15A NCAC 02B .0622 WATER SUPPLY WATERSHED PROTECTION PROGRAM: EXCLUSIONS AND SPECIAL CASES

This Rule describes exclusions from the water supply watershed program and special case projects in the water supply watershed program.

(1) EXCLUSIONS. The following project types shall be excluded from the requirements of Rules .0620-.0624 of this Section:
  (a) existing development;
  (b) redevelopment;
  (c) single-family residential redevelopment, even if there is a net increase in built-upon area or if stormwater controls are not equal to that of the previous single-family residential development;
  (d) expansions to single-family residential existing development, unless the expansion is part of a larger common plan of development that is subject to this Rule;
  (e) nonconforming lot of record that is not contiguous to any other lot owned by the same party and if it is to be developed for single-family residential purposes. However, local governments may require the combination of contiguous nonconforming lots of record owned by the same party in order to establish a lot or lots that meet the development restrictions of Rule .0624 of this Section;
  (f) any lot or parcel created as part of a family subdivision after the effective date of the local watershed ordinance if it is to be developed for one single-family detached residence and if it is exempt from a local subdivision ordinance;
  (g) activities of the North Carolina Department of Transportation (NCDOT) that are regulated in accordance with the provisions of NPDES Permit Number NCS000250;
  (h) linear transportation projects undertaken by an entity other than NCDOT when:
    (i) the project is constructed to NCDOT standards and is in accordance with the NCDOT Stormwater Best Management Practices Toolbox (Version 2, April 2014 Edition) which is here in incorporated by reference, including any subsequent amendments and editions, and may be accessed at no cost at https://connect.ncdot.gov/resources/hydro/HSPDocuments/2014_BMP_Toolbox.pdf;
    (ii) upon completion, the project will be conveyed either to the NCDOT or another public entity and will be regulated in accordance with that entity's NPDES MS4 stormwater permit; and
    (iii) the project is not part of a common plan of development.
  (i) airport facilities that are deemed permitted in accordance with G.S. 143.214.7(c4).

(2) SPECIAL CASES. In lieu of the requirements set forth in Rules .0620-.0624 of this Section, the following shall apply:
  (a) Siliviculture activities shall comply with the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C, herein incorporated by reference with subsequent amendments and editions and available at no cost at http://www.ncoah.com/rules/) and other applicable forestry water quality standards as determined by the North Carolina Forest Service.
  (b) Agricultural activities within WS-I watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds shall be subject to the vegetated setback requirements set forth in Rule .0624(11) of this Section.

History Note: *Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1);*
Eff. March 1, 2019 (Portions of this Rule were previously codified in 15A NCAC 02B .0104).