



## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date September 10, 2019

Time: 6:30 p.m.

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#### A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

***Motion:*** To approve the minutes of the August 13, 2019 regular meeting as presented (or as corrected)

#### B. PROCLAMATIONS

3. Constitution Week – September 17 – 23, 2019
4. National Day of Service and Remembrance – September 11, 2019

#### C. PRESENTATION

5. Warrior Clan – Veterans Helping Veterans
  - Russ Conner, Founder, Warrior Clan, Inc.

#### D. NEW BUSINESS

6. Academy Street Parking
  - David Foster, Public Services Director

***Motion:*** To authorize Town staff to proceed with the elimination of on-street parking on Academy Street, as described.

7. Haywood County MOA for IVC Transportation

- Brian Beck, Interim Police Chief

***Motion: To approve the Memorandum of Transportation Agreement for IVC Transportation***

8. Resolution affirming the Town of Waynesville’s Board of Aldermen Support for implementation of a compliant NPDES MS4 Stormwater Program.

- Elizabeth Teague, Development Services Director
- David Foster, Public Services Director
- Preston Gregg, Town Engineer

***Motion: To adopt Resolution R-18-19 Support Regarding Implementation of a Compliant NPDES MS4 Stormwater Program***

***Motion: To direct staff to respond to the NCDEQ Notice of Violation and its requirements, including the preparation of a draft Stormwater Management Plan.***

9. Budget Amendment – 2MG Water Storage Tank Rehab. Project

- Preston Gregg, Town Engineer

***Motion: To approve budget amendment # 3 to the Fiscal Year 19/20 Budget Ordinance (O-14-19) in the amount of \$375,000***

10. Budget Amendment - Chestnut Walk Water Storage Tanks

- Preston Gregg, Town Engineer

***Motion: To approve budget amendment #4 to the Fiscal Year 19/20 Budget Ordinance (O-15-19) in the amount of \$120,000***

11. NCDOT Roadway Project: N. Main / Walnut St. Roundabout – Construction Costs

- Preston Gregg, Town Engineer

***Motion: To approve budget amendment # 5 to the Fiscal Year 19/20 Budget Ordinance (O-16-19) in the amount of \$191,000***

**E. COMMUNICATIONS FROM STAFF**

Manager’s Report

- Rob Hites, Town Manager

12. Attorney's Report

- Town Attorney Bill Cannon

**F. COMMUNICATIONS FROM THE MAYOR AND BOARD**

**G. CALL ON THE AUDIENCE**

**H. ADJOURN**



# TOWN OF WAYNESVILLE

PO Box 100  
 16 South Main Street  
 Waynesville, NC 28786  
 Phone (828) 452-2491 • Fax (828) 456-2000  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

## CALENDAR

September 10, 2019

2019	
<b>Friday September 13</b> Noon <b>Maggie Valley Town Hall</b>	<b>Maggie Valley Watershed Protection Celebration</b> <b>Maggie Valley Sanitary District</b>
<b>Saturday September 14</b> <b>6:00 – 10:00pm</b> <b>Main Street</b>	<b>Rockin Block Party</b> <b>Downtown Waynesville Association</b>
<b>Tuesday September 24</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday September 28</b> <b>9:00 – 10:00am</b> <b>Commerce Street in Frog Level</b>	Power of Pink 5K Haywood Healthcare Foundation
<b>Sunday September 29</b> <b>2:00</b> <b>Academy Street</b>	Prayer Walk Drugs in our Midst Jean Parris
<b>Tuesday October 8</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday October 12</b> <b>12:00am – 5:00pm</b> <b>Main Street</b>	Church Street Art & Craft Show Downtown Waynesville Association
<b>Saturday October 19</b> <b>10:00 – 5:00pm</b> <b>Main Street</b>	Apple Harvest Festival Downtown Waynesville Association
<b>Tuesday October 22</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Thursday October 31</b> <b>5:00 – 7:00pm</b> <b>Main Street</b>	Treats on the Street Downtown Waynesville Association
<b>Thursday October 31</b> <b>5:00 – 8:00 PM</b>	Trunk or Treat First United Methodist Church
<b>Tuesday, November 5</b>	Election Day
<b>Tuesday November 12</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Tuesday November 26</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session

<b>Thursday &amp; Friday Nov 28 &amp; 29</b>	Town Offices Closed – Thanksgiving
<b>Saturday November 30</b> 9:00 AM – 4:00 PM Frog Level	Holiday Market Sponsored by Frog Level Merchants Association
<b>Tuesday December 10</b> 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
<b>Tues, Wed &amp; Thurs Dec 24 – 26</b>	Town Offices Closed – Christmas

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**August 13, 2019**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, August 13, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown  
Alderman Jon Feichter  
Alderman LeRoy Roberson  
Alderman Julia Freeman  
Mayor Pro Tem Gary Caldwell

The following staff members were present:

Rob Hites, Town Manager  
Amie Owens, Assistant Town Manager  
Bill Cannon, Town Attorney  
Eddie Ward, Town Clerk  
Ben Turnmire, Finance Director  
Jesse Fowler, Planner  
Elizabeth Teague, Development Services Director  
David Foster, Public Services Director

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Sunday August 25 – Waynesville Public Art Dog Show – 5:00 – 7:00 – Behind the Hart Theater

Sunday August 25 – Back to School Bash – 4:00 – 7:00 – First Methodist Church

Friday September 13 – Maggie Valley Watershed Protection Celebration – Noon - Maggie Valley Town Hall

2. Adoption of Minutes

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the July 23, 2019 regular meeting, as presented. The motion passed unanimously.***

## The ARC of Haywood County

Steve Brown, Executive Director of the ARC of Haywood County, and members of the Voices of the ARC attended the meeting. They lead the Pledge of Allegiance and sang God Bless America. They also presented the Town with a plaque of appreciation for the Town as their “Community Partner of the Year for 2019.” Mr. Brown thanked the Board of Aldermen for their support throughout the years.

### **B. PUBLIC HEARING**

#### 3. Public Hearing to consider a map amendment to establish Dellwood Medium Density Residential Zoning on 187 Secret Hollow Lane, PIN 8617-00-9053

- Jesse Fowler, Planner

Mayor Gavin Brown asked that the record show that Alderman Julia Freeman would not be taking part in any vote or discussion related to this issue as she was the petitioner.

Mr. Jesse Fowler, Planner, stated that the Board of Aldermen had approved the annexation of 187 Secret Hollow Lane on November 27, 2018 and the Planning Board voted to zone the property as Dellwood Residential Medium Density. He said the current use of the property is as a single-family dwelling. The Dellwood Residential Medium Density District is located approximately 800 feet to the East of 187 Secret Hollow Lane, and this district is the closest residential district to the property.

The purpose and intent of the Dellwood Residential Medium Density District per the Land Development Standards §2.3.2. B states:

*The Dellwood Residential Medium Density District (D-RM) shall develop as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Center. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.*

Mr. Fowler said that in accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board find that this map amendment is consistent with the Town of Waynesville’s Comprehensive Plan, Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, adopted in 2002, and that this map amendment is reasonable and in the public interest with the following considerations:

- A. The Dellwood Residential Medium Density District is designated as a low to medium density residential district. The current property is used as a single-family dwelling on 4 acres of

land. This use and density are consistent with the use and density of the Dellwood Residential Medium Density District. (LDS §2.3.2. B)

B. The zoning of this property as Dellwood Residential Medium Density District is consistent with the following Land Use Plan definition of “Residential Low/Medium Density”:

- Low/medium density residential development is located on lands where utility services are typically provided but roads are such that accommodation for higher density development is not recommended. Lands with constraints unsuitable for higher density development (i.e. topography) are also typically included in this category. (LDP 5-11)

Mr. Fowler stated the recommendations of the Staff as follows:

1. Find the map amendment and rezoning of 187 Secret Hollow Lane reasonable and in the public interest.
2. Find the map amendment and rezoning of 187 Secret Hollow Lane consistent with the Town of Waynesville’s 2020 Comprehensive Plan, Waynesville: Our Heritage, Our Future.
3. Approve the map amendment and rezoning of 187 Secret Hollow Lane as Dellwood Residential Medium.

**Town Attorney Bill Cannon opened the public hearing at 6:43 p.m.** and asked if anyone wished to speak on this issue. There being no one who wished to speak, **the public hearing was closed at 6:44 p.m.**

Mayor Gavin Brown once again noted that Alderman Julia Freeman was excused by the Board from voting because she was the petitioner and owner of the property being zoned.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to find the map amendment and rezoning of 187 Secret Hollow Lane reasonable and in the public interest because the Dellwood Residential Medium Density District is designated as a low to medium density residential district. The current property is used as a single-family dwelling on 4 acres of land. This use and density are consistent with the use and density of the Dellwood Residential Medium Density District. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman Leroy Roberson, to find the map amendment and rezoning of 187 Secret Hollow Lane consistent with the Town of Waynesville’s 2020 Comprehensive Plan, Waynesville: Our Heritage, Our Future because low/medium density residential development is located on lands where utility services are typically provided but roads are such that accommodation for higher density development is not recommended. Lands with constraints unsuitable for higher density development (i.e. topography) are also typically included in this category. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the map amendment and rezoning of 187 Secret Hollow Lane. The motion carried unanimously.***

## **C. NEW BUSINESS**

### **4. Request Budget Amendment for the hiring of Developmental Associates to conduct Police Chief recruitment and assessment center**

- Rob Hites, Town Manager

Town Manager Rob Hites explained that at the July 23, 2019 Board of Aldermen meeting it was approved to utilize Developmental Associates for the hiring process of the Police Chief and recruitment and assessment center. Because this was not a budgeted expense, a budget amendment will need to be done to transfer from Fund Balance to professional services in the amount not to exceed \$19,000.00.

Manager Hites provided an overview of the tentative schedule for the process with the hope being for a final interview and offer completed sometime between mid-November and Christmas.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve Budget Amendment # 3 to the fiscal year 2019/2020 Budget for the purpose of conducting Police Chief recruitment and assessment center. The motion carried unanimously.***

### **5. Request Budget Amendment for the addition of online training for OSHA, onboarding and other training needs**

- Amie Owens, Assistant Town Manager

Assistant Town Manager Amie Owens explained to the Board that when the Town transitioned from the NC League of Municipalities to the new vendors for property/liability and workers compensation, the access to the NCLM training module was terminated. She said we still have the need for annual and onboarding trainings to meet OSHA and other standards. We have been able to work with the same online vendor that the NCLM was utilizing FirstNet Learning. There are currently 400 topics available for trainings, in October, that number increases to 1,400.

All employees will have access to the online training portal and would be a useful tool for the various career track requirements, especially for those who may not be able to attend classes off site. The portal also allows for employer specific information and slide shows to be added; this was not a capability we had previously.

Ms. Owens said the total cost is \$16,104.00 which broken down is an initial set up fee of \$4,000 and a \$12,104 annual subscription and would be shared across all funds. The charge is based

on the number of employees. Alderman Jon Feichter clarified that there had been savings when moving from the NCLM to the new insurance providers. Assistant Manager Owens confirmed that there was a \$76,000 savings from that change.

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve Budget Amendment # 2 to the fiscal year 2019/2020 Budget. The motion carried unanimously,***

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to approve Amendment #1 to the 2019/2020 Financial Operating Plan for Internal Service Funds. The motion carried unanimously.***

6. Request a budget amendment to use Fund Balance to fund required upgrades to cashiering, utility billing, and accounting software

- Ben Turnmire, Finance Director

Finance Director Ben Turnmire told the Board that many of the technologies the Town of Waynesville uses to deliver customer service and financial management services are outdated. He said the platforms we are currently using for Utility Billing and Electronic Payments are no longer supported by Tyler Technologies, therefore, we must upgrade to a newer software. These technologies will allow staff to deliver more effective and timely services and information to citizens, departments, and elected officials.

Alderman Jon Feichter commented, based on his organization also using Munis, that their upgrade was free of charge and wanted to be sure that before the funds were utilized, that the Town was not being taken advantage of. Finance Director Turnmire explained that this upgrade was adding new platforms, expanding the ability for the town to take credit card and other payments, would allow for online work orders and would bring the entire Town-wide Munis system to the current version.

Alderman Jon Feichter asked if there was a plan in place to keep such a large upgrade from having to be done in the future. Finance Director Turnmire indicated that he was happy to implement a schedule for any technology upgrades.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Gary Caldwell, to approve the budget amendment for \$65,000.00 increasing the amount available to upgrade Munis and Tyler Technologies. The motion carried unanimously.***

## D. COMMUNICATIONS FROM STAFF

### Manager's Report

- Rob Hites, Town Manager

#### 7. Continued discussion of tree trimming policy

- Amie Owens, Assistant Town Manager
- David Foster, Public Services Director

Assistant Manager Owens reminded the Board that there had been discussion at the previous meeting related to tree trimming in commercial areas after there was a situation in Frog Level that led to upset. To avoid future issues, the trimming policy was modified with the language related to commercial areas and attempt to mitigate interruptions and upset.

Public Services Director David Foster added that this should not be difficult to implement and that part of the reason for such a drastic landscape change was because the trimming had gotten behind schedule years back and not caught up.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the revised tree trimming policy to include language related to commercial areas stating that Town employees will, when working in commercial areas, attempt to work with business owners to develop a timeline for such trimming and when possible, notify those businesses immediately adjacent to the area that will be trimmed related to any potential for landscape change and noise impacts prior to beginning the task. The motion carried unanimously.***

#### 8. Renewal of Forest Steward's Contract to manage Watershed

- Rob Hites, Town Manager

Manager Hites stated that Forest Stewards has been performing forest management and academic research in Waynesville's watershed for several years. He said they conduct surface water quality testing and forest management practices such as thinning of white pine to encourage growth of hardwoods, and removal of non- native species such as Oriental Bittersweet. Their goal is to re-establish a hardwood forest. Their proposal is a \$42,000 per annum contract, the same as contract amount as last year.

Mayor Gavin Brown asked if the attorney had had the opportunity to review the contract. Manager Hites indicated that there was one change suggested related to the venue if any lawsuit was filed – the change would be to have the hearing in Haywood rather than Jackson County.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter, to approve Renewal of Forest Steward's Contract to manage Watershed, with the change in the venue to Haywood rather than Jackson County for any legal hearings as suggested by the Town Attorney. The motion carried unanimously.***

9. Resolution endorsing Canton's application for a feasibility study to connect with Waynesville's Waste Treatment Plant via an outfall that would also connect the Town of Clyde.

- Rob Hites, Town Manager

Manager Hites explained to the Board that as part of the Town's role as a regional waste treatment facility, the NC Department of Environmental Quality requires that it discuss the long-term needs of its neighboring jurisdictions. Both the Town of Clyde and Canton expressed a desire to explore the feasibility to build an outfall that would connect them with Waynesville's waste treatment plant. Clyde's waste water is currently being treated by our plant so we would be studying the impact of Canton's 900,000 GPD flow. The plant is being sized to handle eight million gallons of flow per day through its headworks. Once the abandoned secondary clarifiers are abandoned the new clarifiers can be constructed to accommodate an 8 million gallon per day flow. The Study will determine the cost of constructing an interconnection with Waynesville. The grant will fund 100% of the cost of the study estimated to be \$50,000. It does not bind the Town to accept the Canton's waste. If Clyde wishes to construct an outfall directly to Waynesville's waste treatment plant, it would make sense to size it for Canton's future flow. Manager Hites added that there was a \$300.00 administrative fee that would be included with the application and that would be the only cost to the Town of Waynesville.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter, to approve a resolution supporting the Town of Canton's application for a grant to fund a study to determine the feasibility of sending Canton's waste water to Waynesville's Waste Treatment Plant. The motion passed unanimously.***

10. Engineering Contract for Design, Bidding and Construction Administration for WWTP

- Rob Hites, Town Manager

Manager Hites noted that the next step in the process that leads to the funding, design, bidding and construction of the Waste Water Treatment Plant is to solicit proposals for the actual design of the plant. Manager Hites told the Board that a "Preliminary Engineering Plan" has just been completed and DEQ and USDA uses it as a template for the Special Order of Consent, and grant/loan applications. The next step is to advertise for an engineering firm to design one of the alternatives outlined in the PER. An RFP was drafted and sent to several firms in addition to placing it on the Town's website. Two (2) responses were received. The staff has reviewed the written submissions and interviewed WithersRavenel and McGill Engineers. Manager Hites said each firm was questioned on their experience designing and overseeing the construction of

waste treatment plants, the challenges we will encounter as we renovate our plant and discussed the success of the technology outlined in the alternatives.

Manager Hites commented that he, Larry Pressley, David Foster, Preston Gregg reviewed the written submissions and held personal interviews with WithersRavenel and McGill Engineers. Both firms have a solid background in the design and construction of waste water treatment plants. Both firms have been engaged with plants in Western North Carolina. The factor that leads us to choose McGill Engineers for the design, bidding and construction administration of the Town's plant is their extensive experience with the plant and the impact of regional collection systems on its process. McGill has been involved with different engineering components of the plant for several decades. They have recommended improvements to the plant in several studies over the years and provide onsite advice to the staff regarding the repairing of the plant's infrastructure. They know where to be especially cautious as the contractor begins their work. This experience with the plant and the knowledge they acquired as they analyzed the plant for the PER leads us to recommend them as design engineers for the improvement of the plant.

