltration systems including infiltration basins/ponds, swales, vegetative filters and porous pavement; and
- (2) Wet detention ponds.
- (c) Design Criteria for Projects Draining Directly to Class SA waters.

SA

1/2 in. Rain

either 7' or ...

- (1) Direct outlet channels or pipes to SA waters are prohibited unless permitted in accordance with 15 NCAC 2H .0126.
- (2) Infiltration control systems must be designed to control the runoff from all impervious surfaces generated by one and one-half inches of rainfall. The size of the system must take into account the runoff from any pervious surfaces draining to the system.
- (3) Runoff in excess of the design volume must flow overland through a vegetative filter with a minimum width of 50 feet measured from mean high water of SA waters;

(d) Design Criteria For Projects Not Draining to SA Waters.

SC

1" Rain

or 85% TSS REML

either 10' or ?

- (1) Infiltration control systems must be designed to control the runoff from all impervious surfaces generated by one inch of rainfall. The size of the system must take into account the runoff from any pervious surfaces draining to the system.
- (2) As a design alternative to a design based on rainfall volume, wet detention ponds may be designed for 85 percent removal of total suspended solids.
- (3) Vegetative filters are required for the overflow and discharge of all stormwater wet detention ponds. These filters shall be at least 30 feet in length.
- (4) Additional control measures may be required on a case-by-case basis to protect sensitive waters or specific water uses.

(e) Infiltration System Requirements. Infiltration systems may be designed to provide infiltration of the entire design rainfall volume required for a site or a series of successive systems may be utilized. Infiltration may also be used to pretreat runoff prior to disposal in a wet detention

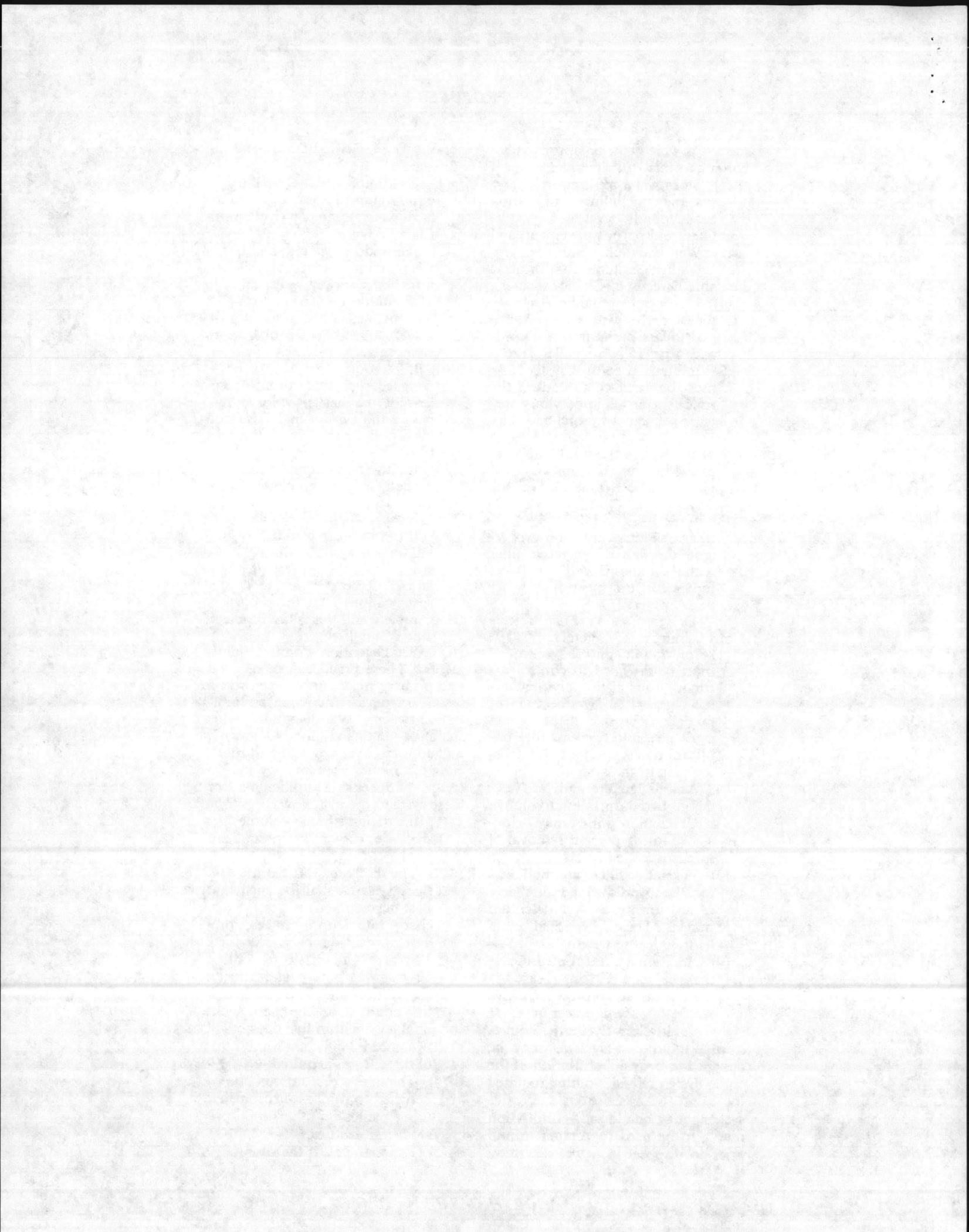
ponds. The following are general requirements:

