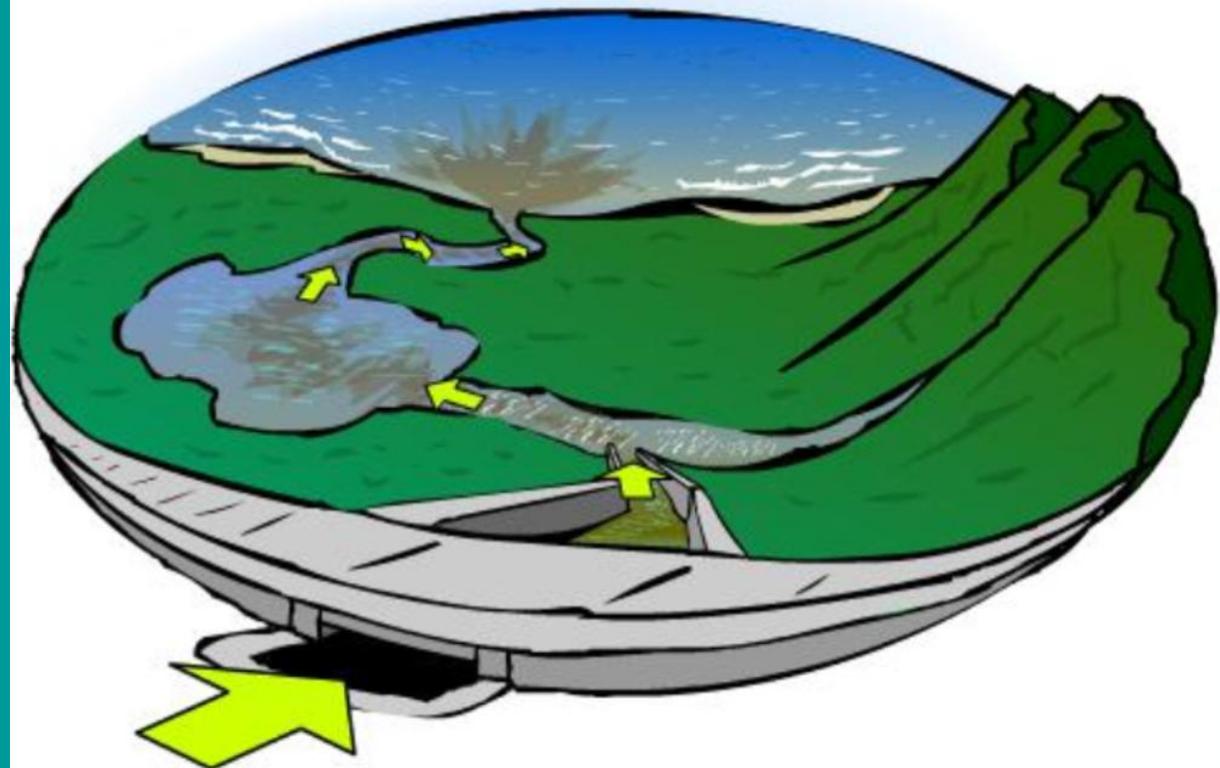


Stormwater Ordinance for Gaston County, North Carolina

What Is Expected To Comply

The stormwater ordinance was created to provide guide lines and to ensure that stormwater runoff be properly managed to control stream erosion, protect water resources and aquatic life, and provide for environmentally sound usage of the county's natural resources

Where Storm Water Goes After the Curb Inlet



**The Ordinance applies to:
All of Gaston County except;
The Town of Mount Holly
The Town of Kings Mountain
The property within water supply
watersheds**

**If a conflict exists between federal,
state or local, The more restrictive
provision applies.**

**40 Code of Federal Register Parts 122,123, 124
State Session Law 2006-246**

- Main Entry: **ap·pli·cant**
Pronunciation: 'a-pli-k&nt
Function: *noun*
: one who [applies](#) <a job *applicant*>