Keith Webb, McGill Engineers, was in the audience and commented that the plan is to have plan documents ready by May 2020 with ground breaking later that year in the fall.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman to approve the engagement of McGill Engineers as the firm to design, bid and administer the construction of improvements to the waste water treatment plant. The motion carried unanimously.***

#### Special Order of Consent – additional documentation

Manager Hites explained that in working with Forrest Westall and completing the application for the Special Order of Consent (SOC), the Board had approved, in open session working to complete the application, but had not formally done so as a resolution. Manager Hites presented Resolution R-17-19 – A Resolution Approving the Submission of an Application for a Special Order of Consent that sets interim treatment limits and Project Schedule for Rehabilitating the Waste Treatment Plant. The application and the \$400.00 application fee and other paperwork will be submitted this week.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to approve the Resolution Approving the Submission of an Application for a Special Order of Consent that sets interim treatment limits and Project Schedule for Rehabilitating the Waste Treatment Plant. The motion carried unanimously.***

### Exemption from Connection to Town's sewer system

Manager Hites brought from the floor a request from Chris Wilson to be exempted (a variance issued) from connecting to the Town's sewer system off Allen's Creek.

Water and Sewer Superintendent Jeff Stines had recently had several conversations with Mr. Wilson regarding water/sewer service to his property at 55 Melody Drive. Mr. Wilson has changed his original proposal from a campground to a single-family dwelling. The issue of water is not a problem since there is a 24" main line that runs through his property. The issue is with the sewer connection, Mr. Wilson had a directional boring contractor visit the site to look at the possibility of boring in a force main sewer lateral from his property to a manhole adjacent to Allen's Creek Baptist Church. Based on the fee schedule adopted July 2018, these cost(s) would be the responsibility of the property owner. The contractor advised Mr. Wilson the probability of being able to accomplish this task was not good. This area is known for extremely rocky soil. In which case Mr. Wilson would still be responsible for the cost(s) associated with the boring attempt.

Superintendent Stines recommended that it would be in the Town of Waynesville's best interest to issue Mr. Wilson a variance from the ordinance to be able to install a septic system for the property and avoid additional costs for this citizen.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman to allow a variance to the Town of Waynesville's Sewer Ordinance and allow Mr. Chris Wilson to have a septic system on his property located at 55 Melody Drive rather than connecting to the Town of Waynesville sewer system. The motion carried unanimously.***

### Funding Requests

Assistant Manager Owens explained that two funding requests had been received. The first was from the Disabled American Veterans (DAV) Chapter 89 for donation toward the Rides4Vets service that is offered to transport Haywood County veterans to the VA Hospital in Asheville. The hope is to obtain a new, larger van for this program. Assistant Manager Owens noted that the DAV Chapter 89 did not apply this year for special appropriations, but that the Board had provided the group \$1,000 annually since 2015. There is an amount of \$18,000 available under the special appropriations from the Board for undesignated requests such as these.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman to approve a special appropriation to the Disabled American Veterans (DAV) Chapter 89 for use toward the Rides4Vets service. The motion carried unanimously.***

The second request was for the Tee It Up for Diabetes Golf Tournament to support the Juvenile Diabetes Research Foundation. The request was for a \$250.00 sponsorship. Alderman Gary

Caldwell asked that the registration fee for the team also be included in the appropriation for a total of \$570.00.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter to approve the appropriation of \$570.00 to the Tee It Up for Diabetes Golf Tournament hosted by Mountain Credit Union. The motion carried unanimously.***

11. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

**E. COMMUNICATIONS FROM THE MAYOR AND BOARD**

**F. CALL ON THE AUDIENCE**

12. Water and Sewer Capacity Fees

- **Tim Bowers and Jackie Rich**

Mr. Tim Bowers had requested to speak with the Board related to water and sewer capacity fees and a possible extension for property owner Jackie Rich to pay the fees via a payment plan. He provided the Board with information related to the timeline of the Overbrook Village project, indicating that no one had informed them of the fees.

Manager Hites indicated that he had met with Mr. Bowers several months ago and offered the opportunity for payments to be made prior to their occupancy. Once the permanent certificate of occupancy is issued, all fees must have been satisfied. Mayor Gavin Brown also noted that the statute governing capacity fees states that the Town must collect the fees. The local government level has no way to allow for payments. The property owner will need to satisfy these fees in a lump sum.

- **Dick Young**

Mr. Young inquired why he saw a zoning notice on the Ron Muse property off Church Street. He noted that he did not think that the issue could be heard again and that the Board had indicated such. Development Services Director Elizabeth Teague explained that there would be a public hearing on the request to rezone that property. There is only a requirement of a 12-month waiting period for a new request. The last one was done in 2016.

**G. CLOSED SESSION**

13. Enter closed session under NC General Statute § 143.318.11(a)(6) – Personnel to discuss the Town Manager’s annual evaluation

*A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson to enter closed session at 7:45 p.m. for the purpose of discussing the Town Manager’s annual evaluation. The motion carried unanimously.*

The Board returned from closed session at 8:23 p.m.

**H. ADJOURN**

*With no further business, a motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell, to adjourn at 8:24 p.m. The motion carried unanimously.*

**ATTEST:**

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Gavin A. Brown, Mayor

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Robert W. Hites, Jr. Town Manager

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Eddie Ward, Town Clerk

## Board and Commission Meetings – September 2019

ABC Board	ABC Office – 52 Dayco Drive	<b>September 17th</b> 3 <sup>rd</sup> Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>September 3<sup>rd</sup></b> 1 <sup>st</sup> Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	<b>August 22nd</b> 4 <sup>th</sup> Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	<b>Meets as needed;</b> <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	<b>September 4th</b> 1 <sup>st</sup> Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>September 16th</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>September 12th</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>September 18th</b> 3 <sup>rd</sup> Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>September 10th</b> 2 <sup>nd</sup> Tuesdays 5:30 PM

## BOARD/STAFF SCHEDULE

November 25 – 29, 2019	Vacation	Assistant Town Manager
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**Proclamation  
Constitution Week  
September 17-23, 2019**

WHEREAS, September 17, 2019 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Gavin A. Brown, by virtue of the authority vested in me as Mayor of the Town of Waynesville, North Carolina do hereby proclaim the week of September 17 through 23 as

**Constitution Week**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedom guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this \_\_\_\_ day of September, of the year of our Lord two thousand nineteen.

**Town of Waynesville, N.C.**

\_\_\_\_\_  
**Gavin A. Brown  
Mayor**

ATTEST:

\_\_\_\_\_  
**Eddie Ward  
Town Clerk**



# Town of Waynesville Proclamation

## NATIONAL DAY OF SERVICE AND REMEMBRANCE WEDNESDAY, SEPTEMBER 11, 2019

**WHEREAS**, in an unprovoked and senseless act of terrorism, four civilian aircrafts were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon, resulting in a momentous loss of innocent U.S. lives of all heritages; and

**WHEREAS**, while we continue to recover from the loss of innocent lives, the spirit of the U.S. has been revitalized, giving way to expressions of patriotism; and

**WHEREAS**, inspired by the heroism of our nation's public service personnel, military service members and countless volunteers, our nation found unity and strength; and

**WHEREAS**, from the tragedy of September 11 emerged a stronger nation, renewed by the spirit of national pride, and a true love of country; and

**WHEREAS**, Americans also have fought back against terror by choosing to overcome evil with good by loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need;

**NOW, THEREFORE, BE IT RESOLVED**, that I, Gavin A. Brown, by virtue of the authority vested in me as Mayor of the Town of Waynesville, do hereby proclaim September 11, 2019, as

## NATIONAL DAY OF SERVICE AND REMEMBRANCE

in the Town of Waynesville and urge our citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and the many volunteers who responded to these tragic events with courage, selfless compassion, determination and skill; and to remember the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

This the 10th day of September 2019.

\_\_\_\_\_  
Gavin A. Brown, Mayor

# Warrior Clan

*~Veterans helping Veterans~*



*~Mission Statement~*

***“Warriors fighting alongside warriors to combat suicide, PTSD, family violence, substance abuse and homelessness among America's greatest heroes.”***



July 10, 2019

Ms. Amie Owens  
Assistant Town Manager  
16 South Main Street  
Waynesville, NC 28786

Subject: Request for Financial Assistance

Dear Ms. Owens:

Thank you for the opportunity to sit with you and share our passion and vision for Warrior Clan. As discussed, we as community stakeholder plan to fight against suicide, PTSD, family violence, substance abuse, and homelessness among our US military veterans and first responders here in western North Carolina. We have outlined a plan for you detailing how we plan to move forward and how you can be instrumental in helping us accomplish our goals.

In addition to our overall plan, we want to mention an event we have planned for October 26, 2019. Warrior Clan will be hosting a “ruck march” from Lake Logan to Bearwaters Brewery to raise awareness about PTSD and suicide. This is one of many efforts that Warrior Clan is involved in. With your financial support we can continue serving veterans and their families.

On behalf of Warrior Clan, thank you for giving us this opportunity to submit this request.

Sincerely,

Russ Conner  
Founder  
Warrior Clan, Inc.  
P.O. Box 8 Hazelwood, NC 28738  
Office: (828) 246-0698  
Cell: (828) 276-6357  
[thewarriorclan13@gmail.com](mailto:thewarriorclan13@gmail.com)



## Executive Summary

Warrior Clan, Inc. is a nonprofit veterans organization founded in Waynesville, North Carolina in 2013 by a former US Army paratrooper and former Haywood County deputy. Warrior Clan team members come from all branches of US military service: Army, US Marine Corp, Navy, and Air Force. Our team consists of both combat veterans and veterans who have not served in combat. Warrior Clan is open to all US military veterans and their families who want to serve fellow veterans or are just looking for veteran community. Warrior Clan serves fellow veterans and their families throughout western North Carolina. Our mission is combatting suicide, PTSD, family violence, substance abuse, and homelessness among America's veterans.

Haywood County is no stranger to sacrifice. According to a report published by Smokey Mountain LEM/MCO (2016), there are more than 6,400 veterans in Haywood County and more than 18,000 veterans in the 7 western counties. Haywood County Patriots have been serving this great nation from the American Revolution to the Global War on Terrorism.

Unfortunately, combat takes a toll on its warriors and their families. The VA National Suicide Data Report 2005-2016 (va.gov. September 2018) states that there were more than 6,000 veteran suicides each year between 2008-2016. Sometimes those suicides happen in the form of **"suicide by cop"** in which the person seeking to commit suicide arms themselves and forces law enforcement officers to shoot them. This devastates an entire community from the family of the veteran to the law enforcement community. In 2015, Haywood County suffered this tragedy and still struggles to heal those wounds. We hope to prevent this from ever happening here again.

In 2013, Warrior Clan initiated a plan to have a Veterans Treatment Court in the 30<sup>th</sup> Judicial District (7 western counties of North Carolina including Haywood County). We have continued to champion the Veterans Treatment Court initiative for the 30<sup>th</sup> Judicial District since 2013, even presenting legislation to our representatives. Our team has helped connect veterans with Buncombe County's Veteran Treatment Court until one can be established for the 30<sup>th</sup> District.

Warrior Clan has participated in the Smokey Mountain Stand Down since its first year in 2014. This effort connects homeless veterans and veterans in danger of becoming homeless with resources, medical care, and supplies that help them sustain life. Warrior Clan has participated in Wreaths Across America which honors our fallen by placing a wreath on each veteran's grave at Christmas time. Warrior Clan has participated in remodeling the home of a fellow veteran. Warrior Clan advocates for veterans in the criminal justice system and with State and Federal legislators.

Warrior Clan approached Sheriff Christopher and asked if we could share our passion with his office and offered ourselves as a resource for law enforcement when dealing with veterans and



their families. Our team then went to roll call at the Haywood County Sheriff's Office and shared our passion and asked that we be considered a resource to law enforcement when dealing with veterans and their families. As a result, Warrior Clan's team has been requested to respond to assist law enforcement. At the request of local law enforcement, our team has responded to assist in providing transportation to veterans, sitting with veterans who need a fellow warrior to talk to, and even responding to veterans threatening suicide and violence against law enforcement where we have been blessed to help bring about resolution without violence. We are now extending our services having scheduled time with Waynesville Police Department and will be following with Maggie Valley Police and Clyde Police.

Warrior Clan also recognizes the sacrifice and suffering among the first responder communities in America as they also deal with PTSD and suicide. Much like combat, these warriors see suffering here on the home front which they take home with them every day. Warrior Clan considers these servants as fellow warriors and we walk alongside them, bridging the gap between military veterans and first responders.

Up until 2019, Warrior Clan has existed as a loose clan of warriors meeting, creating community, advocating, and serving fellow veterans without formal filing. This year, after an increase in membership and a more robust effort in pursuing our mission goals, we decided it was time to make Warrior Clan a formal veteran organization. In making Warrior Clan a formal veteran organization, we look to increase our efforts in serving veterans and their families, obtain liability insurance, formal crisis intervention training for our team, and marshalling resources needed to accomplish our mission statement. We look to pursue donor funding, government grants, and private funding to continue our work and greatly impact suicide, PTSD, family violence, substance abuse, and homelessness among veterans and their families.

## The Organization's Status

Warrior Clan, Inc. has filed Articles of Incorporation with the North Carolina Secretary of State. We are currently working with our accountant to file 501(c)(3) nonprofit status with the Internal Revenue Service and to apply for a Charitable Solicitation License with the North Carolina Secretary of State. Until now, all funding has come from the pockets of a few of its members. We are now seeking government grants as well as donor funding.

We will be obtaining liability insurance and sending team members to Crisis Intervention Training as well as any other training we think will help us accomplish our goals. We have relied on volunteers and continue to do so. We have a licensed professional counselor who also volunteers her time. With funding we hope to create at least part time employment for some of



our team members who have done the most in serving veterans and allow them the opportunity to pursue their passions in serving veterans while having some financial support.

We currently operate out of our home office. We hold meetings at the 30<sup>th</sup> Judicial District Domestic Violence – Sexual Assault Alliance. With funding we will eventually have a space to be fully operational in providing services to veterans and their families.

## Services We Offer

- We offer community for veterans and their families
- We offer personal advocacy for veterans and their families
- We offer criminal justice advocacy for veterans
- We offer crisis intervention for veterans and for first responders
- We offer counseling for veterans and their families
- We connect veterans with jobs, housing, and resources
- We assist veterans with VA claims and filings
- We bridge the gap between veterans and the community
- We support veterans in their transition from military life to civilian life

## Industry Analysis & Trends

As far as we can determine, we are forging new ground in our crisis intervention response with law enforcement. Among all of the veteran organizations out there, we have not found any that respond with law enforcement to prevent violence against law enforcement and suicide. Veterans respond to veterans. We do not respond well to anyone who has not “been there, done that”, and we can quickly spot someone who is lying about service or combat time. I learned this concept while on active duty, but it really resonated with me when I came home from Iraq. My father is a Vietnam veteran and would never speak much about his time in combat. However, when I came home from Iraq, I noticed my dad would open up to me. Later as a law enforcement officer, I found this to be true in dealing with veterans which was a significant factor in pushing me to create Warrior Clan.



## Financial Status

At this point, all funding for Warrior Clan has been from the personal funds of the founder. All work has been on a volunteer basis. We have never before accepted or solicited donor support. We have never required membership dues. When all filings with the state and federal government are complete, we will seek grant funding. Donor support will enable us to continue our work and expand our services.

## Marketing Strategy

Warrior Clan has largely used word of mouth and social media for marketing. We have a Facebook page and an Instagram account. We are building a website. We have created and distributed hundreds of post cards and business cards with our contact information and mission goals.

## Operational Plan

Warrior Clan plans to accomplish its goals by equipping and empowering its team with training and resources to go out and provide services listed above to the veteran community. Warrior Clan will raise awareness in the community through events like the October Ruck March, bridging the gap between veterans and their communities.

Warrior Clan has scheduled some of its team to attend Crisis Intervention training in September. This training will better equip the team members in responding with law enforcement to potential suicides and violent situations. Warrior Clan will obtain liability insurance and workers compensation insurance for those team members that will be involved in these activities.

Warrior Clan will send team members to mentor training so that they can better serve veterans and their families. Warrior Clan will continue to advocate for Veterans Treatment Court and in the interim, prepare mentors that the court can assign to help veterans charged in the criminal justice system.

## Financial Plan

Our plan for funding is to solicit donations, hold fundraising activities, and seek federal and state grant funding, as well as foundations and endowments. We expect less than \$50,000 in donations during the first year. We have developed a projected budget which includes part time employees



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and office space. We do not anticipate paid employees and office space unless we are awarded a state or federal grant that will support that. Operations will be run from the founder's home office until there is funding to support office space and paid employees.

## Technology Plan

### Technology Goals and Position

Internet access and social media as a platform for growing the organization and serving veterans.

### Internet Goals and Plan

We have access to highspeed internet with Charter Communications.

### Hardware Needs

We need a desktop computer, laptops, projectors, printers, and external storage devices.

### Software Needs

We will need Microsoft Office 365, Adobe, QuickBooks Pro 2019, and a record keeping/tracking database.

