

Draft for Rule Readoption

1 15A NCAC 02B .0101 is proposed for amendment as follows:

2
3 **15A NCAC 02B .0101 GENERAL PROCEDURES**

4 (a) The rules contained in Sections .0100, .0200 and .0300 of this Subchapter which pertain to the series of
5 classifications and water quality standards shall be known as the "Classifications and Water Quality Standards Applicable
6 to the Surface Waters and Wetlands of North Carolina."

7 (b) The Environmental Management Commission, prior to classifying and assigning standards of water quality to any
8 waters of the state, shall proceed as follows:

9 (1) The Commission, or its designee, shall determine waters to be studied for the purpose of classification
10 and assignment of water quality standards on the basis of user requests, petitions, or the identification
11 of existing or attainable water uses, as defined by ~~15A NCAC 2B .0202~~, Rule .0202 of this
12 Subchapter, not presently included in the water classification.

Commented [A1]: format

13 (2) ~~In determining the best usage of waters and assigning classifications of such waters, the Commission~~
14 ~~shall consider the criteria specified in G.S. 143-214.1(d). In determining whether to revise a~~
15 ~~designated best usage for waters through a revision to the classifications, the Commission shall follow~~
16 ~~the requirements of 40 CFR 131.10(b)(c)(d) and (g), which are hereby incorporated by reference~~
17 ~~including subsequent amendments and editions. A copy of the most current version of the~~
18 ~~requirements is available free of charge on the internet at <http://www.gpo.gov/fdsys/>.~~

Commented [A2]: Moved from (f) of this rule, updated references and removed unnecessary reference to 2B .0202.

19 (3) ~~When revising the classification of waters, the Division shall collect water quality data within the~~
20 ~~watershed for those substances which require more stringent control than required by the existing~~
21 ~~classification. However, such sampling may be limited to only those parameters which are of concern.~~
22 ~~If the revision to classifications involves the removal of a designated use, the Division shall conduct a~~
23 ~~use attainability analysis as required by the provisions of 40 CFR 131.10(j), which are hereby~~
24 ~~incorporated by reference including subsequent amendments and editions. A copy of the most current~~
25 ~~version of the provisions is available free of charge on the internet at <http://www.gpo.gov/fdsys/>.~~

Commented [A3]: Moved from (g) of this rule, updated references.

26 (2)(4) After appropriate studies of the identified waters to obtain the data and information required for
27 determining the proper classification of the waters or segments of water are completed, the
28 Commission, or its designee, shall make a decision on whether to initiate proceedings to modify the
29 classifications and water quality standards of identified waters. In the case of the Commission's
30 designee deciding to initiate said proceedings, the designee shall inform the Commission of the
31 decision prior to scheduling a public hearing.

32 (3)(5) In the case of a petition for classification and assignment of water quality standards according to the
33 requirements of ~~General Statute~~ G.S. 150B-20, the Director shall make a preliminary recommendation
34 on the appropriate classifications and water quality standards of the identified waters on the basis of
35 the study findings or information included in the petition supporting the classification and standards
36 changes.

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1 ~~(4)(6)~~ The Commission shall make a decision on whether to grant or deny a petition in accordance with the
2 provisions of ~~General Statute G.S.~~ 150B-20 based on the information included in the petition and the
3 recommendation of the Director. ~~The Commission may deny the petition and request that the Division
4 study the appropriate classifications and water quality standards for the petitioned waters in
5 accordance with Subparagraph (b)(4) of this Rule.~~

Commented [A4]: WQC, in Jan 2018, noted that this sentence is not necessary because EMC has the ability and authority to do this, regardless of any action on a petition.

6 ~~(5)(7)~~ The Director shall give due notice of such hearing or hearings in accordance with the requirements of
7 ~~General Statute G.S.~~ 143-214.1 and G.S. 150B, and shall appoint a hearing officer(s) in consultation
8 with the chairman of the Commission.

9 ~~(6)(8)~~ The hearing officer(s) shall, as soon as practicable after the completion of the hearing, submit a
10 complete report of the proceedings of the hearing to the Commission. The hearing officer(s) shall
11 include in the report a transcript or summary of testimony presented at such public hearing, relevant
12 exhibits, a summary of relevant information from the stream studies conducted by the technical staff of
13 the Commission, and final recommendations as to classification of the designated waters and the
14 standards of water quality and best management practices which should be applied to the
15 classifications recommended.

