

# Post-Construction Policy for Transportation Projects within Phase II Municipalities



**Permit Number NCS000395**

*(Revised June 22, 2012)*

## 1.0 Program Purpose and Background

The purpose of the Post-Construction Policy for Transportation Projects within the Phase II jurisdictional areas (including Mecklenburg County and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville) is to ensure that these projects meet all federal, state, and local requirements. Specifically, this policy is written for public transportation projects that involve roadway construction not associated with a subdivision or development. Please note that this policy document does not apply to:

- Roadway projects associated with development – These projects (such as road widening or turn lane addition) are treated as part of the development and the right-of-way area and built-upon area should be included in storm water calculations for the development.
- Roadway projects constructed by the North Carolina Department of Transportation (NCDOT) - These projects are subject to NCDOT's Post-Construction program; therefore, these projects are not subject to local Post-Construction ordinances.

According to Section 15A NCAC 02H.1003(d)(3)(C) of the North Carolina Administrative Code, public road and public bridge projects within Phase II municipalities shall (to the maximum extent practicable):

- Minimize built-upon surfaces,
- Divert storm water away from surface waters as much as possible, and
- Employ other best management practices (BMPs) to minimize water quality impacts.

The North Carolina Division of Water Quality (NCDWQ) suggests that regulated public entities use BMPs in the North Carolina Department of Transportation's (NCDOT's) "Best Management Practices Toolbox" developed for linear systems, which has been approved by NCDWQ to meet post-construction requirements for linear roadway systems.

## 2.0 Applicability

Public roadway projects are subject to the applicability criteria of the applicable jurisdiction's Post-Construction ordinance in which the project is located. For post-construction purposes, public roadway projects will be considered commercial/industrial development or redevelopment. The post-construction applicability criteria are found in Section 105 of the Post-Construction ordinances for all Phase II jurisdictions with the exception of the Town of Huntersville, where the applicability criteria are contained within Section 8.17.3 of the ordinance and the Town of Matthews where the applicability criteria are found in Section 154.005. The grandfathering (or exemption) of public projects is consistent with the rights given to private developers under applicability and exceptions provisions of the Post-Construction ordinances. In the event that Post-Construction ordinance requirements apply to a public roadway project, the responsible public entity shall work with the staff of Charlotte Mecklenburg Storm Water Services' Water Quality Program to ensure compliance with the above described three (3) minimum measures to the maximum extent practicable.

### **3.0 BMPs for Public Linear Roadway Projects**

The North Carolina Department of Transportation (NCDOT) developed a list of structural BMPs suitable for linear projects published in NCDOT's Storm Water Best Management Practices Toolbox. NCDOT's BMP Toolbox has been approved for use by NCDWQ for linear roadway projects. To the extent practicable, the jurisdictions shall use BMPs from the North Carolina Department of Transportation's "Best Management Practices Toolbox" developed for linear systems, which has been approved by NCDWQ to meet post-construction requirements for linear roadway systems. The designs in the Charlotte-Mecklenburg BMP Design Manual are also used where practicable. In addition, when public linear roadway projects use bridges over surface waters, bridge drainage systems that eliminate or minimize direct discharge to surface waters are required. More information on bridge drainage systems can be found in Chapter 9 of NCDOT's BMP Toolbox. A copy of NCDOT's BMP Toolbox can be found at the following website: [http://www.ncdot.org/programs/environment/stormwater/npdes\\_permit/](http://www.ncdot.org/programs/environment/stormwater/npdes_permit/).

### **4.0 BMP Maintenance**

Perpetual maintenance is required on all public-owned BMPs by the jurisdiction constructing the roadway. Each BMP shall be recorded in the Charlotte-Mecklenburg Storm Water Services – County Water Quality Program BMP database and will be subject to annual compliance inspections and periodic maintenance.

The only exception to this is when roadway projects are constructed to NCDOT standards that are to be turned over for maintenance to NCDOT following construction. These BMPs shall be maintained in accordance with NCDOT requirements and shall not be subject to the local post-construction ordinance maintenance requirements.