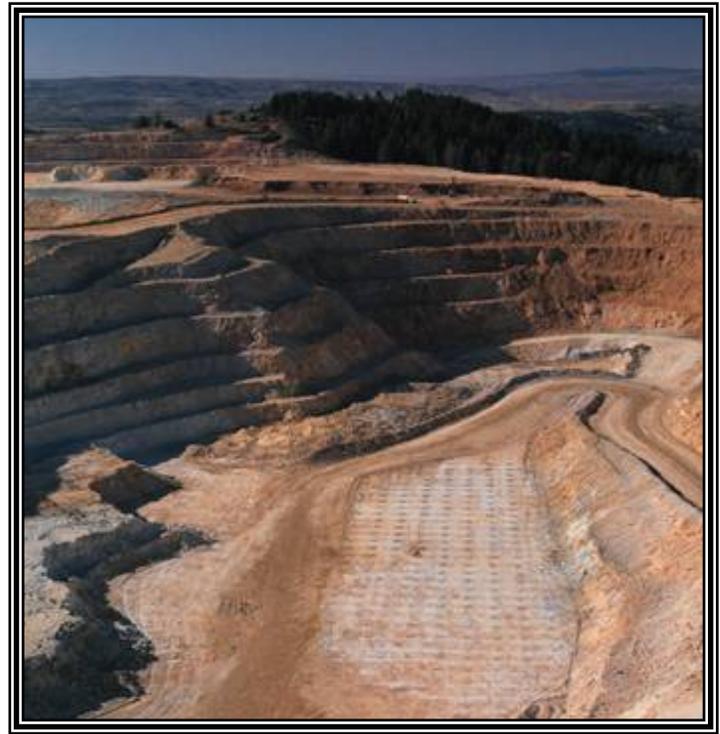
- Definitions used in the ordinance may be found and perused on pages 2-4 of the Stormwater Ordinance

- Main Entry: **con·vey·ance**
Pronunciation: k&n-'vA-&n(t)s
Function: *noun*
1 : the action of [conveying](#)
2 : a means or way of [conveying](#) : as **a** : an instrument by which title to property is [conveyed](#) **b** : a means of transport : [VEHICLE](#)

Exclusions of Stormwater Management

*Activities on “agricultural” land for producing Plants and animals useful to man.





*Harvesting timber and timber products on forest lands in accordance with Forest Practice Guidelines.

*Mining Activities under the mining act G.S. 74-46 et seq.

- Residential development that disturbs less than one acre and is not a part of a larger plan of development, or 10,000 Square feet of impervious surface.
- Any development that has a vested right established before July 12, 2007. Appeals may be made to the Gaston County Board of Adjustment concerning vested rights.
- Redevelopment or expansions are not subject to stormwater requirements unless it results in an expansion of impervious surfaces on commercial property equal to or greater than one acre.

Review and Decision Making

- The GNRD will administer this ordinance.
- The Stormwater Administrator designated is:
 - Joseph Alm
1303 Dallas Cherryville Hwy.
Dallas, NC 28034
704- 922 -2157
jdalm@co.gaston.nc.us



- The duties of the administrator are as follows:

- To review and approve or disapprove applications for approval of plans pursuant to this ordinance.
- To make determinations and render interpretations of this ordinance.
- To establish application requirements and schedules for submittal and review of applications and appeals, to review and approve applications
- To enforce the provisions of this ordinance in accordance with its enforcement provisions
- To make records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance
- To provide expertise and technical assistance to Gaston County
- To designate appropriate other persons who shall carry out the powers and duties of the Stormwater Administrator
- To take any action necessary to administer the provisions of this ordinance.

Review and Appeals procedures





A Stormwater permit is required for all development and redevelopment which equals or exceeds one acre of either residential or commercial.

The Gaston County Board of Commissioners shall establish permit review fees which is currently \$ 275.00 per disturbed acre.

The Gaston County Environmental Review board shall recommend fees.

The Gaston County Natural Resources Department shall establish policies and procedures.

For all activities which are subject to this ordinance, a written stormwater control permit is required. ALL PERMITS MUST BE OBTAINED PRIOR TO THE START OF THE WORK.

