

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ) SUGGESTIONS FOR
CREATING A MORE EFFICIENT, EFFECTIVE AND ACCOUNTABLE EPA**

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Q. 1: Describe any administrative requirements, management procedures, or other organizational processes that prevent you from doing your job efficiently and effectively or that are no longer necessary? How would you address these?

RECOMMENDATION:

NCDEMLR recommends eliminating the NC MS4 annual reporting and MS4 inspections and audits when the NC MS4 Sustainability Strategy (MS6) is in place.

RATIONALE:

Annual reports do not prevent NC DEQ from doing our job efficiently and effectively. They do take a lot of local government resources to put together and given NC MS6, annual reports and inspections and routine audits are no longer necessary for participating MS4s. North Carolina's sustainable MS4 stormwater program minimizes liability, promotes cooperative solutions, and strengthens programs through adaptive management making them much more efficient and effective.

Under the MS6, posting Gap Analysis, Root Cause Analysis and Action Plans ensure transparency, providing better oversight than preparing and submitting annual reports, and allows State and local governments to leverage limited resources.

The number one reason to espouse MS6 is local governments have ownership of the MS4 NPDES program. EPA and the State partner with local governments, private citizens, environmental groups, other state and federal agencies, Universities, NCDOT, SWANC, APWA, COGs, and others to improve stormwater programs.

Q. 2: What are your ideas for achieving better environmental results from partnering with states, tribes, local communities, or the private sector?

RECOMMENDATION:

NCDEMLR recommends that EPA actively engage with state and local governments, tribes, local communities and the private sector to arrive at more informed policy decisions.

RATIONALE:

NCDEMLR has had success in such partnerships and a few of the examples follow.

~~North Carolina NC APWA, SWANC, various state wide COGs, Universities, NCCF, NERRTP and other partners seek cooperative solutions through meetings, Lunch and Learns, and round table discussions. Partnerships are very effective at reaching cooperative solutions. Recent examples in NC include:~~

1. NC MS6 – Partners included local governments, environmental groups, DEQ and NCDOT, private sector, and consulting firms

2. NC Minimum Design Criteria (NC MDC) for new development. Partners included local governments, environmental groups, DEQ and NCDOT, Home Builder's association, developers, and consulting firms
3. Rewrite of NC stormwater rules. Partners included local governments, environmental groups, DEQ and NCDOT, Home Builder's association, developers, and consulting firms
4. Developing Watershed Restoration Plans and the WATER SHED EZ TOOL – that focus on reducing stormwater runoff. Partners included local governments, environmental groups, DEQ and NCDOT, private sector, and consulting firms.
5. Developing alternatives to TMDLs. Partners included local governments, environmental groups, DEQ and NCDOT, the private sector, and consulting firms.
6. Developing a STORM EZ, STORM EZ SUPPLEMENT FORMS, STORM EZ O&M application to facilitate LID. Partners included local governments, environmental groups, DEQ and NCDOT, the private sector, and consulting firms.
7. Developing an alternative to traditional lump and dump treatment technology. For NC, volume matching (LID) has been a cost-effective way to address stormwater management while providing better protection. Partners included local governments, elected officials, environmental groups, DEQ and NCDOT, private sector, and consulting firms.
8. Developing alternative approaches to addressing stormwater runoff at airports. In accordance with the Federal Aviation Administration August 28, 2007, Advisory Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), partners developed safe alternative to manage stormwater at airports. Partners included local governments, elected officials, environmental groups, DEQ, private sector, NC State, NCDOA, airports, and consulting firms.

Q. 3: What are your ideas for providing better customer service to states, tribes, local communities, the regulated community, and the public at large?

RECOMMENDATION:

Providing customer service is about seeking cooperative solutions. EPA should be seeking cooperative solutions that improve water quality in lieu of requiring the collection of resource intensive information (audits, inspections, and annual reports) and pursuing enforcement actions that fail to shape behavior.

RATIONALE:

NC DEMLR Stormwater Permitting Unit along with NCDOT, NCCF, NCNERR, UNC, Duke, ECU, DUKE and others, have partnered with local governments to seek cooperative solutions. Seeking cooperative solutions has led to partnerships – partnerships has led to ownership. The NC MS4 program has evolved from a bureaucratic regulatory agency to providing customer service through outreach efforts, Lunch and Learns and workshops, and to promoting round-table discussions seeking cooperative solutions.

