



NOTICE OF PROCESS CLARIFICATION (NOPC)

TO: DEVELOPMENT COMMUNITY
FROM: GISELLE RODRIGUEZ, PE – CITY ENGINEER
SUBJECT: STORMWATER ORDINANCE - CHAPTER 23, ARTICLE III – SEC 23-24
DATE: 6/7/2013

When Chapter 23, Article III was approved by City Council and became effective on January 1, 2009, Section 23-24 Exemptions from Requirements did not contain the requirements that new development or redevelopment “cumulatively disturbs less than one acre”. However and as a NPDES Stormwater Permit requirement, the City of Fayetteville had to have Article III reviewed and approved by the Division of Water Quality (DWQ) for Post-Construction Site Runoff requirements after it was approved by City Council. In its review, DWQ required that the language “cumulatively disturbs less than one acre” be added to each of the exemption categories. Therefore, Article III was revised by City Council on February 13, 2012 to include those provisions.

Based on recent discussions with DWQ, the City has learned that the State’s intention was to credit existing impervious areas in regards to the application of Post-Construction Site Runoff requirements. This was done to encourage redevelopment of existing sites. Therefore and if existing impervious areas are disturbed during the construction process, these redevelopment activities are exempt from complying with Chapter 23, Article III if there is no net increase in impervious area at project completion. This Article also allows the addition of 5,000 square feet of new impervious area to an existing site or a redeveloped site and still be exempt. On redevelopment projects and for purposes of this Article, the existing impervious areas are not considered when determining the amount of disturbed area for the project. However and if a redevelopment project removes existing impervious area during construction, that area is considered disturbed for Erosion Control purposes and must be considered when applying for an Erosion Control Permit. Since the City of Fayetteville does not administer a local Erosion

Control Program, the local office of the North Carolina Department of Environment and Natural Resources (NCDENR) should be contacted regarding any erosion control requirements.

Example #1

- Existing 5 acre site with 4 acres of impervious area is to be redeveloped
- All 4 acres of impervious area are to be removed and reconstructed
- Post-Construction Site Runoff requirements: Exempt since there is no increase in impervious area
- Erosion Control requirements: Since there will be 4 acres of disturbed area, the designer should contact the local office of NCDENR for erosion control requirements

Example #2

- Existing 6 acre site with 5 acres of impervious area is to be redeveloped
- All 5 acres of impervious area are to be removed and reconstructed along with 0.5 acres of new impervious area to be added for a total of 5.5 acres at project completion
- Post-Construction Site Runoff requirements: The project will have to comply with Article III requirements since there will be 0.5 acres of new impervious area. This exceeds the 5,000 square foot threshold of new impervious area thus triggering compliance.
- Erosion Control requirements: Since there will be 5.5 acres of disturbed area, the designer should contact the local office of NCDENR for erosion control requirements