North Carolina MS4 Sustainable Stormwater Management Program

Program Overview, Requirements, and Framework

A collaborative initiative of the North Carolina Department of Environmental Quality, the Storm Water Association of North Carolina, American Public Works Association – North Carolina Chapter, the North Carolina League of Municipalities, AMEC Foster Wheeler, and North Carolina Municipal Stormwater Management Programs in partnership with the Environmental Protection Agency - Region 4

JUNE 2017 (Draft)
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Summary

This document provides an overview of the initial North Carolina Municipal Separate Storm Sewer System (MS4) Sustainable Strategy (MS6), the requirements and framework for participating local community programs, and the process for implementing and administering the MS6.

While voluntary and non-regulatory, the MS6 strives to build sustainable community stormwater management programs that focus on program efficiency, effectiveness, collaboration, and strong municipal and community support. The MS6 will develop and build a network of stormwater support across communities within the state through peer reviews, open information reporting and exchange, and best practice development and sharing.

The State of North Carolina Department of Environmental Quality (NCDEQ) and federal Environmental Protection Agency (EPA) support the innovative MS6 and recognize the goals of developing consistent, scalable, practicable, and adaptable stormwater measures that fit local community needs as well as state and federal regulatory requirements.

The terms “MS6M Community” and “Sustainable Stormwater Management Program” are used interchangeably to refer to municipal/governmental participants in the MS6.

The MS4 Sustainable Strategy in North Carolina will:

1. Demonstrate and model success in maintaining NPDES MS4 regulatory compliance while continually improving upon practicable measures to help achieve local, state, and federal stormwater management goals.

2. Develop and maintain the required organizational and community commitment and resources to implement an effective and efficient stormwater management program.

3. Lead in transparency, open data reporting, public engagement and collaboration, and results-based adaptive management that benefits the community and watersheds.
served by the stormwater program, the regulated entity, regulatory agencies, and broader program stakeholders.

4. Identify and implement program strategies and measures to meet the community’s existing stormwater management requirements and needs while anticipating and preparing for the future.

Communities that participate in the MS6 in good standing will gain many benefits including the following:

- The NCDEQ requirement to develop an annual NPDES MS4 program report will be waived.
- Local programs will have access to the sustainable stormwater management program framework including regulatory minimum practices as well as recommended sustainable practices along with gap analysis review and assessment guidance for each of the six NPDES MS4 program areas.
- Through strong community leadership commitment, open information sharing, public engagement, and regular reporting of program results, participating programs will be viewed by the State and EPA as local governmental leaders in pursuing implementation of NPDES MS4 requirements to the maximum extent practicable.
- Local programs will be able to consistently demonstrate clear linkages between budgetary resources allocated by local officials and stormwater program results and outcomes.
- Local programs will gain access to a clearinghouse of best practices along with a consistent set of key metrics for evaluating and reporting the performance of its program.
- Participating programs will be able to develop cost effective, integrated stormwater management programs that satisfy regulatory requirements while providing visible results for the local community served by the program.
- Participating programs will be able to establish and build partnerships with regulators and communities across the region and state.
MS6 Requirements for Municipalities and Governmental Entities

If a community or governmental entity desires to become a participant in the MS6M Program, the following must be completed:

- Submit a Commitment/Resolution to the NCDEQ NPDES MS4 program manager.

- The community must meet the regulatory requirements of NPDES MS4 Phase 1 or Phase 2, as applicable.

- **Year 1 and each year thereafter:** No later than 15 months after becoming a participant, the Community must:
  
  o Complete an **Annual MS4 Sustainability Assessment** which is a comprehensive gap analysis/integrated self-assessment/review of the effectiveness of the MS4 Community’s program. Following the Assessment, an **MS4 Stormwater Sustainability Action Plan** with narrative must be completed with a copy provided to NCDEQ within 90 days.

  o The annual **MS4 Stormwater Sustainability Assessment** and **MS4 Stormwater Sustainability Action Plan** are required regular program components, are integral tools for program sustainability and adaptability, and will be reported and posted annually. The Assessment and Action Plans will also serve to satisfy annual NPDES MS4 reporting requirements.

  o Provide a formal written commitment or letter of support to the MS6 from the Manager, Council and/or Mayor of the Community. (The formal written commitment is only required following Year 1 and does not need to be re-submitted in subsequent years unless the local program status has changed.)

- Incorporate sustainable stormwater program components and/or plan for incorporation of sustainable program components to the extent practicable, as appropriate. It is recognized that practicable program components are related to available and authorized budgetary and other local resources for the Community. The MS6 seeks to identify and advance best regulatory program practices and sustainable program practices that can be fit, tailored, and scaled to available local budgetary resources.
A basic concept of the MS6M Program is that stormwater programs are planned, implemented, and regularly assessed. Assessment learnings and findings are then used to adapt and improve the local program. Information is then openly shared with others for mutual benefits towards developing a continually improving set of best practices and sustainable practices for effective and efficient stormwater program implementation that produces desired results and outcomes.

- Assessment recommendations must be reviewed and acted upon and the actions taken, or reasons why recommended action(s) may not be practicable at the time, must be clearly documented and reported by the MS6 Community within the MS4 Stormwater Sustainability Action Plan.

- **At least once during the Five-Year Permit Term:** In addition to the annual self-assessment, the MS6 Community shall have a 3rd party assessment of their program at least once during the five-year permit term. Assessment recommendations must be reviewed and acted upon and the actions taken, or reasons why recommended action(s) may not be practicable at the time, must be clearly documented and reported by the MS6 Community.

