



**Testimony of Christine Wunsche, Clean Water Attorney
before the NC Environmental Management Commission
concerning the proposed Universal Stormwater Management Plan**

April 11, 2006

My name is Christine Wunsche and I am here tonight on behalf of Environment North Carolina. Thank you for the opportunity to comment on the proposed Universal Stormwater Management Program. Stormwater pollution is a leading source of water pollution in the state and we agree that more needs to be done to protect our waters. We have concerns, however, about the proposed Universal Stormwater Management Program's provisions, including enforcement and protections for our most sensitive waters.

North Carolina is developing land at the fifth fastest rate of any state in the nation¹; it is no surprise that stormwater is a leading threat to water quality in the state. It is predicted that by the year 2027, over 1,100,000 acres of forestland will be lost, along with more than 1,000,000 acres of cropland. Meanwhile, developed land area in the state will increase by more than 2,100,000 acres². With North Carolina's population booming and development replacing open space, runoff pollution will likely intensify in the absence of additional controls. In order to protect water quality, it is important that we have strong, comprehensive, mandatory stormwater protections in the areas of our state needing it most. One way of accomplishing this is to require strong Phase II stormwater programs throughout our rapidly growing counties.

If however, instead of requiring mandatory regulations, a local government is implementing a stormwater program voluntarily, as is proposed for the Universal Program, it is even more imperative that the program be fully enforced. It is important that local governments implementing the Universal Stormwater Management Program, adhere to the program; if they do

¹ U.S. Department of Agriculture, Natural Resource Conservation Service, *Natural Resources Inventory*, Preliminary Data, <http://www.nhq.nrcs.usda.gov/CCS/NRIr1se.html>. Cited in Brookings Institution, *Adding It Up: Growth Trends and Policies in North Carolina*, July 2000, <http://www.brookings.edu/dybdocroot/es/urban/ncreport.pdf>.

² *Our Lakes at Risk: The Impact of Growth on North Carolina's Water Quality*, NCPIRG Education Fund, Summer 2005.

not, then any water quality benefits provided by the program are lost. The best way to ensure that the program is properly implemented is through state oversight of local programs.

The success of the proposed Universal Stormwater Management Program is largely dependent on the functioning of the required structural controls. It is important that a plan exists to guarantee that local governments are always keeping these structural controls in working order. Before a Universal Stormwater Plan is adopted, the Division of Water Quality needs to have a detailed plan for overseeing local programs that adopt the program. This plan should include provisions for how and how often local programs will be examined, as well as what the penalties will be for failure to comply with the Universal Stormwater Management Program's provisions.

In addition to a lack of necessary enforcement, we are concerned that the program may not adequately protect water quality because provisions to protect our most sensitive waters do not do enough.

The Universal Stormwater Management Program relies on structural stormwater controls to protect sensitive coastal waters from bacterial pollution. Although structures are an improvement over grass swales, they are not enough to prevent bacterial pollution from entering our coastal waters. Studies have shown that structures built to capture the 1 year, 24 hour storm do not retain stormwater long enough for enough bacteria to die off. Thus, structural controls do not do an adequate job of keeping bacterial pollution out of our waters, meaning our sensitive shellfish waters will continue to be degraded by bacterial pollution carried in runoff.

Another concern for our coastal waters is the removal of high and low density thresholds in the program. Removing these density thresholds will encourage even more dense projects than we are presently experiencing, making the inadequacy of structural controls and maintenance even more of a concern.

Turning to the remaining 80 counties, we support the idea of prohibiting impervious surfaces in the 100 year floodplain because we believe this measure will help protect water quality. There are portions of the inland provisions, however, that we do not think will protect water quality. For example, the non-coastal portion of the Universal Stormwater Management Program removes density caps tied to the water supply watershed programs. Removing these caps unnecessarily removes protections for our drinking water supplies, which are some of our most important waters.

Although we understand the need for a more streamlined set of polluted runoff regulations, for the reasons outlined above, we can not give the proposed Universal Stormwater Management Program our support. We feel that there are too many uncertainties as to how the program will be enforced and as to whether or not the program will actually be more protective of water quality than existing programs. While the proposal is a new, creative approach to stormwater pollution, we have not seen evidence of the water quality benefits that the program is expected to provide.

Thank you.