If **work begins before a permit is obtained**, the **plan review fees will double**, and re-inspection fees will be charged for follow up inspections

2222222222222222

Two copies of the stormwater plans shall be submitted for review by Natural Resources

An Incomplete or inappropriate plan will be returned to the applicant with an explanation for resolution

Natural Resources will take action to approve or deny stormwater plans within 45 days of receipt.

45 days.....

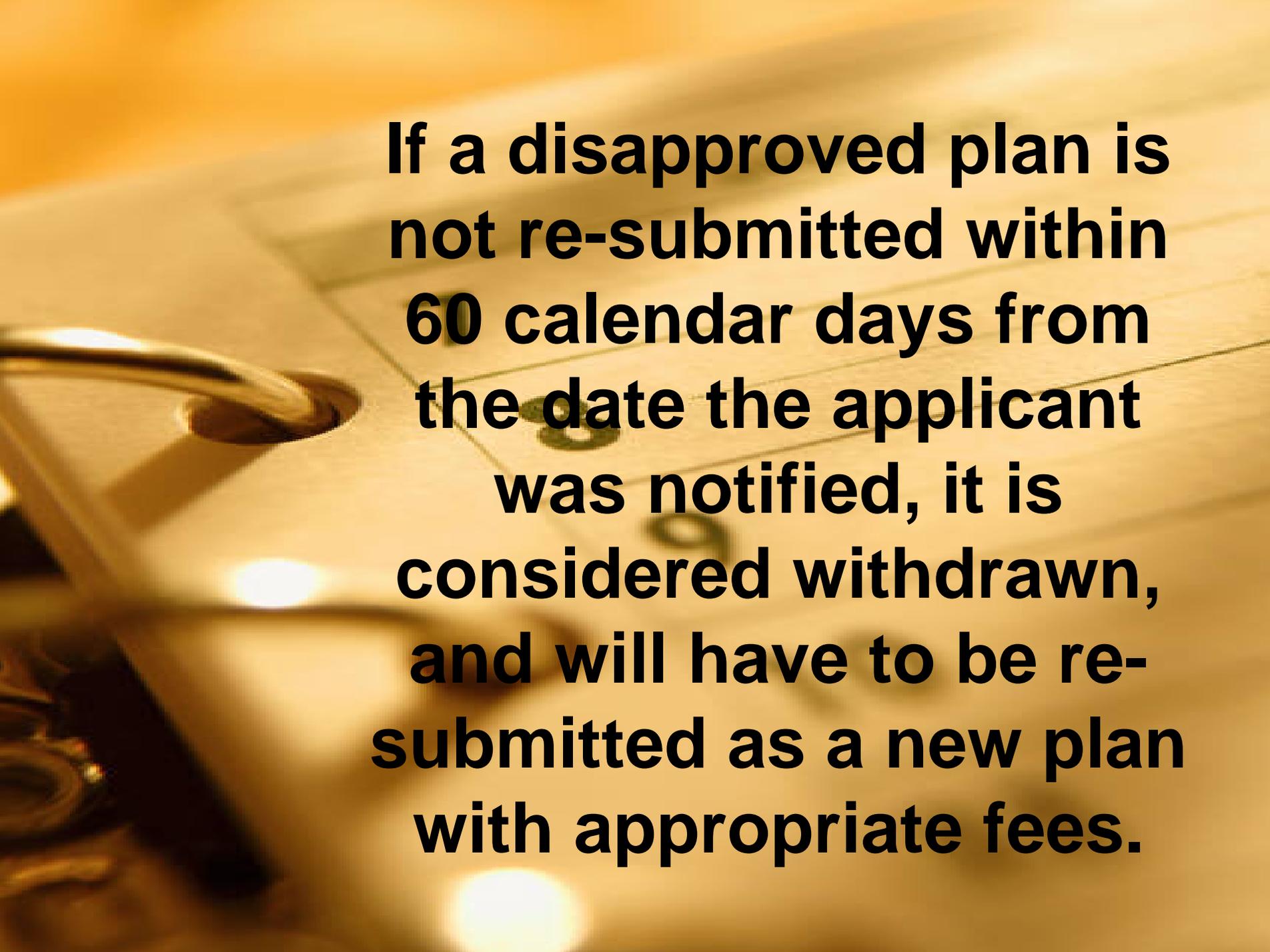


Approval, approval with modifications, or denial of the proposed plan shall be in writing.