- The MS6 Program will help facilitate training sessions to support MS6 Communities and potential assessors. A qualified 3rd party assessor could include but not be limited to the following:
  - Consultant working in the municipal stormwater field
  - Council of Government representative, if applicable
  - University agency representative, etc.

- Each assessment will be completed based upon the MS6 assessment guidance provided and updated by NCDEQ in partnership with federal EPA.

- Consistent with self-assessments, results from 3rd party assessments must be readily available for review by NCDEQ, EPA, and the general public through regular posting to and updating of the community’s website.

- Continue cycle
MS6 Oversight

The Stormwater Association of NC (SWANC), APWA North Carolina Chapter Stormwater Management Division (APWA SMD), and NCDEQ are working collaboratively and cooperatively through to develop, guide, and oversee the MS6M Program. Program support will include:

- Provide MS6 support when questions or needs arise
- Review the eligibility of MS6M programs
- Notify MS6 of their status with the MS6
- Update MS6 components as needed
- Review and evaluate the effectiveness of MS6 components annually
- Coordinate MS6 updates including gap analysis guidance as directed by NCDEQ
- Coordinate as needed with SWANC and APWA-NC SMD

MS6 Guiding Framework

The MS6 Guiding Framework generally draws upon, leverages, and tailors organizational management components found within the leading Baldrige Performance Excellence Program. The Sustainable Program entails and integrates organizational and program area elements. The MS6M Program provides organizational management guidance and gap analysis questionnaires for each program area to help communities build their daily stormwater practices and operations in alignment with regulatory requirements, practicable and sustainable measures, and the community’s strategy.

Figure 1 shows the Baldrige Excellence Framework which highlights the integral, systems-based, and results-focused nature of any successful and sustainable organization. In addition to a general organizational framework, the Baldrige Program also provides proven concepts for how the Sustainable Stormwater Management Program may be developed, engaged, implemented, and innovatively managed.
For clarity, the MS6 is not intended to prepare a local or other entity of government for the national Baldrige Program. The Baldrige framework represents an organized, leading generalized guide intended to help develop and connect the key elements of a truly successful and sustainable organization – in this case applied to the development of Sustainable Stormwater Management Programs.

Local communities need to submit a Notice of Intent to the NCDEQ NPDES MS4 Program Manager in order to begin participating initially in the MS6. By the following year the local government will be required to submit a written commitment from the Chief Executive Officer/Council/Mayor to signify the municipality or other local government’s ongoing participation in the MS6. Part of ongoing participation and value added through the MS6 will entail annual program reviews by the local community including gap analysis questionnaire completion and documenting and reporting findings along with adaptive management plans, as appropriate.
The MS6 suggests a program review framework outlined below that will reference standard regulatory requirements, the sustainable program’s gap analysis questionnaire, and add further value through tying in key organizational management components. Review and reporting templates and tools will be provided by the MS6 for use and reference by participating communities. A website will also be created by the State that will help serve as a clearinghouse of information including regularly updated web links to a range of best practices for each stormwater program area.

Leadership Commitment

As highlighted within the Baldrige framework, leadership is critical to the success of any successful and sustainable organization, herein applied to the Sustainable Stormwater Management Program. The MS6 seeks to elevate the importance of a strong leadership commitment at the local level in order to help build and sustain stormwater programs that are aligned with regulatory requirements and continue to make practicable step-wise improvements towards local, state, and federal water quality and stormwater management-related goals. The MS6 strongly recommends implementation of this important community commitment component by formal, public notice and official action by elected community officials.

An example of local community leadership commitment is provided below. At a minimum for MS6 participation, however, the written commitment may come from the Chief Executive Officer (City Manager, Town Manager, etc.) for the community.
[Example Community Leadership Commitment to MS6]

**TOWN OF**

**Holly Springs**

Resolution No.: xx
Date Adopted: xx, 201x

RESOLUTION AFFIRMING THE TOWN OF HOLLY SPRINGS TOWN COUNCIL'S SUPPORT REGARDING THE SUSTAINABLE STORMWATER INITIATIVE

WHEREAS, the initiative will allow the Town to demonstrate and model success in maintaining NPDES MS4 regulatory compliance while continually improving upon practicable measures to help achieve local, state, and federal stormwater management goals.

WHEREAS, the initiative will allow the Town lead in transparency, open data reporting, public engagement and collaboration, and results-based adaptive management that benefits the community and watersheds served by the stormwater program, the regulated entity, regulatory agencies, and broader program stakeholders.

WHEREAS, the initiative will allow the Town Identify and implement program strategies and measures to meet the community’s existing stormwater management requirements and needs while anticipating and preparing for the future.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Holly Springs hereby affirms its support of the Sustainable Stormwater Initiative.

Adopted this, the xxth day of xx 201x.

ATTEST:

_________________________________________  __________________________________________
NPDES Program Administrator                   Town Manager

___________________________________  _________________________________________
xxxx, Mayor                                    xxxx, Town Clerk

This is meant as an example resolution/commitment only. It can be used as formal commitment to the state or if the local government prefers they can send a letter of commitment with similar language. The local government may modify and/or remove the reference and reference number for a resolution. While preferable, it is not necessary to have the Mayor, the City Manager, and City Clerk sign and/or attest to the resolution and/or commitment. The City Manager and/or NPDES MS4 administrator, or other authorized individual may sign on behalf of the local government.