

Proposed Change to 15A NCAC 2H .1030(c):

(c) Stormwater Management Requirements.

- (1) During initial site clearing, grading, excavation, and construction of earthen surface features, including temporary erosion and sedimentation control measures and permanent stormwater control measures, the permittee shall manage ~~(control, operate, maintain, store, handle, clean up, and dispose of)~~ site conditions, materials, activities, and stormwater as ~~follows:~~ follows:
 - (A) Equipment, petroleum products, equipment wash waters, and associated spent fluids shall be managed ~~(operated, maintained, stored, handled, cleaned up, and disposed of)~~ to prevent the potential or actual pollution of surface waters by direct discharge or via stormwater runoff.
 - (B) Herbicides, pesticides, fertilizers, and similar materials shall be managed to prevent introduction into stormwater runoff, runoff, and in accordance with label restrictions and the Federal Insecticide, Fungicide, and Rodenticide Act. [Act, 7 U.S.C. 136 et seq.]
 - (C) Building material waste, land clearing and demolition debris, litter, and sanitary wastes shall be managed to prevent introduction into stormwater runoff. Dedicated management areas shall be established for these materials a minimum of 50 feet away from surface waters and discrete stormwater conveyances.
 - (D) Topsoil and excavated material stockpiles shall be located a minimum of 50 feet away from surface waters and stormwater conveyances and shall be managed to prevent runoff transport of the stockpiled materials to the surface waters of North Carolina waters. and
 - (E) Excess concrete, concrete wash water, and cement slurries shall be managed to prevent the potential or actual pollution of surface waters by direct discharge or via stormwater runoff.
- (2) During initial site clearing, grading, excavation, and construction of earthen surface features, including temporary erosion and sedimentation control measures and permanent stormwater control measures, the permittee shall manage site conditions, materials, activities, and stormwater as ~~follows:~~ follows:
 - (A) All perimeter dikes, perimeter swales, perimeter ditches, perimeter slopes, all slopes steeper than 3:1, and all slopes longer than 50 feet shall be provided with temporary or permanent ground cover stabilization ~~as soon as practical, but in every case~~ within 7 calendar days from the last land disturbing activity.
 - (B) All other disturbed areas shall be provided temporary or permanent ground cover stabilization ~~as soon as practical, but in every case~~ within 14 calendar days from the last land disturbing activity.

- (C) Time extensions may be requested in writing by the permittee. These requests may be granted by the Division based on weather or site-specific conditions. The Division may also deny requests for such extensions. and
- (D) Treatment measure requirements: requirements.
- (i) All sediment basins and traps with a contributing drainage area of ~~one~~ acre or greater ~~must~~shall utilize outlet structures that withdraw water from the surface.
- (ii) Stormwater treated with polymers, flocculants, or other treatment chemicals ~~must~~shall be routed through sediment traps, filters, ~~and/or~~ other settling devices to ensure removal prior to discharge to surface waters. Only chemicals that have been approved by the Division may be used. The approved chemicals list is available on the Division's website at <http://portal.ncdenr.org/web/lr/construction-stormwater>.
- (3) For this Rule, 'spudding' the well means starting the oil or gas well drilling process by removing rock, dirt, and other sedimentary material with the drill bit. After ~~During~~ initial site clearing, grading, excavation, and construction of earthen surface features, including temporary erosion and sedimentation control measures and permanent stormwater control measures, and at least 72 hours prior to ~~the full demobilization of the site preparation equipment and forces, and prior to any mobilization to the site of any equipment or material intended to support subsurface activities,~~ spudding an oil or gas well, the permittee shall deliver to the Division written certification by the individual designing the stormwater control system identified in accordance with Rule .1008(j) of this Section must certify in writing to the Division in accordance with Rule .1008(j) of this Section. Regardless of whether a certificate of occupancy is provided or required by other authority, no additional mobilization to the site shall take place the permittee shall not proceed with spudding the well until the Division accepts the designer's written certification. certification in writing. Within 72 hours of receiving the designer's certificate the ~~The~~ Division shall inspect the permitted stormwater control system. Subsequent to the inspection, the Division may withhold acceptance of the designer's certification ~~pending a favorable site inspection by the Regional Office.~~ upon concluding that the stormwater control system has not been installed in accordance with the stormwater permit and the approved stormwater permit application documents. If the Division fails to inspect the stormwater control system within 72 hours of receiving the designer's certification, the certification shall be deemed accepted by the Division and the permittee may proceed with spudding the well. [For this Rule, 'spudding' the well means starting the oil or gas well drilling process by removing rock, dirt, and other sedimentary material with the drill bit.]
- (4) After completion of the surface site preparation activity, and beginning with the surface activity in direct support of well ~~drilling and continuing thereafter, drilling,~~ the permittee shall manage site conditions, materials, activities, and stormwater as ~~follows:~~follows:

- (A) ~~Stormwater control measures shall control and treat the runoff from the 1” rainfall; or, stormwater control measures shall control and treat the difference in runoff for pre-development and post-development conditions for the 90th percentile rainfall event.~~ rainfall event with a 24-hour precipitation total greater than or equal to 90 percent of all 24-hour rainfall event totals on an annual basis.
- (B) Stormwater control measures shall discharge at a rate less than or equal to the peak pre-development discharge rate for the 1-year, 24-hour storm.
- (C) Stormwater control measures shall be designed in accordance with the provisions of Rule .1008 of this ~~Section, with options and guidance provided by the version of the Division’s Stormwater Best Management Practices Manual current at the time of permit application or permit revision request.~~ Section.
- (D) In addition to the measures identified in Rule .1008(a) of this Section, other measures appearing in the ~~Division’s Stormwater Best Management Practices Manual~~ shall be approved where individually, or in combination, the measures achieve 85% average annual removal of Total Suspended Solids, and upon the Division’s review and conclusion of appropriate design and suitability for the anticipated site conditions.
- (E) All stormwater control measures shall be equipped with underflow baffles or other effective means to prevent the discharge of hydrocarbons and floating pollutants. and
- (F) The requirements identified in Subparagraphs (1) and (2) of this Paragraph for initial site construction shall also apply to all subsequent phases of site operation.
- (5) The Division shall establish record-keeping, self-inspection, and self-reporting permit requirements to insure effective site management attention, response actions, and control of the potential for polluted stormwater.
- (6) Stormwater management requirements provided in this Paragraph pertain to the well pad area, all adjacent developed areas, and access and haul roads in proximity to the well pad or directly associated with the operation of the permitted site.