If denied, the decision can be appealed to the Gaston County Environmental Review Board within 15 days after receipt.

Only the applicant can appeal the decision of the Stormwater Administrator

This process can be reviewed in Section 7: h, i, j, k, l of the stormwater Ordinance



If a disapproved plan is not re-submitted within 60 calendar days from the date the applicant was notified, it is considered withdrawn, and will have to be re-submitted as a new plan with appropriate fees.

Written application for an amendment to a stormwater plan may be made at any time to the Stormwater Administrator. However, it is unlawful to deviate from the current approved plan.



An approved plan becomes invalid if the applicant fails to make any progress on the site within 6 months after the date of approval. Beyond the routine 6 month extension, a new application must be submitted.

Residential High Density
development plans located in
unincorporated parts of the county
shall not be approved until
permission is received from the
Gaston County Planning Board.

Penalties for Violation



- ***The Maximum civil penalty for a violation of this ordinance is the amount allowed by federal law which is currently \$27500.00***
- ***Each day of a continuing violation shall constitute a separate violation.***

\$\$ Up to 27500.00

- No penalty shall be processed
- until the applicant has been
- notified. The notice shall
- describe the violation,
- give a time limit for the
- violation to be corrected.

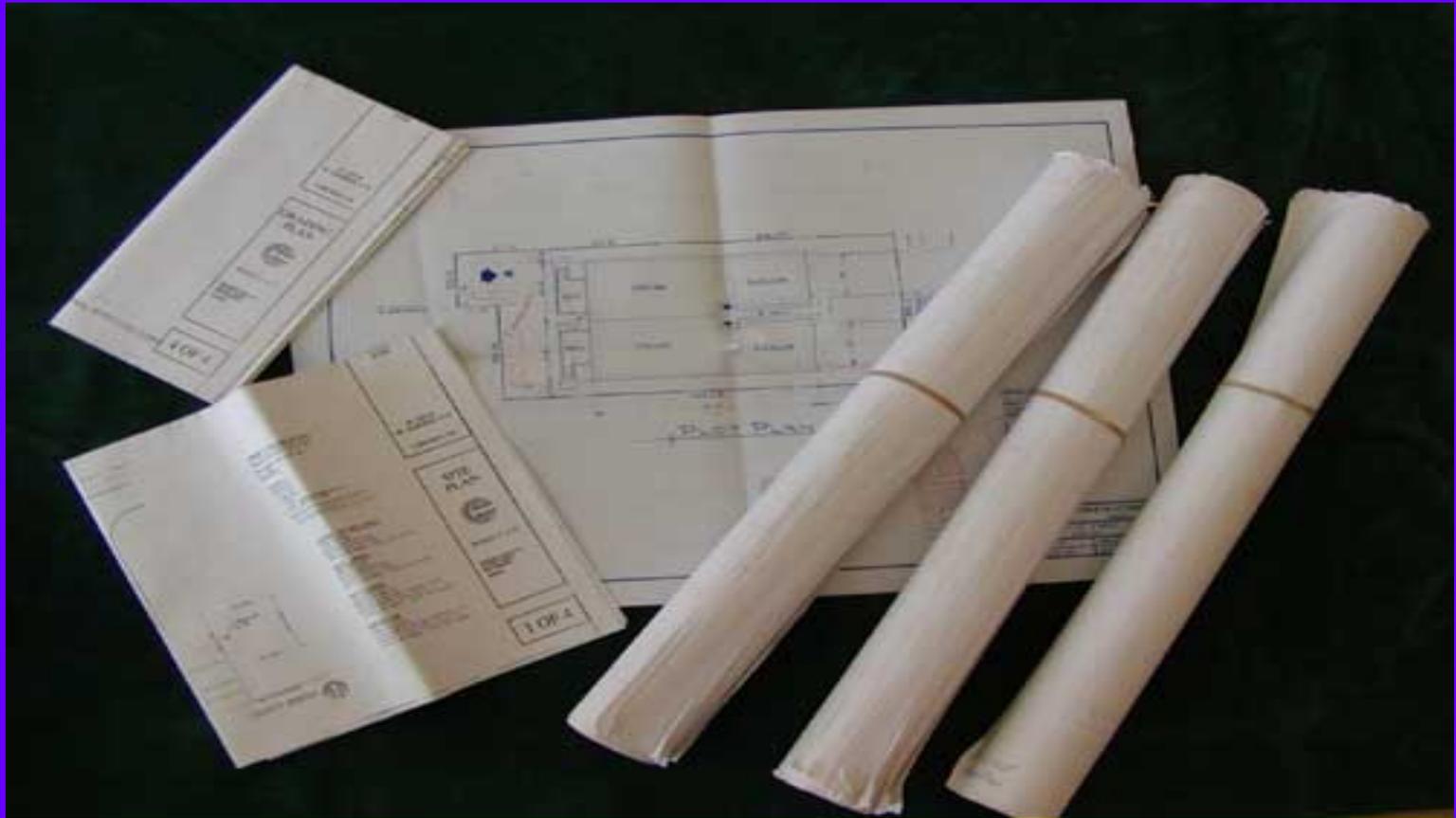


- If the violation is not corrected within the given time period, it will result in processing of further civil penalties or other enforcement actions, ie: A Stop Work Order or refusal of a certificate of occupancy. Furthermore the fines are retroactive to the date the violation was detected.



Any Person violating any provisions of the Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with NCGS 14-4.

Permit Application and Plans



Stormwater Permit Application shall refer to the drawings and technical information necessary to fulfill the outlined plans for stormwater management.

* Location and topographic maps with the total drainage area delineated including both on site and off site areas and sufficient information to define all ridges, existing streams, location of the 100-year floodplain and floodway, drainage ways, wetland areas, existing springs, and elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system, which may include a soil analysis.

* Architectural and engineering drawings showing plan, profile and details of piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.

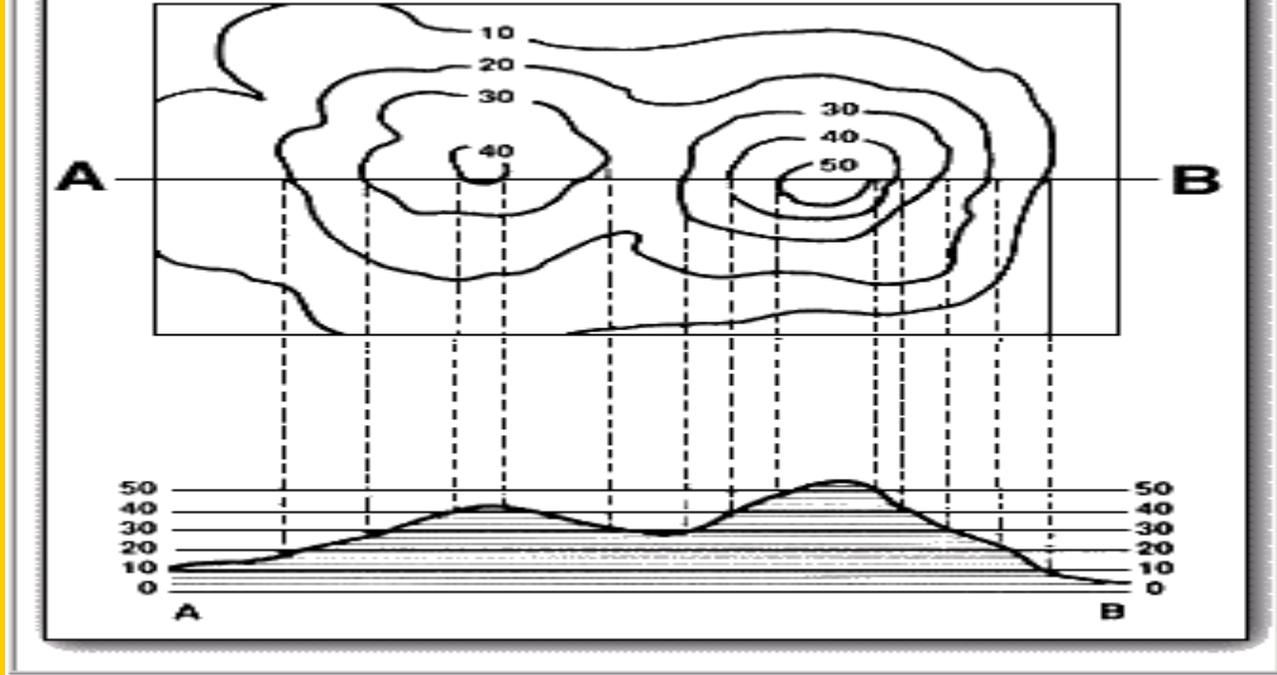
* Written project specifications governing work performance and materials.