### Telecommunications Needs

We will need a main phone line and mobile devices for key employees.

### Technology Personnel Needs

As the company grows, we will hire an IT person or contract that technical support.



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## Management & Organization

### Principles & Key Employees

The Articles of Incorporation were filed by attorney Sam Hyde in the name of the founder, Russell Conner. Warrior Clan is filed as a Nonprofit Corporation. Russell Conner is the only principle officer of the corporation. We anticipate three paid part-time employees to provide services and conduct day to day operations until funding allows full-time employees and/or additional employees.

### Board of Directors

As per the Bylaws, the sole Incorporator and initial Director (Russell Conner) will act as the sole Director with full authority to act for or on behalf of the Board of Directors until such time as the Board of Directors is established. The Board of Directors shall consist of not less than three and not more than nine Directors.

### Management Style & Corporate Culture

By virtue of being a veteran organization, the corporate culture will largely be that of a military culture. It is deeply ingrained in each of us and will always be a large part of who and what we are. Part of that culture is a chain of command that encourages leadership development from the top down.

### Community Involvement & Social Responsibility

The very foundation, and purpose for the creation of this organization is for community involvement and social responsibility. This organization was created to serve US military veterans and their families. Recently, we have begun to extend those services to first responders.

### Company Policies

A policies and procedures manual are being developed based on our own values and objectives.



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## Long-Term Company Goals

Our long-term goals include providing the services we currently provide on a more consistent basis and to a larger area. Acting without funding we feel we have accomplished a great as volunteers. We expect we can do more and serve more with funding. We hope to obtain grant funding that will allow us to attend credible training regarding crisis intervention, obtain liability insurance, put some veterans to work and provide them with pay and benefits, advocate for veterans treatment court, provide mental health counseling at no cost to the veteran, assist with housing and transportation, assist with transition from military to civilian life, put on awareness events, participate and collaborate with other veterans organizations as well as other service and advocate organizations.

## Growth Strategy

We plan to start out in a home office (which we have been operating in since 2013) to avoid high overhead costs. Until now, we have not solicited or accepted any donations. Now we are prepared to solicit and receive donations. Further, we will be applying for government grants that support our mission goals.

## Risk Evaluation

Working with law enforcement and first responders in crisis and suicide intervention is our greatest risk.

## Development, Milestones & Exit Plan

We started in 2013 and slowly gained the reputation in our community that we are an organization passionate about serving veterans and their families. We have advocated for Veterans Treatment Court since 2013 meeting with several elected officials and gaining significant support. We have attended numerous events alongside other veteran organizations.

We began to reach out to first responders and law enforcement leading to our responding to and assisting with crisis intervention incidents. We secured the venue and began planning an awareness event planned for October 26, 2019. This event will be a Ruckmarch from Lake Logan to Bearwaters Brewery for the veteran and military communities, but extending to our local community including law enforcement and first responders, local businesses, high school athletics, other service providers, faith communities, and anyone we can get to attend and connect with the veterans who served them.



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This year we filed Articles of Incorporation and began establishing Warrior Clan as a 501(c)(3) nonprofit veteran organization. We have established banking, and Dunn and Bradstreet number, and accounts to seek grant funding.

The exit strategy is to raise up and groom leaders to take over the organization and keep it going as long as we have Warriors fighting for this great nation who come home and deal with the fallout of war and military service.

In the event the organization is dissolved, as per the Articles of Incorporation, upon dissolution of the corporation, the Board of Directors shall, after paying or making provisions to the payment of the liabilities of the corporation, dispose of all of the assets of the corporation to such organization or organizations which are organized and operate exclusively for charitable, educational, religious, or scientific purposes under section 501(c)(3) and 501(c)(19) of the Internal Revenue Code, or to federal, state, or local governments to be used exclusively for public purposes, as the Board of Directors shall determine.

## Appendices

Projected Budget

	<u>EXPENSE</u>	<u>Projected</u>	
	Rent/Lease	\$ 20,000.00	
	Electricity	\$ 3,000.00	
	Phone	\$ 450.00	
	Mobile phones	\$ 4,000.00	
	Internet	\$ 1,350.00	
	Computer - desktop	\$ 900.00	
	Computer - laptop	\$ 750.00	
	Software		
	QuickBooks	\$ 300.00	
	Microsoft Office 365	\$ 110.00	
	Printers	\$ 300.00	
	Paper	\$ 200.00	
	Ink	\$ 300.00	
	Marketing materials	\$ 200.00	
	Postage	\$ 100.00	
	Banking		
	Service charges		
	Checks		
	Travel		
	Mileage	\$ 1,160.00	
	Airfare	\$ -	
	Hotel	\$ -	
	Taxi/Uber/Parking	\$ -	
	Training		
	Registration	\$ 300.00	
	Materials	\$ 100.00	
	Equipment	\$ 300.00	
	Events	\$ 321.00	
	Tents	\$ 300.00	
	Insurance - Liability	\$ 600.00	
	Insurance- workers compensation		



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: September 10, 2019**

**SUBJECT:** Authorization to Eliminate Parking on Academy Street

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D-6  
**Department:** Public Services  
**Contact:** David Foster  
**Presenter:** David Foster

**BRIEF SUMMARY:**

Request Board authorization to eliminate parking on Academy Street. Following renovations to their campus, the First United Methodist Church has partnered with the Town on improvements to Academy Street. Specifically, the Town worked with them on installing additional sidewalk connecting Tate and Haywood Streets. The church then intends to install a mid-block crosswalk. The sidewalk and crosswalk and compressed the parking on Academy Street and the Landmark Apartments has requested a parking change to facilitate access to their parking lot.

After reviewing the site conditions and conferring with emergency services; Public Services staff concur with their request to eliminate parking from the crosswalk to Haywood Street (on the south side of Academy), and one parking space (approximately 24 feet on the north side of Academy Street, directly adjacent to Haywood Street).

**MOTION FOR CONSIDERATION:**

Motion authorizing Town staff to proceed with the elimination of on-street parking on Academy Street, as described.

**FUNDING SOURCE/IMPACT:**

None

**ATTACHMENTS:**

Aerial rendering

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Recommend Board authorize staff to proceed as described

# Academy Street Parking

Academy Street Parking Request

- Legend**
- Crosswalk
  - Sidewalk
  - Suspended Parking
  - Untitled Polygon

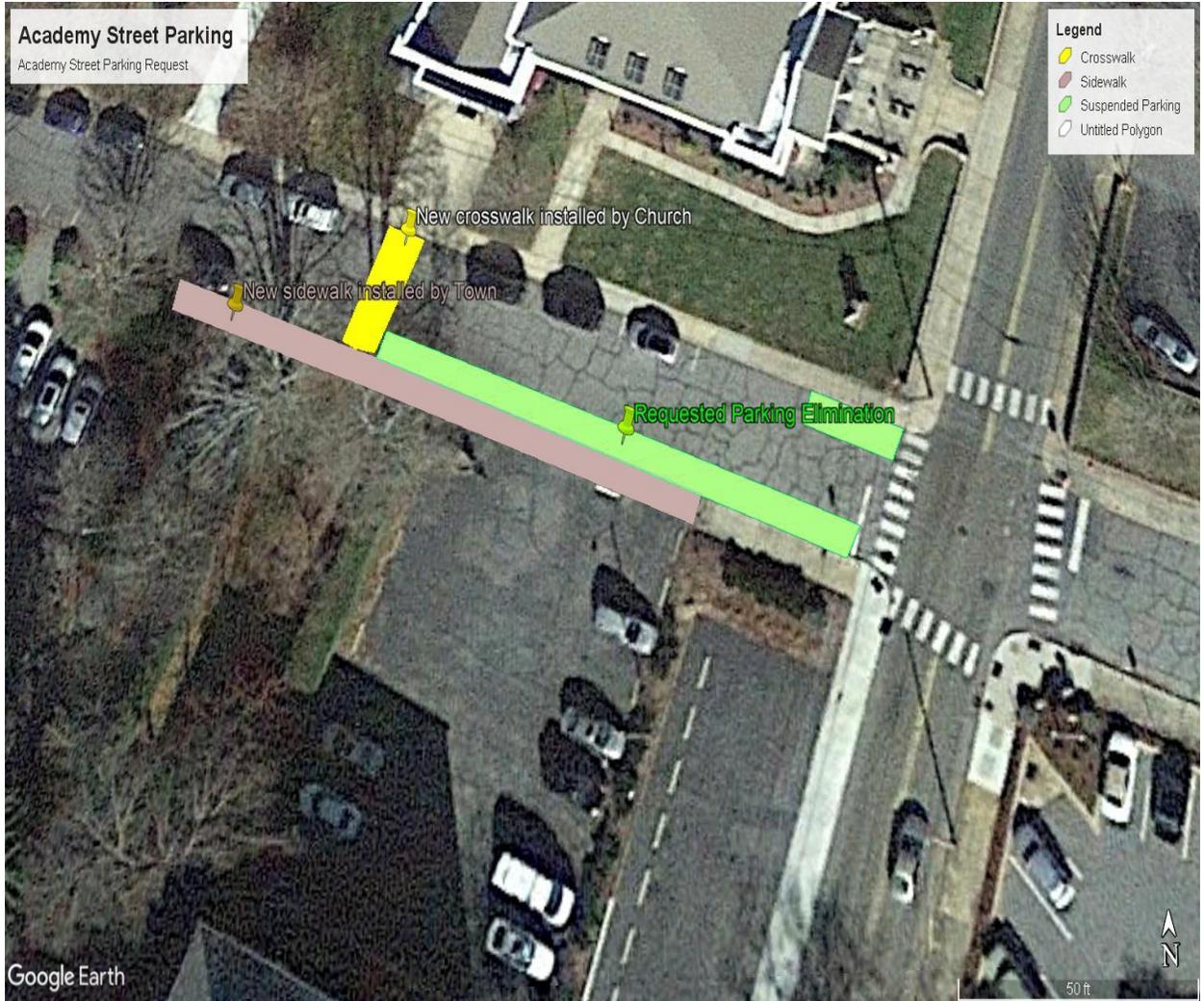
New crosswalk installed by Church

New sidewalk installed by Town

Requested Parking Elimination

Google Earth

50 ft



STATE OF NORTH CAROLINA

HAYWOOD COUNTY

MEMORANDUM OF TRANSPORTATION AGREEMENT

THIS MEMORANDUM OF TRANSPORTATION AGREEMENT (“Transportation Agreement”) is made and entered as of 1 October 2019 (“Effective Date”), among the law enforcement agencies listed below and the Haywood County Sheriff’s Office (“Sheriff’s Office”) (collectively, “the Parties”, individually “Party”).

WHEREAS, N.C.G.S. §122C-251, Custody, pursuant to an Involuntary Commitment Order (furthermore, referred to as an IVC Order) and Transportation for Involuntary Commitments, was amended and is effective October 1, 2019; and

WHEREAS, N.C.G.S. §122-251 (g) requires the governing body of a city or county adopt a plan known as an “involuntary commitment transportation agreement” or “transportation agreement” for the custody, pursuant to an IVC Order and transportation of respondents in involuntary commitment proceedings; and

WHEREAS, once adopted, the Transportation Agreement must be submitted to: the Magistrates in Haywood County; the Haywood County Clerk of Court; the Division of Mental Health Development Disabilities, and Substance Abuses Services; and the Local Management Entity-Managed Care Organization (“LME/MCO”) that serves Haywood County.

NOW THEREFORE, for and in consideration of mutual promises to each other as herein after set forth, the Parties mutually agree as follows;

1. After a Haywood County Magistrate issues an involuntary commitment order (“IVC Order”) and the Magistrate contacts the local law enforcement agency in the jurisdiction where the respondent resides or is physically located, an officer or deputy with the jurisdiction shall retrieve the IVC Order from the Magistrate.
  - a. If the respondent is a resident of the municipality or is physically taken into custody, pursuant to an IVC Order in the municipal limits, the municipality is responsible for transportation of the respondent including admission and discharge.
  - b. If the respondent is a resident of the county outside any municipal limit or is physically taken into custody, pursuant to an IVC Order outside municipal limits, the county is responsible for transportation of the respondent including admission and discharge.
2. The officer or deputy shall attempt to locate the respondent at the address provided on the IVC Order or where the magistrate believes the subject is physically located.

3. Upon location, the officer or deputy shall take respondent into custody, pursuant to an IVC Order and transport respondent to Haywood Regional Medical Center or other approved facility. After the facility has completed its examination of respondent, and if further care is required, the facility will locate a facility for respondent's future care.
4. The Sheriff's Office shall respond to the facility for respondent's transport to any facility in North Carolina, identified by the initial facility (who conducted the initial evaluation), for respondent's future care.
5. Upon completion of the initial evaluation, if the facility determines respondent is not in need of further treatment, an officer or deputy with the agency that took respondent into custody shall return respondent to the address in the IVC Order or allow for other transportation arrangements of respondent be made.
6. Each party to this Transportation Agreement agrees it is responsible for its own acts and/or omissions and those of its officials, employees, representative and agents in carrying out the terms of this Transportation Agreement and the results thereof to the extent authorization by law and shall not be responsible for the acts and/or omissions of any other Party and the results thereof.
7. It is understood and agreed that each Party's liability may be limited by the provisions or other immunity law applicable to each law enforcement agency. Parties understand and agree that each Party has not waived its rights, immunities and protections provided by law. Nothing contained in this Transportation Agreement shall waive or amend, nor shall be construed to waive or amend any defense or immunity that either Party, their respective officials and employees, has or may have.
8. This Transportation agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, corporation or other formal business association or organization of any kind among the Parties. Moreover, the rights and the obligations of the Parties under this Transportation Agreement will be only those expressly set forth in this Transportation Agreement.
9. This Agreement may be amended by written Agreement of the Parties.
10. Each term, condition, or covenant herein is subject to and shall be construed in accordance with the North Carolina law and any applicable federal law.
11. This Agreement may be executed in two (2) or more counterparts each of which will be deemed to be an original.

IN WITNESS WHEREOF, the law enforcement agencies and the Sheriff's Office, acting under authority of their respective governing bodies, have caused this Memorandum of Transportation Agreement to be duly executed as set forth below.

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**COUNTY OF HAYWOOD**

By: \_\_\_\_\_  
Kevin Ensley, Chair, Haywood County Board of Commissioners

By: \_\_\_\_\_  
Hunter Plemmons, Haywood County Clerk

**COUNTY OF HAYWOOD**

By: \_\_\_\_\_  
Greg Christopher, Sheriff of Haywood County

(SEAL)

ATTEST: \_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF WAYNESVILLE**

By: \_\_\_\_\_  
Gavin Brown, Mayor Town of Waynesville

By: \_\_\_\_\_  
Rob Hites, Waynesville Town Manager

By: \_\_\_\_\_  
Captain Brian Beck, Interim Chief of Police

(SEAL)

ATTEST: \_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF CANTON**

By: \_\_\_\_\_  
Zeb Smathers, Mayor Town of Canton

(SEAL)

By: \_\_\_\_\_  
Jason Burrell, Canton Town Manager

By: \_\_\_\_\_  
Chief Shawn Gaddis, Chief of Police

(SEAL)

ATTEST: \_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF MAGGIE VALLEY**

By: \_\_\_\_\_  
Saralyn Price, Mayor Town of Maggie Valley

By: \_\_\_\_\_  
Nathan Clark, Maggie Valley Town Manager

By: \_\_\_\_\_  
Chief Russ Gilliland, Chief of Police

(SEAL)

ATTEST: \_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF CLYDE**

By: \_\_\_\_\_  
Jim Trantham, Mayor Town of Clyde

By: \_\_\_\_\_  
Joy Garland, Clyde Town Administer

By: \_\_\_\_\_  
Chief Terry Troutman, Chief of Police

(SEAL)

ATTEST: \_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: September 10, 2019**

**SUBJECT:** Resolution affirming the Town of Waynesville's Board of Aldermen Support for implementation of a compliant NPDES MS4 Stormwater Program.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D-8  
**Department:** Public Services/Development Services  
**Contact:** Elizabeth Teague, Development Services Director  
**Presenter:** Elizabeth Teague, Development Services Director  
David Foster, Public Services Director  
Preston Gregg, Town Engineer

**BRIEF SUMMARY:**

As a result of an inspection completed on July 24, 2019, the Town of Waynesville received a Notice of Violation from the North Carolina Department of Environmental Quality regarding the Town's 2017 NPDES Permit. In accordance with Part VI of the permit and DEQ policy, a new 5 year MS4 permit must be issued, and the Town of Waynesville is required to acknowledge requirements and the intent to comply in writing; to adopt the attached resolution of the governing board; to submit documentation for review and comment by November 30, 2019; to conduct a self-audit which includes an evaluation of compliance with the permit and required minimum measures of a stormwater program; and to develop a new, draft Stormwater Management Plan that addresses all known compliance deficiencies listed in the Audit report.

**MOTIONS FOR CONSIDERATION:**

1. Motion to adopt the attached Resolution.
2. Motion to direct staff to respond to the NCDEQ Notice of Violation and its requirements, including the preparation of a draft Stormwater Management Plan.