The NC MS4 Compliance Strategy includes:

1. A commitment to outreach,
2. A commitment to seeking cooperative solutions,
3. Self-assessment and peer review,
4. Developing and implementing plans to improve stormwater programs, and
5. Conducting audits and inspections pursuant to FY17 Section 106 Work Plan and enforcement,

NC DEQ is committed to outreach activities with various state wide COGs, Universities, NCCF, NERRTP and other partners that host summits, workshops and training sessions.

NC DEQ is committed to seeking cooperative solutions with various state wide COGs, Universities, NCCF, NERRTP and other partners seeking cooperative solutions through meetings, Lunch and Learns, and round-table discussions.

NC DEQ continues to espouse sustainable MS4 stormwater programs through self-assessments and peer review. Systematic assessments can identify gaps in MS4 stormwater programs. Systemic causes of problems within programs may be identified through a Root Cause Analysis.

NC DEQ continues to espouse to self-assessments and peer reviews by local governments that identify gaps in stormwater programs, Root Cause Analysis and Action Plans with specific actions and clear deadlines.

Under the FY17 SECTION 106 WORKPLAN for Phase I and Phase II MS4s, NC DEQ/DEMLR/SPU NC DEQ is committed to on-site audits, MS4 inspections, or off-site desk audits once/5 years.

Q. 4: Do you see untapped opportunities to make changes at EPA that would reduce costs and inefficiencies, while maintaining environmental protection for all Americans? What are they?

Yes. In addition to audits and inspections pursuant to FY17 Section 106 Work Plan and enforcement, EPA needs to espouse 1) opportunities to seek cooperative solutions, 2) compliance strategies that include a commitment to outreach, a commitment to seeking cooperative solutions, self-assessment and peer review, and developing and implementing action plans to improve stormwater programs.

Q. 5: Are there new technologies that could be adopted or existing processes that could be modernized to make us more efficient, effective, or accountable? What are they?

RECOMMENDATION:

North Carolina developed tools to facilitate Low Impact Development (LID) and Green Infrastructure (GI) that we believe EPA and other states should embrace to make their existing processes more efficient and effective. Some of the tools developed by DEQ and their partners included an INTERACTIVE MAP for new development, WATER SHED EZ TOOL, STORM EZ, STORM EZ SUPPLEMENT FORMS, STORM EZ O&M, an INTERACTIVE MAP for our MS6. DEQ and our partners are in the process of developing a web-based GAP ANALYSIS EZ and ROOT CAUSE ANALYSIS EZ.

RATIONALE:

NC tools have been introduced in other states (STORM EZ, O&M EZ, SUPPLEMENT EZ) and have been well received. The US Department of Defense has implemented STORM EZ at marine bases worldwide. Several coastal states (Georgia, Virginia, and South Carolina) have been introduced to WATERSHED EZ to assist with the efficient implementation of their programs.

Q. 6: How could we accomplish more by realigning activities in areas of shared responsibility and mutual interest with other federal agencies or states?

EPA and NC DEQ role should be as partners. Local Governments need ownership of the MS4 program as noted in our responses if stormwater programs are to improve. Seeking cooperative solutions leads to partnerships – partnerships leads to ownership.

Q. 7: Are you aware of any best practices within your organization or services at other agencies or in the private sector that are best in class that we should consider adopting across the agency to improve our efficiency, increase accountability, or reduce costs? What are they?

1. NC MS6. MS6 incorporates the elements of every sustainable program – Protecting the Environment (Environmental) with Cost-effective Solutions (Economic), and addressing the social needs of the public (Social)
2. Improving water quality mandates a new approach to stormwater management that addresses not just water quality (Environment), but flooding (Social) as well with cost effective solutions (Economic). Developing Watershed Restoration Plans is a cost-effective alternative to TMDLs.
3. Developing an alternative to traditional lump and dump treatment technology. Introduction of Volume Matching, also referred to as Low Impact Development, has been a cost-effective way to address stormwater management while providing better protection.