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

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**Subject:** Letter to Industry 12/21/17 – Nutrient Loading Documentation Not Required for Projects Exempt from Stormwater Pollutant Standards

### **Nutrient Loading Documentation Not Required for Projects Exempt from Pollutant Standards**

The purpose of this Letter to Industry (LTI) is to advise that the City of Durham no longer requires nutrient loading documentation to be submitted in the Stormwater Impact Analysis (SIA) for development projects which are exempt from pollutant standards in accordance with Section 70-739 of the City Code. More specifically this means that pre-development and post-development land use maps, Jordan Falls Stormwater Nutrient Loading Accounting Tool (JFSLAT), and the Nutrient Reporting Form are no longer required to be submitted when a project meets the exempt criteria for stormwater pollutant standards in the City Code.

The only requirement a designer needs to meet with regard to nutrients for projects exempt from pollutant standards is to clearly note in the SIA or designer's letter that:

- The project is exempt from pollutant standards per the City Code, and
- The specific exemption criterion in Section 70-739 of the City Code that the project meets.

Projects not exempt from pollutant standards in the City Code shall continue to submit complete and accurate nutrient loading documentation in the SIA.

### **Background**

Every project in the City of Durham has been required to submit nutrient loading documentation (which includes land use maps, JFSLAT, and the Nutrient Reporting Form) for reporting of nutrient loadings to the North Carolina Department of Environmental Quality (NCDEQ) for our required annual reports as well as the City's internal accounting of added loadings to the various regulatory basins.

After discussion with staff in NCDEQ, they graciously agreed to allow Durham to amend our nutrient reporting information in our annual reports and further advised that Durham would not be penalized in the future for not collecting loading information on exempt projects. This allows the City to forego collecting nutrient loading information on projects exempt from pollutant standards. We appreciate NCDEQ's reasonableness and their allowing us to remove this additional burden on all involved in the development process.

### **Timing**

This can be immediately implemented for future submittals.