**FUNDING SOURCE/IMPACT:** The Town contracts with Haywood Waterways to implement parts of the current Stormwater Management Plan. Additional assistance from Haywood Waterways or other consulting needed to respond to audit report may result in additional costs to the Town.

**ATTACHMENTS:**

1. Resolution required by NCDEQ
2. Audit Report

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval.

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA  
Environmental Quality

August 2, 2019

**CERTIFIED MAIL 7017 1070 0000 1776 2170**

**RETURN RECEIPT REQUESTED**

Town of Waynesville  
Attn: Elizabeth Teague, Planning Director  
9 South Main Street, Suite 110  
Waynesville, North Carolina 28786

**Subject: NOTICE OF Violation (NOV-2019-PC-0553)  
Town of Waynesville  
NPDES MS4 Permit No. NCS000501  
Haywood County**

Dear Ms. Teague:

On July 24, 2019, staff from the North Carolina Department of Environmental Quality (DEQ) conducted a compliance audit of the Town of Waynesville National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. For your reference, a copy of the MS4 Program Audit Report issued by DEQ is enclosed with this notice. This report lists and describes the serious deficiencies with certain components of the MS4 permit, which constitutes a violation of the Clean Water Act and is grounds for enforcement action.

In accordance with Part VI of the permit and DEQ policy, a new 5-year MS4 permit will be issued in response to the audit. To address the MS4 permit deficiencies, the Town of Waynesville is required to complete the following actions:

- (1) Respond in writing within thirty (30) calendar days from the date of receipt of this notice to acknowledge these requirements and the intent to comply.
- (2) Adopt a Council Resolution within sixty (60) calendar days from the date of receipt of this notice. The resolution must declare support for a compliant stormwater management program. A sample council resolution with the minimum requirements is enclosed with this letter. An original signed document must be submitted to DEQ.
- (3) Submit documentation for review and comment within one hundred twenty (120) calendar days from the date of receipt of this letter:



- a. Conduct a self-audit which includes, at a minimum, an evaluation of compliance with the permit conditions found in Part II Section B: Public Education and Outreach; Section C, Public Involvement and Participation; Section D: Illicit Discharge Detection and Elimination; Section F: Post-Construction Site Runoff Controls; and Section G: Pollution Prevention and Good Housekeeping. The self-audit must be documented utilizing the DEQ standard MS4 Permit Compliance Audit Report Template.
  - b. Develop a Draft Stormwater Management Plan (SWMP) which details specific actions, measurable goals, and implementation timelines to bring the stormwater management program into compliance with NPDES MS4 requirements over the new 5-year permit term. The SWMP must be documented utilizing the DEQ Phase II MS4 SWMP Template. The SWMP must address all known compliance deficiencies including, at a minimum, the items detailed in the DEQ MS4 Program Audit Report.
- (4) Submit an NPDES MS4 permit application within thirty (30) days of receiving written DEQ concurrence that the submitted Draft SWMP documents a compliant stormwater management program. A new 5-year NPDES MS4 permit will be public noticed along with the submitted SWMP.
  - (5) Respond to public comments on the Draft SWMP and submit a Final SWMP for DEQ approval and final permit issuance. The final DEQ-approved SWMP shall become an enforceable component of the NPDES MS4 permit.

Required documentation shall be submitted via e-mail to [Isaiah.Reed@ncdenr.gov](mailto:Isaiah.Reed@ncdenr.gov), or to:

DEQ-DEMLR Stormwater Program  
Attn: Isaiah Reed  
2090 U.S. Highway 70  
Swannanoa, North Carolina 28778

If the Town of Waynesville fails to meet the aforementioned requirements and/or submits a significantly noncompliant Draft SWMP, DEQ may proceed with enforcement. As is stated in Part V, Section A.1(c) of the permit:

*Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit [North Carolina General Statute 143-215.6A]. Please note that compliance with the requirements of this NOD and/or issuance of civil or criminal penalties levied by DEQ does not preclude the EPA from carrying out its own enforcement case against the permittee.*

Thank you for your attention to this matter. Should you have any questions, please contact Isaiah Reed at (828) 296-4614 or [Isaiah.Reed@ncdenr.gov](mailto:Isaiah.Reed@ncdenr.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stanley E. Aiken', written in a cursive style.

Stanley E. Aiken, P.E.<sup>GA</sup>  
Regional Engineer  
Land Quality Section  
Division of Energy Mineral and Land  
Resources

Enclosures: DEQ MS4 Program Audit Report (July 24, 2019 Town of Waynesville)  
Copy of NPDES MS4 Permit No. NCS000501  
Sample Council Resolution

cc: Isaiah Reed, Stormwater Program Administrator  
Stan Aiken, Regional Engineer  
Jeanette Powell, DEMLR MS4 Program Coordinator  
Alaina Morman, DEMLR Stormwater Compliance & Enforcement  
DEMLR NPDES MS4 Permit Laserfiche File

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)  
PROGRAM AUDIT REPORT**

**NPDES PERMIT NO. NCS000501**

Waynesville, NORTH CAROLINA

129 Legion Drive  
Waynesville, North Carolina 28786

**Audit Date: July 24<sup>th</sup> and 25<sup>th</sup>, 2019**

**Report Date: July 29, 2019**

North Carolina Department of Environmental Quality  
Division of Energy, Mineral & Land Resources Stormwater Program  
512 N. Salisbury Street, 9th floor  
1612 Mail Service Center  
Raleigh, NC 27699-1612

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**DISCLAIMER**

*This audit consists of an evaluation of program compliance with the issued permit and implementation of the approved Stormwater Management Plan. This audit report does not include a review of all program components, and program deficiencies in addition to those noted may be present. The permittee is required to assess program progress and permit compliance, and to implement the approved Stormwater Management Plan in accordance with the issued permit.*

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## Audit Details

Audit ID Number:

NCS000501\_Waynesville MS4 Audit\_20190724

Audit Date(s):

July 24, 2019

**Minimum Control Measures Evaluated:**

- Program Implementation, Documentation & Assessment
- Public Education & Outreach
- Public Involvement & Participation
- Illicit Discharge Detection & Elimination
- Construction Site Runoff Controls – No delegated Sediment and Erosion Control Program
- Construction Site Runoff Controls – Delegated Sediment and Erosion Control Program
- Post-Construction Site Runoff Controls
- Pollution Prevention and Good Housekeeping for Municipal Operations
- Total Maximum Daily Loads (TMDLs)

**Field Site Visits:**

- Municipal Facilities. Number visited: **2**
- MS4 Outfalls. Number visited: **1**
- Construction Sites. Number visited: Choose an item.
- Post-Construction Stormwater Runoff Controls. Number visited: **1**
- Other: \_\_\_\_\_ . Number visited: Choose an item.
- Other: \_\_\_\_\_ . Number visited: Choose an item.

**Inspector(s) Conducting Audit**

<u>Name, Title</u>	<u>Organization</u>
Isaiah Reed, Environmental Specialist	NCDEQ
Larry Ammons, Environmental Specialist	NCDEQ

**Audit Report Author:**

Signature \_\_\_\_\_

**Date:**

**Audit Report Author:**

Signature \_\_\_\_\_

**Date**

## Permittee Information

<b>MS4 Permittee Name:</b> Town of Waynesville	<b>Permit Effective Date:</b> February 20, 2019	<b>Permit Expiration Date:</b> February 19, 2022
<b>Mailing Address:</b> 9 S. Main Street, Suite 110. Waynesville, NC 28786	<b>Date of Last MS4 Inspection/Audit:</b> N/A	
<b>Co-permittee(s), if applicable:</b> N/A		
<b>Permit Owner of Record:</b> Town of Waynesville		

### Primary MS4 Representatives Participating in Audit

<u>Name, Title</u>	<u>Organization</u>
Elizabeth Teague, Planning Director	Town Development Services
Byron Hickox, Land Development Administrator	Town of Waynesville
Robert W. Hites Jr., Town Manager	Town of Waynesville
Eric Romaniszyn, Executive Director	Haywood Waterways
Christine O'Brian, Project Assistant	Haywood Waterways
Tom Maguire, Building Inspector	Town of Waynesville
Preston Gregg, Town Engineer	Town of Waynesville

### MS4 Receiving Waters

<u>Waterbody</u>	<u>Classification</u>	<u>Impairments</u>
Richland Creek	B;Tr	
Shelton Branch	B	
Raccoon Creek	B	
Ratcliffe Cove Branch	B	
Shingle Cove Branch	B	
Eaglenest Creek	C;Tr	
Plott Creek	C;Tr	
Hyatt Creek	C	
Unnamed Tributary to Richland Creek		



## List of Supporting Documents

Item Number	Document Title	When Provided (Prior to/During/After)
1	Attendance Sheet	During
2	Audit Info 1	During
3	Audit Info 2	During
4	Contract with Belle Engineering	During
5	Enforcement Mechanism	During
6	Haywood Waterways Contract	During
7	Land Development Permit	During
8	Land Disturbance Permit	During
9	Stormwater Ordinance	During
10	Utility Fee Request proposal	During
11	Powerpoint given by Haywood Waterways	After
12	Quarterly Report given to Waynesville by Haywood Waterways	After

## Program Implementation, Documentation & Assessment

<b>Staff Interviewed:</b> (Name, Title, Role)	Elizabeth Teague, Planning Director Robert Hites, Town Manager		
Permit Citation	Program Requirement	Status	Supporting Doc No.
<b>II.A.1</b> <b>Staffing and Funding</b>	The permittee maintained adequate funding and staffing to implement and manage the provisions of the Stormwater Plan and meet all requirements of the permit.	Partial	---
	The Stormwater Plan identifies a specific position(s) responsible for the overall coordination, implementation, and revision to the Plan.	No	---
	Responsibilities for all components of the Stormwater Plan are documented and position(s) assignments provided.	No	---
	The permittee is current on payment of invoiced administering and compliance monitoring fees ( <i>see stormwater e-payments on DEMLR MS4 web page</i> ).	Yes	---
<p><i>No current SWMP was available, and current staff are not listed in the last located (2008) SWMP.</i></p>			
<b>II.A.2 Stormwater Plan Implementation and Evaluation</b>	The permittee evaluated the performance and effectiveness of the program components at least annually.	No	---
	If yes, the permittee used the results of the evaluation to modify the program components as necessary to accomplish the intent of the Stormwater Program.	Not Applicable	---
	Did the permitted MS4 discharges cause or contribute to non-attainment of an applicable water quality standard?	No	---
	If yes, did the permittee expand or better tailor its BMPs accordingly to address the non-attainment?	Not Applicable	---
<p><i>No annual report or evaluations had been conducted at the time of the Audit.</i></p>			

<b>Program Implementation, Documentation &amp; Assessment</b>			
<b>II.A.3</b> Keeping the Stormwater Plan Up to Date	The permittee kept the Stormwater Plan up to date.	No	---
	The permittee notified DEMLR of any updates to the Stormwater Plan.	No	---
<i>An applicable Stormwater Plan had not been maintained at the time of the Audit.</i>			
<b>II.A.4 Availability of the Stormwater Plan</b>	The permittee kept an up-to-date version of its Stormwater Plan available to the Division and the public online.	No	---
	The online materials included ordinances, or other regulatory mechanisms, or a list identifying the ordinances, or other regulatory mechanisms, providing the legal authority necessary to implement and enforce the requirements of the permit.	No	---
<i>The Town's webpage does not have an easily accessible section containing the Stormwater Plan, ordinances, or other regulatory mechanisms, or a list identifying the ordinances, or other regulatory mechanisms, providing the legal authority necessary to implement and enforce the requirements of the permit.</i>			
<b>II.A.3 &amp; II.A.5</b> Stormwater Plan Modifications	Did DEMLR require a modification to the Stormwater Plan?	Not Applicable	---
	If yes, did the permittee complete the modifications in accordance with the established deadline?	Not Applicable	---
<b>II.A.6 Sharing Responsibility</b>	Are any control measures implemented by an entity other than the permittee?	Yes	6 and 4
	If yes, is there a written agreement in place?	Yes	6 and 4
<i>Written agreements are in place with Haywood Waterways Association, Inc. to administer the Public Education and Outreach MCM and Public Involvement and Participation MCM.</i>			
<b>II.A.7</b> Written Procedures	The permittee maintained written procedures for implementing the six minimum control measures.	No	---
	Written procedures identified specific action steps, schedules, resources and responsibilities for implementing the six minimum measures.	No	---
<i>A current Stormwater Management Program had not been maintained at the time of the audit.</i>			

## Program Implementation, Documentation & Assessment

<b>III. A</b> Program Documentation	The permittee maintained documentation of all program components including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions etc., on file for a period of five years.	No	---
<i>Inspection reports and other documentation of staff activities relating to stormwater were not available, and had not been developed at the time of the audit.</i>			
<b>III. B</b> Annual Report Submittal	The permittee submitted annual reports to the Department within twelve months from the effective date of the permit ( <i>See Section III. B. for the annual reporting period specific to this MS4</i> ).	No	---
	The permittee submitted subsequent annual reports every twelve months from the scheduled date of the first annual report submittal.	No	---
	The Annual Reports included appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Plan, including, but not limited the following:		
	1. A detailed description of the status of implementation of the Stormwater Plan as a whole. This will include information on development and implementation of each major component of the Stormwater Plan for the past year and schedules and plans for the year following each report.	No	---
	2. An adequate description and justification of any proposed changes to the Stormwater Plan. This will include descriptions and supporting information for the proposed changes and how these changes will impact the Stormwater Plan (results, effectiveness, implementation schedule, etc.).	No	---
	3. Documentation of any necessary changes to programs or practices for assessment of management measures implemented through the Stormwater Plan.	No	---
	4. A summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Plan.	No	---
5. An assessment of compliance with the permit, information on the establishment of appropriate legal authorities, inspections, and enforcement actions.	No	---	
<i>Annual reports had not been submitted.</i>			
<b>IV. B</b> Annual Reporting	The Annual Reports document the following:		
	1. A summary of past year activities, including where applicable, specific quantities achieved and summaries of enforcement actions.	No	---
	2. A description of the effectiveness of each program component.	No	---
3. Planned activities and changes for the next reporting period, for each program component or activity.	No	---	

**Program Implementation, Documentation & Assessment**

4. Fiscal analysis.

No

---

*Annual Reports had not been submitted at the time of the audit.*

**Additional  
Comments:**

## Public Education and Outreach

Staff Interviewed: (Name, Title, Role)	Eric Romaniszyn, Executive Director Christine O'brien, Project Assistant		
Permit Citation	Program Requirement	Status	Supporting Doc No.
<u>II.B.2.a</u> Goals and Objectives	The permittee defined goals and objectives of the Local Public Education and Outreach Program based on community wide issues.	Yes	6
<i>Goals and objectives were outlined in the agreement between the Town of Waynesville and Haywood Waterways Association, Inc.</i>			
<u>II.B.2.b</u> Target Pollutants	The permittee maintained a description of the target pollutants and/or stressors and likely sources.	Yes	11 and 12
Target pollutants are discussed in the outreach PPT provided by Haywood Waterways.			
<u>II.B.2.c</u> Target Audiences	The permittee identified, assessed annually and updated the description of the target audiences likely to have significant storm water impacts and why they were selected.	No	---
<i>No annual assessment was made available at the time of the audit.</i>			

## Public Education and Outreach

<b>II.B.2.d Residential and Industrial/ Commercial Issues</b>	The permittee described issues, such as pollutants, the likely sources of those pollutants, potential impacts, and the physical attributes of stormwater runoff in their education/outreach program.	Yes	11 and 12
<b>II.B.2.e Informational Web Site</b>	The permittee promoted and maintained an internet web site designed to convey the program's message.	Yes	11 and 12
<a href="http://haywoodwaterways.org/">http://haywoodwaterways.org/</a>			
<b>II.B.2.f Public Education Materials</b>	The permittee distributed stormwater educational material to appropriate target groups.	Yes	11 and 12
<b>II.B.2.g Hotline/Help Line</b>	The permittee promoted and maintained a stormwater hotline/helpline for the purpose of public education and outreach.	Yes	11 and 12
<a href="http://haywoodwaterways.org/contact/">http://haywoodwaterways.org/contact/</a>			
<b>II.B.2.h</b>	The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, included a combination of approaches designed to reach the target audiences.	Yes	11 and 12

## Public Education and Outreach

### Public Education and Outreach Program

For each media, event or activity, including those elements implemented locally or through a cooperative agreement the permittee estimated and recorded the extent of exposure.