- (1) Infiltration systems shall be a minimum of 30 feet from surface waters and 50 feet from Class SA waters;
- (2) Infiltration systems shall be a minimum distance of 100 feet from water supply wells;
- (3) The bottom of infiltration systems shall be a minimum of 2 feet above the seasonal high water table;
- (4) Infiltration systems must be designed such that runoff in excess of the design volume bypasses the system and does not flush pollutants through the system;
- (5) Infiltration systems must be designed to completely draw down to pre-storm levels within five days;
- (6) If runoff is directed to infiltration systems during construction of the project, the system must be restored to design specifications after the project is complete and the entire drainage area is stabilized.

5 days

(f) Wet Detention Pond Requirements. These practices can be used as a primary treatment device or as a secondary device following an infiltration system. Wet detention ponds shall be designed for a specific pollutant removal according to modeling techniques approved by the director. Specific requirements for these systems are as follows:

- (1) the design storage volume shall be above the permanent pool;
- (2) The discharge rate from these systems shall be such that post-development peak discharge rate is no more than pre-development discharge rate for a 10-year, 24-hour storm with a 10-year, one-hour peak intensity; the outflow should be such that the pond is at the permanent pool level within five days;
- (3) A mean depth of a minimum of three feet is required;
- (4) The inlet structure must be designed to minimize turbulence using baffles or other appropriate design features;
- (5) Pretreatment of the runoff



## PROPOSED RULES

by the use of infiltration swales is encouraged to minimize sedimentation and eutrophication of the detention pond.

(g) Vegetative Filter Requirements. Vegetative buffers shall be used as a non-structural method for providing additional infiltration, filtering of pollutants and minimizing stormwater impacts. Requirements for these buffers are as follows:

- (1) A distribution device such as a swale shall be used to provide even distribution of runoff over the length of the vegetative filter;
- (2) The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the buffer for a 10-year, 24-hour storm with a 10-year, 1-hour intensity.

(3) Vegetation in the filter may be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

(h) Innovative Systems. Innovative measure for controlling stormwater which are not well established through actual experience may be approved on a demonstration basis under the following conditions:

- (1) There is a reasonable expectation that the control measures will be successful;
- (2) The projects are not located near sensitive waters;
- (3) Monitoring requirements are included to verify the performance of the control measures; and
- (4) Alternatives are available if the control measures fail;

No more than five projects utilizing the same innovative control measure will be approved until the technology is proven over a time frame to be determined on a case-by-case basis.

(i) Operation and maintenance plans. An operation and maintenance plan or manual shall be provided for stormwater systems, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those

actions are to be taken, and who is responsible for those actions;

(j) Violations of these Rules. Failure to install systems according to plans and specifications approved by the division or failure to operate and maintain systems in accordance with approved operation and maintenance plans shall be considered a violation of a permit of the commission.

(k) System Design. Stormwater systems must be designed by a North Carolina registered professional engineer; upon completion of construction, the registered professional engineer must certify that the system was constructed in accordance with plans and specification reviewed by the division and complies with the requirements of this Rule.

*Statutory Authority G.S. 143-214.1; 143-215.1(d); 143-215.3(a)(1).*

### .1004 STATEWIDE STORMWATER GUIDELINES

The division will periodically develop guidelines for the control of stormwater pollution from various development practices and to protect specific water uses; these guidelines will be provided to requesting individuals, institutions, local governments, or state/federal agencies on request for use in developing control strategies for mitigating stormwater pollution.

*Statutory Authority G.S. 143-214.1; 143-215.3(a)(1); 143-215.8A.*

*Notice is hereby given in accordance with G.S. 150B-12 that the Environmental Management intends to amend and repeal regulations cited as 15 NCAC 2D .0501; .0524; .0525; 21 .0202.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 2:00 p.m. on August 17, 1987 at Ground Floor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina.*

*Comment Procedures: All persons interested in these matters are invited*

AIR  
Poll'n