* Computations and assumptions sufficient to support the design of piping, drainage structures, retention/detention ponds, and permanent erosion control measures.

*Whatever other narrative statements necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this article.

The stormwater permit application and plan shall be prepared by and bear the seal and signature of a professional engineer or landscape architect licensed in the state of North Carolina

The Stormwater permit application and plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in this ordinance.



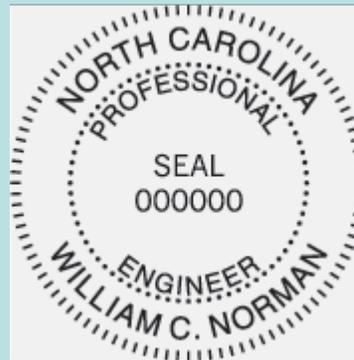
*** Permit application and plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The plan drawings shall be presented at a scale no smaller than 1 inch = 50 feet.**

Maintenance Manual

The stormwater permit application and plan shall be accompanied by an operations and maintenance manual. The BMP's will be described, and will include details of how to be maintained and repaired.



As Built Plans and Specifications



As Built Plans and Specifications

- The designer must show stormwater device plans as built, which include field location, size depth, and planted vegetation.
- The designer must certify under their seal that the stormwater measures comply with the County's stormwater's ordinance.
- The designer must submit an electronic file that is readable by GIS systems.

Stormwater Management objectives

- A. Reduce stormwater drainage related damage and hazards.
- B. Drainage facilities are to be designed, constructed and maintained so that neighboring properties are not adversely affected.
- C. Site improvements will have drainage measures that will not allow undue surface water retention

- **D. The goals for proper discharge are:**
 - * *Avoiding increases in surface runoff volume and velocity.*
 - * *Maximize the time of concentration of stormwater runoff.*
 - * *Promote the control and filtration of pollutants from stormwater runoff.*
- E. When practicable**, the drainage system in a development should connect and coordinate with surrounding drainage ways.
- F. When practicable**, the natural contours and drainage ways should be utilized.

- **G. When Practicable** lot boundaries should coincide with natural and man made drainage ways to avoid having to alter such drainage ways.
- **H. Stormwater** may not be transferred from one drainage basin to another.
- **I. Stormwater** may not be directed into sewers.
- **J. Stormwater** BMP's cannot be located within designated floodways.

- **K. Stormwater** BMP's cannot be located within 30 feet landward from any perennial and intermittent surface waters.
- **L. Streams** cannot be relocated unless the relocation will have a positive impact on water quality.
- **M. High Density** projects shall be required to facilitate stormwater measures.

Stormwater Management Design Standards



- Design Standards are established for the purpose of promoting sound development practices to protect and enhance Gaston County's watercourses.



Design Storm



- The Stormwater measures shall at least control the stormwater runoff from the first inch of rainfall leaving a site. Drawdown time minimum is 48 hours, maximum is 120 hours.
- All Structural stormwater measures shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids.
- No stormwater control measures shall be within 30 feet landward of any perennial and intermittent surface water.
- Acceptable methods of stormwater computation include the Rational Method, Peak Discharge Method, USGS Regression Equations.