Yes

12

### Additional Comments:

<b>Public Involvement and Participation</b>			
<b>Staff Interviewed:</b> (Name, Title, Role)	Eric Romaniszym, Executive Director Christine O'brien, Project Assistant		
<b>Permit Citation</b>	<b>Program Requirement</b>	<b>Status</b>	<b>Supporting Doc No.</b>
<b>II.C.2.a Volunteer Community Involvement Program</b>	The permittee included and promoted volunteer opportunities designed to promote ongoing citizen participation.	Yes	11
Extensive volunteer opportunities.			
<b>II.C.2.b Mechanism for Public Involvement</b>	The permittee provided and promoted a mechanism for public involvement that provides for input on stormwater issues and the stormwater program.	Yes	11
<b>II.C.2.c Hotline/Help Line</b>	The permittee promoted and maintained a hotline/helpline for the purpose of public involvement and participation.	Yes	---
<a href="http://haywoodwaterways.org/contact/">http://haywoodwaterways.org/contact/</a>			

<b>Illicit Discharge Detection and Elimination (IDDE)</b>			
<b>Staff Interviewed:</b> (Name, Title, Role)	Byron Hickox, Land Development Administrator Tom Maguire, Building Inspector Elizabeth Teague, Planning Director		
<b>Permit Citation</b>	<b>Program Requirement</b>	<b>Status</b>	<b>Supporting Doc No.</b>
<b>II.D.2.a</b> IDDE Program	The permittee maintained a written IDDE Program.	No	---
	If yes, the written program includes provisions for program assessment and evaluation and integrating program.	Not Applicable	---
<i>No written IDDE program had been maintained at the time of the inspection.</i>			
<b>II.D.2.b</b> Legal Authorities	The permittee maintained an IDDE ordinance or other regulatory mechanism(s) that provides the legal authority to prohibit illicit connections and discharges to the MS4.	Yes	5 and 9
	If yes, the ordinance applies throughout the corporate limits of the permittee. <i>[Permit Part I.D]</i>	Yes	---
<b>II.D.2.c</b> Storm Sewer System Map	The permittee maintained a current map showing major outfalls and receiving streams.	No	---
<i>A map from 2008 was located, but a map has not been maintained at the time of the inspection.</i>			
<b>II.D.2.d</b> Dry Weather Flow Program	The permittee maintained a program for conducting dry weather flow field observations in accordance with written procedures.	No	---
<i>No dry weather flow observation program had been maintained at the time of the inspection.</i>			

## Illicit Discharge Detection and Elimination (IDDE)

<b>II.D.2.e</b> Investigation Procedures	The permittee maintained written procedures for conducting investigations of identified illicit discharges.	No	---
---	---	----	-----

*No written procedure for conducting IDDE investigations had been maintained at the time of the audit.*

<b>II.D.2.f</b> Track and Document Investigations	For each case of an illicit discharge or potential illicit discharge, the permittee documented and tracked the following:		
	1. The date(s) the illicit discharge was observed	No	---
	2. The results of the investigation	No	---
	3. Any follow-up of the investigation	No	---
	4. The date the investigation was closed	No	---

*No IDDE inspection form or tracking list was being utilized at the time of the audit.*

<b>II.D.2.g Employee Training</b>	The permittee implemented and documented a training program for appropriate municipal staff who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection.	No	---
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*No documented training had been conducted at the time of the inspection.*

<b>II.D.2.h</b> Public Education	The permittee informed public employees of hazards associated with illegal discharges and improper disposal of waste.	No	---
	The permittee informed businesses of hazards associated with illegal discharges and improper disposal of waste.	No	---
	The permittee informed the general public of hazards associated with illegal discharges and improper disposal of waste.	Yes	11

## Illicit Discharge Detection and Elimination (IDDE)

<b>II.D.2.i Public Reporting Mechanism</b>	The permittee promoted, publicized, and facilitated a reporting mechanism for the public to report illicit discharges.	No	---
	The permittee promoted, publicized, and facilitated a reporting mechanism for staff to report illicit discharges.	No	---
	The permittee established and implemented response procedures for citizen requests/reports.	No	---
<i>No clearly accessible mechanism is available for public reporting.</i>			
<b>II.D.2.j Enforcement</b>	The permittee implemented a mechanism to track the issuance of notices of violation and enforcement actions administered by the permittee.	No	---
	If yes, the mechanism includes the ability to identify chronic violators for initiation of actions to reduce noncompliance.	Not Applicable	---
<i>No tracking mechanism for NOV's had been implemented at the time of the audit. No NOV's had been issued at the time of the audit.</i>			

## Construction Site Runoff Controls

Staff Interviewed: Byron Hickox, Lad Development Administrator  
 (Name, Title, Role) Tom Maguire, Building Inspector  
 Elizabeth Teague, Planning Director

### Program Delegation Status:

The permittee has a delegated Sediment and Erosion Control Program and implements the North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 components of this minimum measure (*complete the permit citation and SPCA citation sections*).

The permittee does not have a delegated Sediment and Erosion Control Program and relies on DEMLR to comply with the North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 components of this minimum measure (*complete only the permit citation section*).

Permit Citation	Program Requirement	Status	Supporting Doc No.
<u>II.E.3</u> Construction Site Runoff Controls.	The permittee provides and promotes a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems (e.g., promoting the existence of the DEQ DEMLR "Stop Mud" hotline).	No	---

## Post-Construction Site Runoff Controls

Staff Interviewed:  
(Name, Title, Role)

Elizabeth Teague, Planning Director  
Tom Maguire, Building Inspector

### Implementation (check all that apply):

- The permittee implements the components of this minimum measure.
- The permittee relies upon another entity to implement the components of this minimum measure: Belle Engineering is used as needed, for plan review.
- The permittee implements the following deemed-compliant program(s), which meet NPDES MS4 post-construction requirements for the areas where implemented and in compliance with the specific program requirements as provided in 15A NCAC and noted below (*Complete Session Law 2006-246 section below*):
  - Water Supply Watershed I (WS-I) – 15A NCAC 2B .0212
  - Water Supply Watershed II (WS-II) – 15A NCAC 2B .0214
  - Water Supply Watershed III (WS-III) – 15A NCAC 2B .0215
  - Water Supply Watershed IV (WS-IV) – 15A NCAC 2B .0216
  - Freshwater High Quality Waters (HQW) – 15A NCAC 2H .1006
  - Freshwater Outstanding Resource Waters (ORW) – 15A NCAC 2H .1007
  - Neuse River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B .0235
  - Tar-Pamlico River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B .0258
  - Randleman Lake Water Supply Watershed Nutrient Management Strategy – 15A NCAC 2B .0251
  - Universal Stormwater Management Program – 15A NCAC 2H .1020

### Ordinance(s) (check all that apply):

The permittee utilizes the following ordinances and/or regulatory authority to fulfill post construction minimum measure program requirements throughout the MS4 permitted area (check all that apply):

- DEQ model ordinance
- MS4 designed post-construction practices that meet or exceed 15A NCAC 02H .1000.
- DEQ approved comprehensive watershed plan
- DEQ approved ordinance for a deemed-compliant Program (see list above)

### Instructions:

For MS4s not implementing a S.L. 2006-246 deemed-compliant program, complete only the Permit Citation section below.

For MS4s implementing a S.L. 2006-246 deemed-compliant program, complete the Session Law 2006-246 section below. If the MS4 does not implement a deemed-compliant program throughout the entire MS4 permitted area, then complete the Permit Citation section below for the permitted area(s) not covered under the S.L. 2006-246 deemed-compliant program.

<b>Post-Construction Site Runoff Controls</b>			
<b>Session Law 2006-246</b>	<b>Program Requirement</b>	<b>Status</b>	<b>Supporting Doc No.</b>
<b>Deemed-Compliant Program(s)</b>	The permittee implements deemed-compliant Program requirements in accordance with the applicable 15A NCAC rules.	Not Applicable	---
	The permittee implements deemed-compliant Program requirements throughout the entire MS4 area ( <i>If not, also complete the Permit Citation section below.</i> )	Not Applicable	---
	The permittee applies deemed-compliant Program requirements to all federal, state and local government projects within the permitted MS4 area who do not have their own NPDES stormwater permit.	Not Applicable	---
	The permittee included deemed-compliant Program reporting in their MS4 Annual Reports.		
	The permittee included deemed-compliant Program implementation in their Stormwater Management Plan.	Not Applicable	---
<b>Comments</b>			
<b>Permit Citation</b>	<b>Program Requirement</b>	<b>Status</b>	<b>Supporting Doc No.</b>
<b>II.F.2.a Legal Authority</b>	The permittee maintained an ordinance or other regulatory mechanism designed to meet the objectives of the Post-Construction Site Runoff Controls Stormwater Management Program.	Yes	9
	If yes, the ordinance applies throughout the corporate limits of the permittee ( <i>Verify permit coverage area listed in Part I.D of permit and modify accordingly</i> ).	Not Reviewed	---
	The permittee has the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.	Yes	9
	The permittee has the authority to 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.	Yes	9
	The permittee has the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges.	Yes	5
<b>II.F.2.b Stormwater Control Measures (SCMs)</b>	The permittee utilizes strategies which include SCMs appropriate for the MS4.	Yes	9
	SCMs comply with 15A NCAC 02H .1000.	Yes	9

## Post-Construction Site Runoff Controls

### Comments

<b>II.F.2.c Plan Reviews</b>	The permittee conducted site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development or sale).	Yes	---
	If yes, the site plan reviews addressed how the project applicant meets the performance standards.	Yes	---
	If yes, the site plan reviews addressed how the project will ensure long-term maintenance.	Yes	---

### Comments

<b>II.F.2.d Inventory of Projects</b>	The permittee maintained an inventory of projects with post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites.	No	---
	The inventory included both public and private sector sites located within the permittee's corporate limits that are covered by its post-construction ordinance requirements.	No	---

*An inventory was not maintained at the time of the audit.*

<b>II.F.2.e Deed Restrictions and Protective Covenants</b>	The permittee provided mechanisms such as recorded deed restrictions and protective covenants that ensure development activities will maintain the project consistent with approved plans.	Yes	---
--	--	-----	-----

<b>II.F.2.f Mechanism to Require Long-term Operation and Maintenance</b>	The permittee implemented or required an operation and maintenance plan for the long-term operation of the SCMs required by the program.	No	---
	The operation and maintenance plan required the owner of each SCM to perform and maintain a record of annual inspections of each SCM.	No	---
	Annual inspection of permitted structural SCMs are required to be performed by a qualified professional.	No	---

*Documents provided at the time of the inspection did not include and operation and maintenance plan.*

## Post-Construction Site Runoff Controls

<b>II.F.2.g</b> <b>Inspections of Structural Stormwater Control Measures</b>	The permittee conducted and documented inspections of each project site covered under performance standards, at least one time during the permit term ( <i>Verify this is a permit condition in Part II.F.2.g of permit and modify accordingly</i> ).	No	---
	Before issuing a certificate of occupancy or temporary certificate of occupancy, the permittee conducted a post-construction inspection to verify that the permittee's performance standards have been met or a bond is in place to guarantee completion( <i>Verify this is a permit condition in Part II.F.2.g of permit and modify accordingly</i> ).	No	---
	The permittee developed and implemented a written inspection program for SCMs installed pursuant to the post-construction program( <i>Verify this is a permit condition in Part II.F.2.g of permit and modify accordingly</i> ).	No	---
	The permittee documented and maintained records of inspections.	No	---
	The permittee documented and maintained records of enforcement actions.	No	---
<p><i>No documented inspections were recorded at the time of the audit.</i></p>			
<b>II.F.2.h</b> <b>Educational Materials and Training for Developers</b>	The permittee made available through paper or electronic means, ordinances, post-construction requirements, design standards checklists, and other materials appropriate for developers.  <i>Note: New materials may be developed by the permittee, or the permittee may use materials adopted from other programs and adapted to the permittee's new development and redevelopment program.</i>	Yes	---
<b>II.F.2.i Enforcement</b>	The permittee tracked the issuance of notices of violation and enforcement actions.	No	---
	If yes, the tracking mechanism included the ability to identify chronic violators for initiation of actions to reduce noncompliance.	No	---
<p><i>No system was in place to track NOV's and no documented NOV's had been issued at the time of the inspection.</i></p>			
<b>II.F.3.b</b> <b>New Development</b>	The permittee fully complies with post construction program requirements on its own publicly funded construction projects.	No	---

## Post-Construction Site Runoff Controls

<b>II.F.3.c</b> Nutrient Sensitive Waters	Does the MS4 have areas draining to Nutrient Sensitive Waters (NSW) pursuant to 15A NCAC 02H .0150?	No	---
	If yes, does the permittee use SCMs that reduce nutrient loading in order to meet local program requirements.	Not Applicable	---
	If yes, does the permittee also still incorporate the stormwater controls required for the project's density level.	Not Applicable	---
	If yes, does the permittee also require documentation where it is not feasible to use SCMs that reduce nutrient loading.	Not Applicable	---
<b>II.F.3.d</b>			
<b>Design Volume</b>	The permittee ensured that the design volumes of SCMs take into account the runoff at build out from all surfaces draining to the system.	Yes	9
	Where "streets" convey stormwater, the permittee designed SCMs to be sized to treat and control stormwater runoff from all surfaces draining to the SCM including streets, driveways, and other impervious surfaces.	Yes	9
<b>Comments</b>			
<b>Additional Comments:</b>			

## Pollution Prevention and Good Housekeeping for Municipal Operations

Staff Interviewed: (Name, Title, Role)	Elizabeth Teague, Planning Director Tom Maguire, Building Inspector		
Permit Citation	Program Requirement	Status	Supporting Doc No.
<u>II.G.2.a</u> Facility Inventory	The permittee maintained a current inventory of facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff.	No	---
<i>No inventory was available at the time of the audit.</i>			
<u>II.G.2.b</u> Operation and Maintenance (O&M) for Facilities	The permittee maintained and implemented an O&M program for municipally owned and operated facilities with the potential for generating polluted stormwater runoff.	No	---
	If yes, the O&M program specifies the frequency of inspections.	No	---
	If yes, the O&M program specifies the frequency of routine maintenance requirements.	No	---
	If yes, the permittee evaluated the O&M program annually and updated it as necessary.	No	---
<i>No O&amp;M plan had been written at the time of the audit.</i>			
<u>II.G.2.c</u> Spill Response Procedures	The permittee had written spill response procedures for municipal operations.	No	---
<i>No spill response procedures were presented during the audit.</i>			
<u>II.G.2.d</u> Streets, Roads, and Public	The permittee evaluated existing and new BMPs that reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within its corporate limits annually.	No	---

## Pollution Prevention and Good Housekeeping for Municipal Operations

<b>Parking Lots Maintenance</b>	If yes, the permittee evaluated the effectiveness of existing and new BMPs based on cost and the estimated quantity of pollutants removed.	Not Applicable	---
<i>No documented evaluations had been performed at the time of the Audit.</i>			
<b>II.G.2.f O&amp;M for Catch Basins and Conveyance Systems</b>	The permittee maintained and implemented an O&M program for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.	No	---
<i>No O&amp;M plan had been documented or implemented for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.</i>			
<b>II.G.2.g Structural Stormwater Controls</b>	The permittee maintained a current inventory of municipally-owned or operated structural stormwater controls installed for compliance with the permittee's post-construction ordinance.	No	---
<b>II.G.2.h O&amp;M for Structural Stormwater Controls</b>	The permittee maintained and implemented an O&M program for municipally-owned or maintained structural stormwater controls installed for compliance with the permittee's post-construction ordinance. If yes, then:	No	---
	The O&M program specified the frequency of inspections and routine maintenance requirements.	No	---
	The permittee documented inspections of all municipally-owned or maintained structural stormwater controls.	No	---
	The permittee inspected all municipally-owned or maintained structural stormwater controls in accordance with the schedule developed by permittee.	No	---
	The permittee maintained all municipally-owned or maintained structural stormwater controls in accordance with the schedule developed by permittee.	No	---
	The permittee documented maintenance of all municipally-owned or maintained structural stormwater controls.	No	---
<b>Comments</b>			
<b>II.G.2.i</b>	The permittee ensured municipal employees are properly trained in pesticide, herbicide and fertilizer application management.	Yes	---

<b>Pollution Prevention and Good Housekeeping for Municipal Operations</b>			
<b>Pesticide, Herbicide and Fertilizer Application Management</b>	The permittee ensured contractors are properly trained in pesticide, herbicide and fertilizer application management.	Not Applicable	---
	The permittee ensured all permits, certifications, and other measures for applicators are followed.	Not Applicable	---
<b>II.G.2.j Staff Training</b>	The permittee implemented an employee training program for employees involved in implementing pollution prevention and good housekeeping practices.	No	---
No documented training program had been implemented at the time of the audit.			
<b>II.G.2.k Vehicle and Equipment Cleaning</b>	The permittee described and implemented measures that prevent or minimize contamination of stormwater runoff from all areas used for vehicle and equipment cleaning.	Yes	---
<i>Comments</i>			
<b>Additional Comments:</b>			

## Site Visit Evaluation: Municipal Facility No. 1

Facility Name: Public Works	Date and Time of Site Visit: July 25, 2019 9:30am
Facility Address: 129 Legion Drive. Waynesville, NC	Facility Type (Vehicle Maintenance, Landscaping, etc.): Vehicle Maintenance
Name of MS4 inspector(s) evaluated: Preston Gregg, Town Engineer	Most Recent MS4 Inspection ( <i>List date and name of inspector</i> ): N/A
Name(s) and Title(s) of Facility Representative(s) Present During the Site Visit:	
Name	Title
Preston Gregg	Town Engineer
<b>Observations</b>	
<b>Facility Documentation/Training</b>	
Does the facility have a Stormwater Pollution Prevention Plan (SWPPP) or similar document? Is it facility-specific? No	
What type of stormwater training do facility employees receive? How often? None	
<b>Inspector Training/Knowledge</b>	
What type of stormwater training does the MS4 inspector receive? How often? None	
Did the MS4 inspector appear knowledgeable about Permit requirements for pollution prevention and good housekeeping? No	
Did the MS4 inspector appear knowledgeable about stormwater pollution prevention and good housekeeping? No	
<b>Inspection Procedures</b>	
Does the MS4 inspector's process include the use of a checklist or other standardized form? No	
Does the MS4 inspector's process include taking photos? No	
Does the MS4 inspector's process include reviewing the facility's SWPPP (or similar document)? No	

**Site Visit Evaluation: Municipal Facility No. 1**

Does the MS4 inspector's process include walking the entire facility and inspecting all points of discharge?

