

DURHAM



**CITY OF DURHAM**

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CITY OF MEDICINE

January 15, 2016

**To:** All Development Community Members, Consultants and Development Design Professionals

**From:** Marvin G. Williams *mgw*  
Director Public Works Department  
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**Subject:** Letter to Industry 01-15-16 – Continued Enforcement of the City of Durham’s Stormwater Performance Standards (Durham City Code §§70-736 through 70-744)

Please be advised that pursuant to NPDES Permit NCS000249, which was issued to the City of Durham on April 24, 2013 by the Department of Environmental Quality (“DEQ”), the City will continue to enforce the Stormwater Performance Standards for Development, Durham City Code Chapter 70, Article X, Sections 70-736 through 70-744. These ordinance provisions were approved by the Environmental Management Commission in January 2012 and then adopted into the City of Durham’s Code of Ordinances by the Durham City Council in June 2012. These provisions are part of the City of Durham’s approved Stormwater Management Program Plan and are requirements of NPDES Permit NCS000249. Additionally, 15A NCAC 02H .0154 requires permittees, delegated programs, and regulated entities; for areas draining to Nutrient Sensitive Waters, to use BMPs that reduce nutrient loading, while still incorporating the stormwater controls required for the project's density level. Jordan Lake, Falls Lake and the lower Neuse have been designated as nutrient sensitive waters by the DEQ.

The City has participated in multiple meetings with the Department of Environmental Quality (“DEQ”) regarding the apparent conflict between SL2015-246, Section 2(b) and the requirements imposed on the City of Durham by NPDES Permit NCS000249. To date, DEQ has not determined how it will resolve the apparent conflict. NPDES Permit NCS000249 requires that the City of Durham comply with all current permit requirements until DEQ modifies, revokes, reissues, or terminates the existing permit.

cc: Don O’Toole, Senior Assistant City Attorney