- Runoff coefficients will be based on the total built impervious surfaces in the project and of the watershed.
- Stormwater detention shall be provided to insure that the rate of discharge for the 24 hour storm does not exceed the pre-development rate of discharge.



Stormwater Design Manual

- North Carolina Division of Water Quality
2007 BMP Manual at
http://h2o.enr.state.nc.us/su/bmp_manual.htm



Construction of Stormwater Management Structures.



Get the Approval of the Stormwater Administrator

- ***Stormwater Managaement facilities*** shall be constructed in accordance with approved plans and maintained in proper working condition. The applicant/property owner assumes responsibility of such facilities.
- ***As a result of complaints or as a routine inspection,*** the Stormwater Admininstrator or his designee will check for plan compliance or monitor long term maintenance procedures.

- ***The applicant/property owner will be notified*** in writing of any facet of non compliance to the approved stormwater plan.
- ***Failure of the property owner or developer*** to meet the approved requirements will give the Stormwater Administrator reason to refuse actions or services ie. Building permits, occupancy permits, stop work orders.
- ***Appeals by the owner/developer*** can be made in accordance with section 2 of this ordinance.
- ***Revisions*** to the original approved plan must be signed in writing by the Stormwater Administrator.

Performance Security for Installation

- **Gaston County requires the submittal of a Surety Bond, made by a surety bond company licensed and authorized to do business in North Carolina. The amount should be the total estimated cost of the approved Stormwater Measures and Devices plus 25%**

Surety Bonding

Surety bonds guarantee that the contractor or subcontractor will perform the contract according to the contract terms and conditions and transfers the risk of contractor default to the surety company.

Bonds are a form of insurance, and the surety company assumes risk when issuing bonds

The bond shall contain ***forfeiture provisions***. Upon default of the applicant to meet approved requirements, The Stormwater Administrator will use ***all***, or ***any portion*** of the security to meet and maintain those requirements. If the amount of available funds is ***inadequate***, Gaston County will collect the ***difference from the applicant***. Gaston County ***will non return*** any unused funds of the surety bond.

Not withstanding default, within

60 Days

of the expiration of the guarantee,
the security will be refunded to the
applicant.

Completion

- The property owner/developer is responsible for completing all stormwater improvements in accordance with the requirements of the **Stormwater Ordinance.**

Assurance that Improvements will be Maintained



Stormwater improvements must be maintained so that they will continue to serve their intended functions.

- The developer must maintain stormwater improvements until accepted by a property owners association or lot owner. The developer will warranty the stormwater improvements for 2 years after the transfer of responsibility.
- Before the transfer of responsibility the developers engineer or landscape architect must certify to the “owners” and the County that the improvements are complete and functioning.
- The developer must inform the “owner” of required operating and maintenance tasks.

- The person “*In Charge*” of stormwater maintenance will submit to the Stormwater Administrator an annual inspection report from a qualified NC professional engineer, surveyor, or landscape architect attesting to the functioning properties of the stormwater improvements.