**Yes**

Did the MS4 inspector miss any obvious areas of concern? If so, explain:

**No**

Does the MS4 inspector's process include presenting the inspection findings to the facility contact?

**No**

**Inspection Results**

Did the facility inspection result in any corrective actions to be implemented? If so, for what issue(s)?

**Yes: Housekeeping issues in the liquids storage area.**

If compliance corrective actions were identified, what timeline for correction/follow-up was provided?

**None**

**Notes/Comments/Recommendations**

*Training and written reports would benefit the Stormwater management at the public works facility a great deal.*

## Site Visit Evaluation: Municipal Facility No. 2

Facility Name: Waynesville Wastewater Treatment Plant	Date and Time of Site Visit: July 25, 2019
Facility Address: 566 Walnut Trail	Facility Type (Vehicle Maintenance, Landscaping, etc.): WWTP
Name of MS4 inspector(s) evaluated: Elizabeth Teague, Planning Director	Most Recent MS4 Inspection (Date and Entity): N/A
Name(s) and Title(s) of Facility Representative(s) Present During the Site Visit:	
Name	Title
Mark Jones and Jeff Evans	

### Observations

#### Facility Documentation/Training

Does the facility have a Stormwater Pollution Prevention Plan (SWPPP) or similar document? Is it facility-specific?

*No*

What type of stormwater training do facility employees receive? How often?

*None*

#### Inspector Training/Knowledge

What type of stormwater training does the MS4 inspector receive? How often?

*None*

Did the MS4 inspector appear knowledgeable about Permit requirements for pollution prevention and good housekeeping?

*No*

Did the MS4 inspector appear knowledgeable about stormwater pollution prevention and good housekeeping?

*No*

#### Inspection Procedures

Does the MS4 inspector's process include the use of a checklist or other standardized form?

*No*

Does the MS4 inspector's process include taking photos?

*Yes*

Does the MS4 inspector's process include reviewing the facility's SWPPP (or similar document)?

*No*

**Site Visit Evaluation: Municipal Facility No. 2**

Does the MS4 inspector's process include walking the entire facility and inspecting all points of discharge?

**Yes**

Did the MS4 inspector miss any obvious areas of concern? If so, explain:

**No**

Does the MS4 inspector's process include presenting the inspection findings to the facility contact?

**Not Evaluated**

**Inspection Results**

Did the facility inspection result in any corrective actions to be implemented? If so, for what issue(s)?

**No**

If compliance corrective actions were identified, what timeline for correction/follow-up was provided?

**No**

**Notes/Comments/Recommendations**

### Site Visit Evaluation: MS4 Outfall No. 1

Outfall ID Number: None Given		Date and Time of Site Visit: July 25, 2019	
Outfall Location: 404 Russ Avenue		Outfall Description (Pipe Material/Diameter, Culvert, etc.): Pipe and asphalt channel	
Receiving Water: Richland Creek		Is Flow Present? If So, Describe (Color, Approximate Flow Rate, Sheen, Odor, Floatables/Debris, etc.):  None	
Most Recent Outfall Inspection/Screening (Date): None			
Days Since Last Rainfall: Not Evaluated	Inches:		
Name of MS4 Inspector(s) evaluated: Elizabeth Teague, Planning Director			
<b>Observations</b>			
<b>Inspector Training/Knowledge</b>			
What type of stormwater training does the MS4 inspector receive? How often?  None			
Did the MS4 inspector appear knowledgeable about illicit discharge indicators and investigations?  Yes			
<b>Inspection Procedures</b>			
Does the inspector's process include the use of a checklist or other standardized form?  No			
Does the inspector's process include taking photos?  No			
Did the MS4 inspector miss any obvious potential illicit discharge indicators or maintenance issues? If so, what were they?  No			

**Site Visit Evaluation: MS4 Outfall No. 1**

**Inspection Results**

Did the outfall inspection result in any work orders or maintenance requests? If so, for what issue(s)?

**No**

Will a follow-up outfall inspection be conducted? If so, for what reason?

**Yes. Permit compliance.**

**Notes/Comments/Recommendations**

## Site Visit Evaluation: Post-Construction Stormwater Control Measure No. 1

Site Name: <p style="text-align: center;">Ingles</p>	Date and Time of Site Visit: <p style="text-align: center;">July 25, 2019</p>
Site Address: <p style="text-align: center;">201 Barber Blvd</p>	SCM Type: <p style="text-align: center;">Dry detention basin</p>
	Most Recent MS4 Inspection (Include Date and Entity): <p style="text-align: center;">None</p>
Name of MS4 Inspector(s) evaluated: <p style="text-align: center;">Preston Gregg</p>	Most Recent MS4 Enforcement Activity (Include Date): <p style="text-align: center;">None</p>
Name(s) and Title(s) of Site Representative(s) Present During the Site Visit:	
<u>Name</u>	<u>Title</u>
None	
<b>Observations</b>	
<b>Site Documentation</b>	
Does the site have an operation and maintenance plan? <p style="text-align: center;">A basin design plan was available, but no O&amp;M Plan.</p>	
Does the site have records of annual inspections? Are they performed by a qualified individual? <p style="text-align: center;"><i>Not evaluated by the MS4 inspector.</i></p>	
<b>Inspector Training/Knowledge</b>	
What type of stormwater training does the MS4 inspector receive? How often? <p style="text-align: center;">None</p>	
Did the MS4 inspector appear knowledgeable about MS4 requirements for post-construction site runoff controls? <p style="text-align: center;">No</p>	
Did the MS4 inspector appear knowledgeable about post-construction BMPs (general purpose/function, components, O&M requirements, etc.)? <p style="text-align: center;">Yes</p>	
<b>Inspection Procedures</b>	
Does the MS4 inspector's process include the use of a checklist or other standardized form? What format? <p style="text-align: center;">No</p>	
Does the MS4 inspector's process include taking photos? <p style="text-align: center;">No</p>	

**Site Visit Evaluation: Post-Construction Stormwater Control Measure No. 1**

Does the MS4 inspector's process include reviewing the site's operation and maintenance plan and records of annual inspections?  
**No**

Does the MS4 inspector's process include walking the entire site and inspecting all points of discharge?  
**Yes**

Did the MS4 inspector miss any obvious operation and maintenance deficiencies? If so, explain:  
**No**

Does the MS4 inspector's process include presenting the inspection findings to the site contact in writing?  
**Not evaluated**

**Compliance/Enforcement**

What, if any, enforcement actions (verbal warnings, NOV, etc.) did the inspection result in?  
**None**

If compliance issues were identified, what timeline for correction/follow-up was provided?  
**N/A**

**Notes/Comments/Recommendations**

## APPENDIX A: SUPPORTING DOCUMENTS

STATE of NORTH CAROLINA  
DEPARTMENT of ENVIRONMENTAL QUALITY  
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

PERMIT NO. NCS000500  
TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

Town of Waynesville

is hereby authorized to discharge stormwater from their municipal separate storm sewer system located:

within the Town of Waynesville corporate limits  
Haywood County

to receiving waters, Richland Creek and unnamed tributary to Richland Creek, Hyatt Creek, Shelton Creek, Browning Branch, Camp Branch, Plott Creek, Eaglenest Creek, Farmer Branch, Shingle Cove Branch, Golf Course Road Creek, Raccoon Creek, Factory Branch, and Mauney Cove Branch, within the French Broad River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII and VIII hereof.

This permit shall become effective February 20, 2017.

This permit and the authorization to discharge shall expire at midnight on February 19, 2022.

Signed this day February 20, 2017.

*Original Signed by Micheal F. Randall*

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for Tracy E. Davis, P.E., CPM  
Division of Energy, Mineral, and Land Natural Resources  
By the Authority of the Environmental Management Commission

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**PART I PERMIT COVERAGE**

- A. During the period beginning on the effective date of the permit and lasting until expiration, the Town of Waynesville is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) to receiving waters, Richland Creek and unnamed tributary to Richland Creek, Hyatt Creek, Shelton Creek, Browning Branch, Camp Branch, Plott Creek, Eaglenest Creek, Farmer Branch, Shingle Cove Branch, Golf Course Road Creek, Raccoon Creek, Factory Branch, and Mauney Cove Branch, within the French Broad River Basin. Such discharge will be controlled, limited and monitored in accordance with the permittee's Stormwater Quality Management Program, herein referred to as the Stormwater Plan. The Stormwater Plan shall detail the permittee's stormwater management program for the five-year term of the stormwater permit including, for each measure identified in the permit, a narrative description of the program, a table that identifies each best management practice (BMP) used, the frequency of the BMP, the measurable goals for each BMP, the implementation schedule, funding and the responsible person or position for implementation.
- B. All discharges authorized herein shall be managed in accordance with the terms and conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval.
- C. This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.
- D. This permit covers activities associated with the discharge of stormwater from the MS4 owned and operated by the permittee. The permit applies to the corporate limits of the permittee, as well as areas that seek coverage under this permit through inter-local or other similar agreements with permittee. Agreements for coverage under this permit shall be approved by the Division of Energy, Mineral, and Land Resources, herein referred to as the Division.
- E. The Division may deny or revoke coverage under this permit for separate entities and require independent permit coverage as deemed necessary. In addition, the permittee may petition the Division to revoke or deny coverage under this permit for specific entities.
- F. All provisions contained and referenced in the Stormwater Plan along with all provisions and approved modifications of the Stormwater Plan are incorporated by reference and are enforceable parts of this permit.
- G. The permit requires the proper implementation of the Stormwater Plan. To the extent allowable under State and local law, the permittee must develop and implement a Stormwater Plan in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act. The purpose of the Stormwater Plan is to establish the means by which the permittee will describe how it is in compliance with the permit and with the provisions of the Clean Water Act. Compliance with the six minimum measures in 40 CFR § 122.34(b) and with the requirements of this permit constitute compliance with the Clean Water Act to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the Stormwater Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.

- H. The permit authorizes the point source discharge of stormwater runoff from the MS4. In addition, discharges of non-stormwater are also authorized through the MS4 of the permittee if such discharges are:
1. Permitted by and in compliance with, another permit authorization, or approval, including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or
  2. Determined to be incidental non-stormwater flows that do not significantly impact water quality and may include:
    - water line and fire hydrant flushing;
    - landscape irrigation;
    - diverted stream flows;
    - rising groundwater;
    - uncontaminated groundwater infiltration;
    - uncontaminated pumped groundwater;
    - discharges from uncontaminated potable water sources;
    - foundation drains;
    - air conditioning condensate (commercial/residential);
    - irrigation waters;
    - springs;
    - water from crawl space pumps;
    - footing drains;
    - lawn watering;
    - residential and charity car washing;
    - flows from riparian habitats and wetlands;
    - dechlorinated swimming pool discharges;
    - street wash water;
    - flows from firefighting activities.
  3. The Division may require that non-stormwater flows of this type be controlled by the permittee's Stormwater Plan.
- I. Unless otherwise stated, full compliance with the requirements of the permit is expected upon the effective date of the permit.

**PART II FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES****SECTION A: PROGRAM IMPLEMENTATION**

The permittee will implement, manage and oversee all provisions of its Stormwater Plan to control to the maximum extent practical the discharge of pollutants from its municipal storm sewer system associated with stormwater runoff and illicit discharges, including spills and illegal dumping. The overall program implementation however, will be subject to, at a minimum, either 1) an annual review by the Division to determine implementation status and progression toward meeting the pollutant control intent of the Stormwater Plan, i.e., a compliance audit, or 2) a voluntary assessment process as established by the Stormwater Association of North Carolina (SWANC), NC APWA and their partners that is at least as stringent as the annual review described herein. Voluntary assessments may be conducted by the local government, another local government with and NPDES MS4 permit, or an independent third party and shall be reviewed and approved by the Division. This includes, but is not limited to, the following areas:

1. The permittee will maintain adequate funding and staffing to implement and manage the provisions of the Stormwater Plan and meet all requirements of this permit. The Stormwater Plan shall identify a specific position(s) responsible for the overall coordination, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position(s) assignments provided.
2. The permittee will implement provisions of the Stormwater Plan and evaluate the performance and effectiveness of the program components at least annually. Results will be used by the permittee to modify the program components as necessary to accomplish the intent of the Stormwater Program. If the permittee implements the six minimum control measures and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard, to address the non-attainment, the permittee shall expand or better tailor its BMPs within the scope of the six minimum control measures.
3. The permittee is required to keep the Stormwater Plan up to date. Where the permittee determines or is informed by the Division that modifications are needed to address any procedural, protocol, or programmatic change, such changes shall be made as soon as practicable, but not later than 90 days, unless an extension is approved by the Division. When it notifies the Division of proposed modifications, the permittee will include an explanation and justification of the proposed changes. The permittee shall provide at least 30 days for the Division to provide feedback on proposed modifications. Major modifications to the Stormwater Plan shall not take effect until approved by be submitted to the Director for approval.
4. The permittee is required to make available its Stormwater Plan to the Division upon request. The permittee is required to keep an up-to-date version of its Stormwater Plan available to the Division and the public online. At a minimum, the permittee The online materials shall include ordinances, or other regulatory mechanisms, or a list identifying the ordinances, or other regulatory mechanisms, providing the legal authority necessary to implement and enforce the requirements of the permit.
5. The Division may review reports submitted by the permittee to assure that the Stormwater Plan is implemented appropriately to address the requirements of the permit. The Division may require modifications to any part of the permittee's Stormwater Plan where deficiencies are found. If modifications to the Stormwater Plan are necessary, the Division will notify the permittee of the need to modify the Stormwater Plan to be

consistent with the permit and will establish a deadline to finalize such changes to the program.

6. Pursuant to 40 CFR 122.35, an operator of a regulated small MS4 may share the responsibility to implement the minimum control measures with other entities provided:
  - a. The other entity, in fact, implements the control measure;
  - b. The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and
  - c. The other entity agrees to implements the control measure on behalf of the MS4.

Unless implemented by the State or where delegated by the state, the permittee remains responsible for compliance if the other entity fails to perform the permit obligation and may be subject to enforcement action if neither the permittee nor the other entity fully performs the permit obligation.

7. The Permittee shall maintain, and make available to the Division upon request, written procedures for implementing the six minimum control measures. Written procedures shall identify specific action steps, schedules, resources and responsibilities for implementing the six minimum measures. Written procedures can be free standing, or where appropriate, integrated into the Storm Water Management Plan.

**SECTION B: PUBLIC EDUCATION AND OUTREACH**

**1. Objectives for Public Education and Outreach**

Distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff.

**2. BMPs for Public Education and Outreach**

The permittee shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program and shall notify the Division prior to modification of any goals.

<b>BMP</b>	<b>Measurable Goals</b>
a. Goals and Objectives	Defined goals and objectives of the Local Public Education and Outreach Program based on community wide issues.
b. Describe target pollutants and/or stressors	The permittee shall maintain a description of the target pollutants and/or stressors and likely sources.
c. Describe target audiences	The permittee shall maintain a description of the target audiences likely to have significant storm water impacts and why they were selected.
d. Describe residential and industrial/commercial issues	The permittee shall describe issues, such as pollutants, likely sources of those pollutants, impacts, and the physical attributes of stormwater runoff, in their education/outreach program.
e. Informational Web Site	The permittee shall promote and maintain, an internet web site designed to convey the program's message.
f. Distribute public education materials to identified target audiences and user groups. For example, schools, homeowners, and/or businesses.	The permittee shall distribute stormwater educational material to appropriate target groups. Instead of developing its own materials, the permittee may rely on Public Education and Outreach materials supplied by the state, and/or other entities through a cooperative agreement, as available, when implementing its own program.
g. Maintain Hotline/Help line	The permittee shall promote and maintain a stormwater hotline/helpline for the purpose of public education and outreach.
h. Implement a Public Education and Outreach Program.	The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, shall include a combination of approaches designed to reach the target audiences. For each media, event or activity, including those elements implemented locally or through a cooperative agreement the permittee shall estimate and record the extent of exposure.

**SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION**

**1. Objectives for Public Involvement and Participation**

Comply with State and local public notice requirements when implementing a public involvement and participation program.

**2. BMPs for Public Involvement and Participation**

The permittee shall implement the following BMPs to meet the objectives of the Public Involvement and Participation Program and shall notify the Division prior to modification of any goals.

<b>BMP</b>	<b>Measurable Goals</b>
a. Volunteer community involvement program	The permittee shall include and promote volunteer opportunities designed to promote ongoing citizen participation.
b. Mechanism for Public involvement	The permittee shall provide and promote a mechanism for public involvement that provides for input on stormwater issues and the stormwater program.
c. Hotline/Help line	The permittee shall promote and maintain a hotline/helpline for the purpose of public involvement and participation.

**SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)**

**1. Objectives for Illicit Discharge Detection and Elimination**

- a. Implement and enforce a program to detect and eliminate illicit discharges into the MS4.
- b. Maintain a storm sewer system map, showing the location of all major outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- c. Prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges except as allowed in this permit and implement appropriate enforcement procedures and actions;
- d. Implement a plan to detect and address non-storm water discharges, including illegal dumping, to the MS4;
- e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- f. Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to the MS4: 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, charity car washes, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

**2. BMPs for Illicit Discharge Detection and Elimination**

The permittee shall implement the following BMPs to meet the objectives of the Illicit Discharge Detection and Elimination Program and shall notify the Division prior to modification of any goals.

<b>BMP</b>	<b>Measurable Goals</b>
a. Maintain an Illicit Discharge Detection and Elimination Program	Maintain a written Illicit Discharge Detection and Elimination Program, including provisions for program assessment and evaluation and integrating program.
b. Maintain adequate legal authorities	The permittee shall maintain an IDDE ordinances or other regulatory mechanisms that provides the legal authority to prohibit illicit connections and.
c. Maintain a Storm Sewer System Map of Major Outfalls.	The permittee shall maintain a current a map showing major outfalls and receiving streams.
d. Implement a program to detect dry weather flows	The permittee shall maintain a program for conducting dry weather flow field observations in accordance with written procedures.

BMP	Measurable Goals
e. Investigate sources of identified illicit discharges.	The permittee shall maintain written procedures for conducting investigations of identified illicit discharges.
f. Track and document investigations illicit discharges	For each case the permittee shall track and document 1) the date(s) the illicit discharge was observed; 2) the results of the investigation; 3) any follow-up of the investigation; and 4) the date the investigation was closed.
g. Provide Employee Training	The permittee shall implement and document a training program for appropriate municipal staff, who as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection.
h. Provide Public Education	The permittee shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
i. Provide a public reporting mechanism	The permittee shall promote, publicize, and facilitate a reporting mechanism for the public and staff to report illicit discharges and establish and implement citizen request response procedures.
j. Enforcement of the IDDE ordinance	The permittee shall implement a mechanism to track the issuance of notices of violation and enforcement actions as administered by the permittee. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.

**SECTION E: CONSTRUCTION SITE RUNOFF CONTROLS**

1. Pursuant to 40 CFR 122.35(b) and the maximum extent practicable (MEP) standard, the permittee may rely on the N.C. Division of Energy, Mineral, and Land Resources Sediment and Erosion Control Program to comply with this minimum measure. The N.C. Division of Energy, Mineral, and Land Resources Sediment and Erosion Control Program effectively meets the MEP standard for Construction Site Runoff Controls by permitting and controlling development activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development as authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. The N.C. Division of Energy, Mineral, and Land Resources Sediment and Erosion Control Program continues to be monitored by the EPA to ensure the State effectively meets the MEP standard established by the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code.
2. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
3. The permittee shall provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems. The permittee may implement a plan promoting the existence of the North Carolina Department of Environmental Quality (NCDEQ or DEQ), Division of Energy, Mineral, and Land Resources "Stop Mud" hotline to meet the requirements of this paragraph.

**SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROLS**

**1. Objectives for Post-Construction Site Runoff Controls**

- a. Implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program shall ensure that controls are in place that would prevent or minimize water quality impacts.
- b. Implement strategies which include a combination of structural Stormwater Control Measures (SCM) and/or non-structural best management practices (BMPs) appropriate for the community;
- c. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects; and
- d. Ensure adequate long-term operation and maintenance of SCMs.

**2. BMPs for Post-Construction Site Runoff Controls**

The permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program. To the extent there is any conflict between this permit and the post-construction ordinances adopted by the permittee as approved by the Division; the post-construction ordinances shall apply with regard to permit compliance.

<b>BMP</b>	<b>Measurable Goals</b>
a. Adequate legal authorities	<p>Maintain through ordinance, or other regulatory mechanism, adequate legal authorities designed to meet the objectives of the Post-Construction Site Runoff Controls Stormwater Management program.</p> <p>The permittee shall have the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.</p> <p>The permittee shall have the authority to 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.</p> <p>The permittee shall have the authority to 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 the Post-Construction Stormwater Management Program.</p>

BMP	Measurable Goals
b. Strategies which include Stormwater Control Measures (SCMs) appropriate for the MS4	Strategies which include Stormwater Control Measures (SCMs) appropriate for the MS4, include, but are not limited to compliance with 15A NCAC 02H Section .1000 effectively meets the Post-construction Stormwater Runoff control requirements.
c. Plan reviews	The permittee shall conduct site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development or sale). The site plan review shall address how the project applicant meets the performance standards and how the project will ensure long-term maintenance
d. Inventory of projects with post-construction structural stormwater control measures	The permittee shall maintain an inventory of projects with post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites, including both public and private sector sites located within the permittee's corporate limits that are covered by its post-construction ordinance requirements.
e. Deed Restrictions and Protective Covenants	The permittee shall provide mechanisms such as recorded deed restrictions and protective covenants that ensure development activities will maintain the project consistent with approved plans.
f. Provide a mechanism to require long-term operation and maintenance of Stormwater Control Measures (SCMs).	The permittee shall implement or require an operation and maintenance plan for the long-term operation of the SCMs required by the program. The operation and maintenance plan shall require the owner of each SCM to perform and maintain a record of annual inspections of each SCM. Annual inspection of permitted structural SCMs shall be performed by a qualified professional.
g. Inspections	<p>To ensure that all stormwater control measures are being maintained as required pursuant to its maintenance agreement, the permittee shall conduct and document inspections of each project site covered under performance standards, at least one time during the permit term.</p> <p>Before issuing a certificate of occupancy or temporary certificate of occupancy, the permittee shall conduct a post-construction inspection to verify that the permittee's performance standards have been met or bond is in place to guarantee completion.</p> <p>The permittee shall document and maintain records of inspection findings and enforcement actions and make them available for review by the permitting authority.</p>

BMP	Measurable Goals
h. Educational materials and training for developers	The permittee shall make available through paper or electronic means, ordinances, post-construction requirements, design standards checklist, and other materials appropriate for developers. New materials may be developed by the permittee, or the permittee may use materials adopted from other programs and adapted to the permittee's new development and redevelopment program.
i. Enforcement	The permittee shall track the issuance of notices of violation and enforcement actions. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.

**3. Post-construction Stormwater Runoff Controls for New Development**

- a. In order to fulfill the post-construction minimum measure program requirement the permittee may use the Department's model ordinance, design its own post-construction practices that meet or exceed the rules found in 15A NCAC 02H 1000, or develop its own comprehensive watershed plan that is determined by the Department to meet the post-construction stormwater management measure required by 40 Code of Federal Regulations § 122.34(b)(5) (1 July 2003 Edition).
- b. The permittee shall meet the requirements of the post-construction program for construction projects that are performed by, or under contract for, the permittee. To meet this requirement, the permittee may either develop the necessary requirements for post-construction controls that will pertain to their own projects, or develop procedures to ensure that the permittee meets these requirements by complying with another entity's Phase II Stormwater Management Programs for post-construction. If the permittee decides to rely on another program for compliance with these program areas for their own projects, they shall indicate in their Stormwater Management Program that the permittee will fully comply with the requirements of the second party's post-construction programs.
- c. Pursuant to 15A NCAC 02H .0150, for areas draining to Nutrient Sensitive Waters, permittees, delegated programs, and regulated entities must use stormwater control measures (SCMs) that reduce nutrient loading in order to meet local program requirements, while still incorporating the stormwater controls required for the project's density level. Documentation shall be provided where it is not feasible to use stormwater control measures (SCMs) that reduce nutrient loading. In areas where the Department has approved a Nutrient Sensitive Water Urban Stormwater Management Program, the provisions of that program fulfill the nutrient loading reduction requirement.
- d. The design volume of SCMs shall take into account the runoff at build out from all surfaces draining to the system. Where streets "convey" stormwater, all SCM shall be sized to treat and control stormwater runoff from all surfaces draining to the SCM including streets, driveways, and other impervious surfaces.

**SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

**1. Objective for Pollution Prevention and Good Housekeeping for Municipal Operations**

- a. Implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.
- b. Provide employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

**2. BMPs for the Pollution Prevention and Good Housekeeping for Municipal Operations**

The permittee shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping Program and shall notify the Division prior to modification of any goals.

<b>BMP</b>	<b>Measurable Goals</b>
a. Inventory of municipally owned or operated facilities	The permittee shall maintain a current inventory of facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff.
b. Operation and Maintenance (O&M) for municipally owned or operated facilities	The permittee shall maintain and implement, evaluate annually and update as necessary an Operation and Maintenance (O&M) program for municipal owned and operated facilities with the potential for generating polluted stormwater runoff. The O&M program shall specify the frequency of inspections and routine maintenance requirements.
c. Spill Response Procedures	The permittee shall have written spill response procedures for municipal operations.
d. Streets, roads, and public parking lots maintenance	The permittee shall evaluate existing and new BMPs annually that reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within their corporate limits. The permittee must evaluate the effectiveness of these BMPs based on cost and the estimated quantity of pollutants removed.
f. Operation and Maintenance (O&M) for municipally - owned or maintained catch basins and conveyance systems	The permittee shall maintain and implement an O&M program for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.
g. Identify structural stormwater controls	The permittee shall maintain a current inventory of municipally-owned or operated structural stormwater controls installed for compliance with the permittee's post-construction ordinance.

<b>BMP</b>	<b>Measurable Goals</b>
<p>h. O&amp;M for municipally-owned or maintained structural stormwater controls</p>	<p>The permittee shall maintain and implement an O&amp;M program for municipally-owned or maintained structural stormwater controls installed for compliance with the permittee's post-construction ordinance.</p> <p>The O&amp;M program shall specify the frequency of inspections and routine maintenance requirements. The permittee shall inspect and maintain all municipally-owned or maintained structural stormwater controls in accordance with the schedule developed by permittee.</p> <p>The permittee shall document inspections and maintenance of all municipally-owned or maintained structural stormwater controls.</p>
<p>i. Pesticide, Herbicide and Fertilizer Application Management.</p>	<p>The permittee shall ensure municipal employees and contractors are properly trained and all permits, certifications, and other measures for applicators are followed.</p>
<p>j. Staff training</p>	<p>The permittee shall implement an employee training program for employees involved in implementing pollution prevention and good housekeeping practices.</p>
<p>k. Prevent or Minimize Contamination of Stormwater Runoff from all areas used for Vehicle and Equipment Cleaning</p>	<p>The permittee shall describe and implement measures to prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning.</p>

**SECTION H: TOTAL MAXIMUM DAILY LOADS (TMDLs)**

1. Objective of a Water Quality Recovery Program: Reduce levels of the pollutant of concern in accordance with approved Waste Load Allocation (WLAs) assigned to stormwater in an approved TMDL.
2. The Permittee shall comply with the requirements of an approved TMDL.
3. Within 12 months of the final approval of a TMDL, the permittee's annual reports shall include a description of existing programs, controls, partnerships, projects, and strategies to address impaired waters and a brief explanation as to how the programs, controls, partnerships, projects and strategies address impaired waters.
4. Within 24 months of the final approval of a TMDL, the permittee's annual reports shall include an assessment of whether additional structural and/or non-structural BMPs are necessary to address impaired waters and a brief explanation as to how the programs, controls, partnerships, projects and strategies address impaired waters.
5. Within 36 months of the final approval of a TMDL, the permittee's annual reports shall include a description of activities expected to occur and when the activities are expected to occur.
6. If there was no storm water waste load allocation in the TMDL, in lieu of developing a Water Quality Recovery Plan, the permittee shall evaluate strategies and tailor and/or expand BMPs within the scope of the six minimum measures to enhance water quality recovery strategies in the watershed(s) to which the TMDL applies. The permittee shall describe the strategies and tailored and/or expanded BMPs in their Stormwater Management Plan and annual reports.

**SECTION I: ELECTRONIC REPORTING OF REPORTS [G.S. 143-215.1(b)]**

1. The final NPDES Electronic Reporting Rule was adopted and became effective on December 21, 2015. These federal regulations require electronic submittal of all MS4 program reports by no later than December 21, 2020, and specify that, if a state does not establish a system to receive such submittals, then permittees must submit monitoring data and reports electronically to the U.S. Environmental Protection Agency (EPA).
2. This special condition supplements or supersedes the following sections within Part IV of this permit (*Reporting and Record Keeping Requirements*):
  - Paragraph 1. Records
  - Paragraph 3. Annual Reporting
  - Paragraph 8. Report Submittals
3. Reporting Requirements [Supersedes Part IV, Paragraph 3.(a.)-(b.)] Note depending on what EPA request in annual e-reporting [Supersedes Part IV, Paragraph 3.(a.)]

Starting on December 21, 2020, the permittee shall electronically report the following compliance monitoring data and reports: Separate Storm Sewer System (MS4) Program Reports (See Part III 2., Program Assessment annual report)

The permittee may seek an electronic reporting waiver from the Division (see “How to Request a Waiver from Electronic Reporting” section below).

4. Electronic Submissions [Supplements Part IV, Paragraph 8.]

In accordance with 40 CFR 122.41(l)(9), the permittee must identify the initial recipient at the time of each electronic submission. The permittee should use EPA’s website resources to identify the initial recipient for electronic submission.

Initial recipient of electronic NPDES information from NPDES-regulated facilities (initial recipient) means the entity (EPA or the state, tribe, or territory authorized by EPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data [see 40 CFR 127.2(b)]. As of permit issuance, The NC DEQ anticipates that EPA will be the initial recipient for electronic MS4 Program Reports.

EPA plans to establish a website that will also link to the appropriate electronic reporting tool for each type of electronic submission and for each state. Instructions on how to access and use the appropriate electronic reporting tool will be available as well. Currently, Electronic Reporting Rule information is found at: <https://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-mpdes-electronic-reporting-rule>

Electronic submissions must start by the dates listed in the “Reporting Requirements” section above. The permittee must electronically submit MS4 annual program reports no later than the 15<sup>th</sup> of the month following the completed reporting period. The permittee must sign and certify all electronic submissions in accordance with the requirements of Part IV, Paragraph 8. (c.) of this permit.

5. How to Request a Waiver from Electronic Reporting

The permittee may seek a temporary electronic reporting waiver from the Division. To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to the Division. Requests for temporary electronic reporting waivers must be submitted in writing to the Division for written approval at least sixty (60) days prior to the date the facility would be required under this permit to begin submitting monitoring data and reports. The duration of a temporary waiver shall not exceed 5 years and shall thereupon expire. At such time, monitoring data and reports shall be submitted electronically to the Division unless the permittee re-applies for and is granted a new temporary electronic reporting waiver by the Division. Approved electronic reporting waivers are not transferrable. Only permittees with an approved reporting waiver request may submit monitoring data and reports on paper to the Division for the period that the approved reporting waiver request is effective.

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page:

<http://deq.nc.gov/about/divisions/water-resources/edmr>

6. Records Retention [Supplements Part IV, Paragraph 1.]

The permittee shall retain records of all Program Assessment annual reports, including electronic submissions. These records or copies shall be maintained for a period of at least 3 years from the date of the report. This period may be extended by request of the Director at any time [40 CFR 122.41].

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**PART III PROGRAM ASSESSMENT**

The Division may request additional reporting and monitoring information as necessary to evaluate the progress and results of the Permittee's Stormwater Plan.

- A. Implementation of the Stormwater Plan will include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions, and other stormwater activities. Documentation will be kept on-file by the permittee for a period of five years and made available to the Director or his authorized representative upon request.
  
- B. The permittee's Stormwater Plan will be reviewed and updated as necessary, but at least on an annual basis to identify modifications and improvements needed to maximize Stormwater Plan effectiveness to the maximum extent practicable. The permittee shall develop and implement a plan and schedule to address the identified modifications and improvements. The permittee must submit annual reports to the Department within twelve months from the effective date of this permit. Subsequent annual reports must be submitted every twelve months from the scheduled date of the first submittal. Annual reports that include appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Plan and will include, but is not limited to, the following components:
  - 1. The permittee will give a detailed description of the status of implementation of the Stormwater Plan as a whole. This will include information on development and implementation of each major component of the Stormwater Plan for the past year and schedules and plans for the year following each report.
  - 2. The permittee will adequately describe and justify any proposed changes to the Stormwater Plan. This will include descriptions and supporting information for the proposed changes and how these changes will impact the Stormwater Plan (results, effectiveness, implementation schedule, etc.).
  - 3. The permittee will document any necessary changes to programs or practices for assessment of management measures implemented through the Stormwater Plan.
  - 4. The permittee will include a summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Plan.
  - 5. The annual report shall include an assessment of compliance with the permit, information on the establishment of appropriate legal authorities, inspections, and enforcement actions.
  