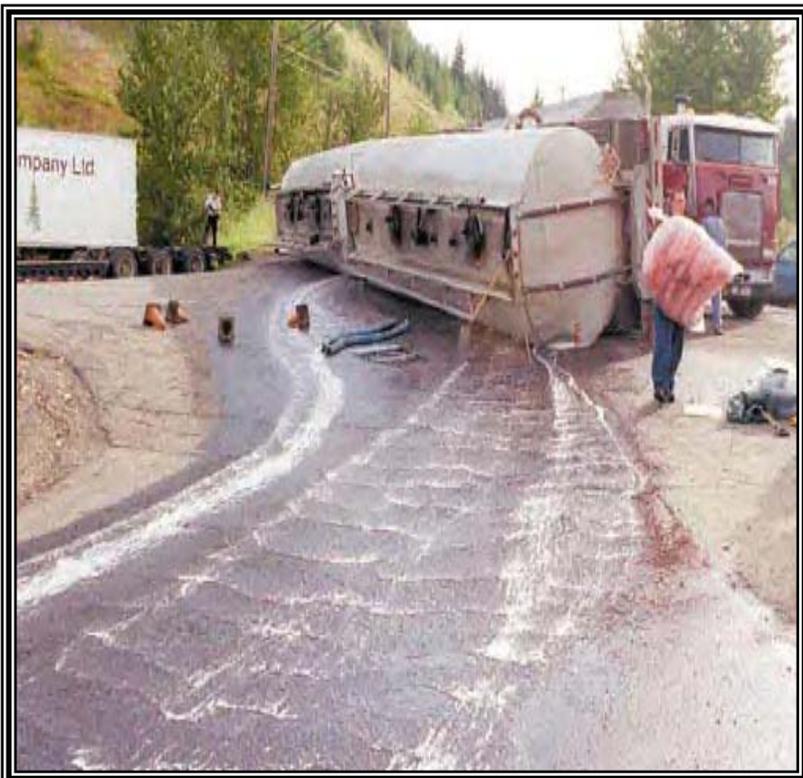


- Name and address of the “owner”
- Recorded book and page # of the lot of each stormwater control.
- A statement that an inspection as made of all stormwater controls and features.
- The Date of the inspection.
- A Statement that all controls are in proper compliance.
- The signature and seal of the engineer, surveyor, or landscape architect.

- The developer is responsible for any maintenance agreement that sets forth the “owners” continuing responsibilities for maintenance, including how the cost will be apportioned.
- The developer must record access points for maintenance.
- All maintenance documents required must be submitted to the stormwater administrator before building permit issuance.
- Gaston County or the municipality may create tax assessments or create funds through stormwater claims for maintaining stormwater improvements.
- Municipalities within Gaston County may have additional requirements such as maintenance escrow accounts, additional design standards, and vested rights claims.

Illicit Discharges and Connections

- Accidental Fuel Spillage Contaminates Water supply.



No person shall allow the discharge, emission, disposal, pouring or pumping directly or indirectly to any stormwater conveyance, Waters of the State or upon the land in manner and amount that the substance is likely to reach the States surface waters and impact the water quality of such waters.

Allowable Discharges

- **Water line flushing**
- **Landscape irrigation**
- **Diverted Stream Flows**
- **Rising Ground Waters**
- **Uncontaminated ground water Infiltration**
- **Uncontaminated pumped ground water**
- **Discharges from potable water sources**
- **Foundation drains**
- **Air Conditioning Condensation**
- **Irrigation water**
- **Springs**
- **Water from Crawl space pumps**
- **Footing Drains**
- **Lawn Watering**
- **Individual residential car washing**
- **Flows from riparian habitats and wetlands**
- **Dechlorinated swimming pool discharge**
- **Street Wash Water**
- **Other non stormwater discharges for which a valid NPDES discharge permit has been approved.**



- Oil, Antifreeze, Litter, Household Chemicals, Garbage, Paint, Animal, Waste



Prohibited Substances

Illicit Connections



- **Connections to stormwater systems that allow the discharge of non-stormwater are unlawful.**
- **ie. Floor drains**
- **Waste water from washing machines**
- **Waste water from steam cleaning**
- **Waste water from septic systems**



Stormwater Sam Wants You

The property owner or person using the illegal connection must remove or correct the connection within one year of July 1 2007

This grace period does not apply to hazardous or toxic discharges, these connections must be removed.

The Stormwater Administrator will take into consideration:

The Quantity and complexity of the work.

The Consequences of delay.

The Potential Harm both public and private

The cost of remedying the damage

Spills

- Spills or leaks of polluting substances which are released or have the potential to be released must be contained, controlled, collected and properly disposed.
- Persons in control of these substances or persons owning the property must notify Gaston County Emergency Management immediately.

Nuisance



Illicit discharges and connections which exist within Gaston County, found dangerous are declared to be public nuisances

By protecting Gaston County's water
and air quality...



You will be a solution!!

Not a pollution