- C. The Director may notify the permittee when the Stormwater Plan does not meet one or more of the requirements of the permit. Within 90 days of such notice, the permittee will submit a plan and time schedule to the Director for modifying the Stormwater Plan to meet the requirements. The Director may approve the plan, approve a plan with modifications, or reject the proposed plan. The permittee will provide certification in writing in accordance with Part IV, Paragraph 7 (c) to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.
  
- D. The Division may request additional reporting information as necessary to evaluate the progress and results of the permittee's Stormwater Plan.

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**PART IV REPORTING AND RECORD KEEPING REQUIREMENTS****A. Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director.

**B. Annual Reporting**

1. The permittee will submit reporting and monitoring information on an annual basis. The annual report shall document:
  - a. A summary of past year activities, including where available, specific quantities achieved and summaries of enforcement actions.
  - b. A description of the effectiveness of each program component
  - c. Planned activities and changes for the next reporting period, for each program component or activity.
  - d. Fiscal analysis.
2. Reports submitted to satisfy other State Stormwater Reporting requirements satisfy the annual reporting requirements of this permit to the extent that the reports satisfy Part III, paragraph B 1-5, Part IV, paragraph B 3 (c) and Part II Section I, Electronic Reporting [g.s. 143-215.1(b)] of this permit
3. Completion and submittal of the reporting information contained within the online BIMS Stormwater Management Program Assessment (SMPA) satisfy Part III, paragraph B 1-5, Part IV, paragraph B 3 (c) and Part II Section I, Electronic Reporting [g.s. 143-215.1(b)] of this permit through 2020.
4. Posting the results on the permittee website of the assessment process as established by the Stormwater Association of North Carolina (SWANC), NC APWA and their partners as conducted by another local government, a third party, or a self-assessment, satisfy Part III, paragraph B 1-5, Part IV, paragraph B 3 (c) and Part II Section I, Electronic Reporting [g.s. 143-215.1(b)] of this permit.

**C. Twenty-four Hour Reporting**

The permittee shall report to the Division any noncompliance that may constitute an imminent threat to health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes, the period of noncompliance and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

**D. Additional Reporting**

In order to properly characterize the permittee's MS4 discharges or to assess compliance with this permit, the Director may request reporting information on a more frequent basis as deemed

necessary either for specific portions of the permittee's Stormwater Plan, or for the entire Program.

**E. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

**F. Planned Changes**

The permittee shall notify the Director of any planned modifications to the Stormwater Plan. Notice shall be given as soon as possible when deleting a provision of the approved Stormwater Plan; or where the modification could significantly change the timeframe for implementation of parts of the program or negatively influence the effectiveness of the approved program. Notice of any changes is required at least through the annual report.

**G. Report Submittals**

1. All reports required herein, not submitted electronically shall be submitted to the following address:

Department of Environmental Quality  
Division of Energy, Mineral, and Land Resources  
1612 Mail Service Center  
Raleigh, North Carolina 27699-1612

2. All applications, reports, or information, other than those submitted electronically, shall be signed by a principal executive officer, ranking elected official or duly authorized representative. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a principal executive officer or ranking elected official;
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
  - c. The written authorization is submitted to the Director.
3. Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I 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."

**PART V      STANDARD CONDITIONS****SECTION A: COMPLIANCE AND LIABILITY****1.      Duty to Comply**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.

- a.      The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- b.      The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$37,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$16,000 per violation with the maximum amount not to exceed \$177,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- c.      Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- d.      Any person may be assessed an administrative penalty by the Administrator for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

**2. Duty to Mitigate**

The permittee shall take reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**3. Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

**4. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

**5. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**6. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**7. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required by this permit.

**8. Penalties for Tampering**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**9. Penalties for Falsification of Reports**

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

**10. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**11. Duty to Reapply**

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit a permit renewal application and fees as are required no later than 180 days prior to the expiration date of this permit. Any permittee that has not requested renewal at least 180 days prior to expiration, or any discharge that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq. The renewal application shall include a review of the Stormwater Program development and implementation over the life of this permit, the status of programs and a description of further program development to be implemented over the future permitting time period.

**SECTION B: OPERATION AND MAINTENANCE of POLLUTION CONTROLS**

**1. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, when necessary. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**2. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

## **SECTION C: INSPECTION, ENTRY AND AVAILABILITY OF REPORTS**

### **I. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records of the permittee that shall be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations of the permittee regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location under the control of the permittee.

### **2. Availability of Reports**

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Energy, Mineral, and Land Resources. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

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**PART VI      LIMITATIONS REOPENER**

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

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**PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS**

The permittee shall pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the permit.

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**PART VIII DEFINITIONS**

1. Act

See Clean Water Act.

2. Best Management Practice (BMP)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP).

3. Built-upon Area

"Built-upon area" or "BUA" has the same meaning as in G.S. 143-214.7.

4. Clean Water Act

The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.

5. Common Plan of Development

A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:

- In separate stages
- In separate phases
- In combination with other construction activities

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

It can include one operator or many operators.

6. Department

Department means the North Carolina Department of Environmental Quality.

7. Division (DEMLR)

The Division of Energy, Mineral, and Land Resources, Department of Environmental Quality.

8. Director

The Director of the Division of Energy, Mineral, and Land Resources, the permit issuing authority.

9. EMC

The North Carolina Environmental Management Commission.

10. Illicit Discharge

Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.

11. Industrial Activity

For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.

12. Large or Medium Municipal Separate Storm Sewer System

All municipal separate storm sewers that are either:

- (a) Located in an incorporated place with a population of 100,000 or more as determined by the Decennial Census by the Bureau of Census; or
- (b) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (c) Owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the Director as part of the large or medium separate storm sewer system.

13. Major municipal separate storm sewer outfall (or "major outfall")

Major municipal separate storm sewer outfall (or "major outfall") means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

14. MEP

MEP is defined in the *Federal Register* (U.S. EPA, 1999, p. 68754). This document says that "Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard." Minimum control measures are defined in the *Federal Register* as (1) public education and outreach, (2) public participation/involvement, (3) illicit discharge detection and elimination, (4) construction site runoff control, (5) post-construction runoff control, and (6) pollution prevention/good housekeeping.

15. Minimum Design Criteria (MDC)

"Minimum Design Criteria" or "MDC" means the requirements set forth in 15A NCAC 02H .1050 through 15A NCAC 02H .1062 for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for the Department to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1.

16. Municipal Separate Storm Sewer System (MS4)

Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (a) Owned or operated by the United States, a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State.
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer; and
- (d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

17. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that the permittee shall address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, 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, charity car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

18. Non-structural BMP

Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water

quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

19. Outfall

Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

20. Permittee

The owner or operator issued this permit.

21. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

22. Redevelopment

"Redevelopment" has the same meaning as in G.S. 143-214.7.

23. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.

24. Storm Sewer System

Is a conveyance or system of conveyances which are designed or used to collect or convey stormwater runoff that is not part of a combined sewer system or treatment works. This can include, but is not limited to, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff.

25. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

26. Stormwater Control Measures (SCM)

"Stormwater Control Measure" or "SCM," also known as "Best Management Practice" or "BMP," means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

27. Stormwater Management Program (SWMP)

The term Stormwater Management Program (SWMP) refers to the stormwater management program that is required by the Phase I and Phase II regulations to be developed by MS4 permittees.

28. Stormwater Plan

The Stormwater Plan is the written plan that is used to describe the various control measures and activities the permittee will undertake to implement the stormwater management program. The Stormwater Plan is a consolidation of all of the permittee's relevant ordinances or other regulatory requirements, the description of all programs and procedures (including standard forms to be used for reports and inspections) that will be implemented and enforced to comply with the permit and to document the selection, design, and installation of all stormwater control measures.

29. Stormwater Runoff

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

30. Total Maximum Daily Load (TMDL)

A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is a detailed water quality assessment that provides the scientific foundation for an implementation plan. The implementation plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain water quality standards in all seasons. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

## Example Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program

Resolution No.: ###

Date Adopted: ###

### RESOLUTION AFFIRMING THE MS4NAME COUNCIL'S SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM

**A RESOLUTION** to develop and implement a compliant stormwater management program that meets the requirements of the MS4NAME National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS### to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the MS4NAME and approved by the North Carolina Department of Environmental Quality.

**WHEREAS**, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

**WHEREAS**, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

**WHEREAS**, the North Carolina Department of Environmental Quality issued the MS4NAME its third NPDES MS4 Permit for discharge of stormwater on DATE; and

**WHEREAS**, the MS4NAME was issued Notice of Violation number NOV-###-### on DATE for noncompliance with the issued NPDES MS4 Permit; and

**WHEREAS**, the MS4NAME acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

**WHEREAS**, the MS4NAME acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120DaysFromNOVDate for review and approval; and

**WHEREAS**, the MS4NAME acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS### and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than 60DaysFromNOVDate; and

**WHEREAS**, the MS4NAME acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

**WHEREAS**, the MS4NAME acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-###-###; and

**Example Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program**

**WHEREAS**, the MS4NAME acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the MS4NAME hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

\_\_\_\_\_  
NAME, Mayor

\_\_\_\_\_  
NAME, Town Manager

\_\_\_\_\_  
NAME, Stormwater Program Administrator

\_\_\_\_\_  
NAME, Town Clerk

ADOPTED BY the City Council of the MS4NAME, North Carolina the \_\_\_\_ day of \_\_\_\_\_, 2019 and signed in authentication thereof the \_\_\_\_ day of \_\_\_\_\_, 2019.

August 30, 2019

Stanley E. Aiken, PE  
Regional Engineer  
Land Quality Section

Dear Mr. Aiken,

By way of this letter, the Town of Waynesville acknowledges the August 2, 2019 Notice of Violation (NOV-2019-PC-0553) and Audit Report and of the Town's intent to comply. The required resolution will be put before our Board of Aldermen at their next meeting on September 10 and the Town will work to meet the requirements of the NOV in the coming weeks.

Please let me know if you have additional questions.

Sincerely,

Rob Hites, Town Manager

Cc: Isaiah Reed, Asheville Regional Office of NCDEMLR  
Gavin Brown, Mayor  
David Foster, Public Services Director  
Preston Gregg, Town Engineer  
Elizabeth Teague, Development Services Director

**RESOLUTION # R-18-19**

**A RESOLUTION OF THE BOARD OF ALDERMEN  
OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA  
AFFIRMING SUPPORT REGARDING IMPLEMENTATION OF A  
COMPLIANT NPDES MS4 STORMWATER PROGRAM**

**WHEREAS**, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

**WHEREAS**, in North Carolina, NPDES permits are issued by the North Carolina Department of Environmental Quality; and

**WHEREAS**, the North Carolina Department of Environmental Quality issued the Town of Waynesville its third NPDES MS4 Permit on February 20, 2017; and

**WHEREAS**, the Town of Waynesville was issued a Notice of Violation number NOV - 2019-PC-0553, on August 2, 2019 for noncompliance with the issued NPDES MS4 Permit; and

**WHEREAS**, the Town of Waynesville acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

**WHEREAS**, the Town of Waynesville acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120 Days from the NOV Date (November 30, 2019) for review and approval; and

**WHEREAS**, the Town of Waynesville acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both NPDES MS4 Permit number NCS 000500 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than 60 Days from the NOV Date of August 2, 2019; and

**WHEREAS**, the Town of Waynesville acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

**WHEREAS**, the Town of Waynesville acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with specific requirements in Notice of Violation number NOV-2019-PC-0553; and

**WHEREAS**, the Town of Waynesville acknowledges that any North Carolina Department of Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF WAYNESVILLE** that the Town of Waynesville hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

\_\_\_\_\_  
Gavin Brown, Mayor

\_\_\_\_\_  
Rob Hites, Town Manager

\_\_\_\_\_  
Rob Hites, Stormwater Program Administrator

\_\_\_\_\_  
Eddie Ward, Town Clerk

Adopted by the Board of Aldermen by the Town of Waynesville, North Carolina the 10<sup>th</sup> day of September, 2019 and signed in authentication thereof the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Eddie Ward, Town Clerk

NORTH CAROLINA

HAYWOOD COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Board of Aldermen of the Town of Waynesville, North Carolina, at a meeting held on September 10, 2019 at 6:30 o'clock p.m. at the Town Hall in the Town of Waynesville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of said Town to be affixed, this the \_\_\_\_\_ Day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: Sept. 10, 2019**

**SUBJECT:** Budget Amendment – 2MG Water Storage Tank Rehab. Project

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D-9  
**Department:** Public Services Department  
**Contact:** David Foster, Preston Gregg  
**Presenter:** David Foster, Preston Gregg

**BRIEF SUMMARY:**

Rehabilitation work at the 2MG tank on Big Cove Rd. began late last budget year and has carried over into this budget season. Funds were approved in the previous budget year and require your approval to amend the current budget to carry out the work.

**MOTION FOR CONSIDERATION:**

Approve budget amendment in the amount of \$375,000.

**FUNDING SOURCE/IMPACT:**

Water Treatment – Capital Improvements (617122-545900).

**ATTACHMENTS:**

- Budget Amendment Sheet

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** Approve budget amendment as presented.

Ordinance No. O-14-19

Amendment No. 3 to The 2019-2020 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2019-2020 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2019-2020 Budget Ordinance be amended as follows:

Water Fund:

Increase the following revenues:

Fund Balance Appropriated		
Fund Balance Appropriated	613900-493992	\$375,000

Total Water Fund revenue increase	<u>\$375,000</u>
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Increase the following appropriations:

Water Treatment Department		
Capital Improvements	617122-545900	\$375,000

Total Water Fund appropriation increase	<u>\$375,000</u>
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Adopted this 10th day of September 2019.

Town of Waynesville

\_\_\_\_\_  
Gavin A Brown  
Mayor

Attest:

\_\_\_\_\_  
Eddie Ward  
Town Clerk

Approved As To Form:

\_\_\_\_\_  
William E Cannon Jr  
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: Sept. 10, 2019**

**SUBJECT:** Budget Amendment - Chestnut Walk Water Storage Tanks

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D-10  
**Department:** Public Services Department  
**Contact:** David Foster, Preston Gregg  
**Presenter:** David Foster, Preston Gregg

**BRIEF SUMMARY:**

McGill engineers has been working on the design of two 20,000-gallon water storage tanks to replace the existing dilapidated storage tank. Funds were approved in the previous budget year and require your approval to amend the current budget.

**MOTION FOR CONSIDERATION:**

Approve budget amendment in the amount of \$120,000.

**FUNDING SOURCE/IMPACT:**

Water Maintenance – Capital Improvements (617121-545900).

**ATTACHMENTS:**

- Budget Amendment Sheet

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** Approve budget amendment as presented.

Ordinance No. O-15-19

Amendment No. 4 to The 2019-2020 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2019-2020 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2019-2020 Budget Ordinance be amended as follows:

Water Fund:

Increase the following revenues:

Fund Balance Appropriated		
Fund Balance Appropriated	613900-493992	\$120,000

Total Water Fund revenue increase		<u>\$120,000</u>
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Increase the following appropriations:

Water Maintenance Department		
Capital Improvements	617121-545900	\$120,000

Total Water Fund appropriation increase		<u>\$120,000</u>
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Adopted this 10th day of September 2019.

Town of Waynesville

\_\_\_\_\_  
Gavin A Brown  
Mayor

Attest:

\_\_\_\_\_  
Eddie Ward  
Town Clerk

Approved As To Form:

\_\_\_\_\_  
William E Cannon Jr  
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: Sept. 10, 2019**

**SUBJECT:** NCDOT Roadway Project: N. Main / Walnut St. Roundabout – Construction Costs

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D-11  
**Department:** Public Services Department  
**Contact:** David Foster, Preston Gregg  
**Presenter:** David Foster, Preston Gregg

**BRIEF SUMMARY:**

*Roundabout Project (U-5888). (Current Let Date: February 2020)*

Budget amendment to cover Town costs associated with relocation of all overhead power in conflict with NCDOT's U-5888 project located at the intersection of N. Main and Walnut St. An estimate for the work has been provided to (see attached) and approved by NCDOT with work starting within the next three weeks. The Town will pay for said labor and materials and will invoice NCDOT upon completion of the work. All work is 100% reimbursable (except for decorative lighting).

**MOTION FOR CONSIDERATION:**

Approve budget amendment in the amount of \$191,000.

**FUNDING SOURCE/IMPACT:**

Electric Department – Other Contracted Service (637121-534490)

**ATTACHMENTS:**

- U-5888 OH Construction Estimate
- Budget Amendment Sheet

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve budget amendment as presented.



Ordinance No. O-16-19

Amendment No. 5 to The 2019-2020 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2019-2020 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2019-2020 Budget Ordinance be amended as follows:

Electric Fund:

Increase the following revenues:

Contributed Capital

Contributed Capital	633800-463840	\$191,000
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Total Electric Fund revenue increase		<u>\$191,000</u>
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Increase the following appropriations:

Electric Department

Other Contracted Service	637121-534490	\$191,000
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Total Electric Fund appropriation increase		<u>\$191,000</u>
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Adopted this 10th day of September 2019.

Town of Waynesville

\_\_\_\_\_  
Gavin A Brown  
Mayor

Attest:

\_\_\_\_\_  
Eddie Ward  
Town Clerk

Approved As To Form:

\_\_\_\_\_  
William E Cannon Jr  
Town Attorney