16 ~~(7)(9)~~ ~~The Commission, after due consideration of the hearing records and the final recommendations of the
17 hearing officer(s), shall adopt its final action with respect to the assignment of classifications, and any
18 applicable standards or best management practices applicable to the waters under consideration. The
19 Commission shall publish such action, together with the effective date for the application of the
20 provisions of General Statute 143-215.1 and 143-215.2, as amended, as a part of the Commission's
21 official rules. The Commission shall consider the hearing record(s) and final recommendation(s) of
22 the hearing officer(s) before adopting its final action with respect to the assignment of classifications
23 and any applicable standards or best management practices applicable as rule(s) to the waters under
24 consideration.~~

Commented [A5]: WQC, in Jan 2018, asked for this to be written more generically.

25 ~~(8)(10)~~ The final action of the Commission with respect to the assignment of classification with its
26 accompanying standards and best management practices shall contain the Commission's conclusions
27 relative to the various factors given in ~~G.S.~~ 143-214.1(d), and shall specifically include the class or
28 classes to which such specifically designated waters in the watershed or watersheds shall be assigned
29 on the basis of best usage in the interest of the public.

30 ~~(e)~~ Freshwater shall be assigned to one of the following classification:

Commented [A6]: (c) through (e) moved information to individual classification rules for organizational purposes (i.e. (c)(1) is now in 02B .0211 and (e)(7) is now in 02B .0231). Removed Future Water Supply (FWS) as a classification because it was never used and is not necessary.

31 ~~(1)~~ — Class C: freshwaters protected for secondary recreation, fishing, aquatic life including propagation
32 and survival, and wildlife. All freshwaters shall be classified to protect these uses at a minimum.

33 ~~(2)~~ — Class B: freshwaters protected for primary recreation which includes swimming on a frequent or
34 organized basis and all Class C uses.

35 ~~(3)~~ — Class WS I: waters protected as water supplies which are essentially in natural and undeveloped
36 watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and

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- 1 ~~.0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of~~
- 2 ~~pollution are required. Suitable for all Class C uses.~~
- 3 (4) ~~Class WS II: waters protected as water supplies which are generally in predominantly undeveloped~~
- 4 ~~watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and~~
- 5 ~~.0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of~~
- 6 ~~pollution shall be required. Suitable for all Class C uses.~~
- 7 (5) ~~Class WS III: waters protected as water supplies which are generally in low to moderately developed~~
- 8 ~~watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and~~
- 9 ~~.0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of~~
- 10 ~~pollution shall be required. Suitable for all Class C uses.~~
- 11 (6) ~~Class WS IV: waters protected as water supplies which are generally in moderately to highly~~
- 12 ~~developed watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules~~
- 13 ~~.0104 and .0211 of this Subchapter. Local programs to control nonpoint sources and stormwater~~
- 14 ~~discharges of pollution shall be required; suitable for all Class C uses.~~
- 15 (7) ~~Class WS V: waters protected as water supplies which are generally upstream of and draining to Class~~
- 16 ~~WS IV waters. No categorical restrictions on watershed development or treated wastewater discharges~~
- 17 ~~shall be required. However, the Commission or its designee may apply appropriate management~~
- 18 ~~requirements as deemed necessary for the protection of downstream receiving waters (15A NCAC 2B~~
- 19 ~~.0203); suitable for all Class C uses.~~
- 20 (8) ~~Class WL: waters that meet the definition of wetlands found in 15A NCAC 2B .0202 except those~~
- 21 ~~designated as Class SWL.~~
- 22 (d) ~~Tidal Salt Waters shall be assigned to one of the following:~~
- 23 (1) ~~Class SC: saltwaters protected for secondary recreation, fishing, aquatic life including propagation~~
- 24 ~~and survival, and wildlife. All saltwaters shall be classified to protect these uses at a minimum.~~
- 25 (2) ~~Class SB: saltwaters protected for primary recreation which includes swimming on a frequent or~~
- 26 ~~organized basis and all Class SC uses.~~
- 27 (3) ~~Class SA: suitable for commercial shellfishing and all other tidal saltwater uses.~~
- 28 (4) ~~Class SWL: waters that meet the definition of coastal wetlands as defined by 15A NCAC 2H .0205,~~
- 29 ~~and which are landward of the mean high water line, and wetlands contiguous to estuarine waters as~~
- 30 ~~defined by 15A NCAC 2H .0206.~~
- 31 (e) ~~The following are supplemental classifications:~~
- 32 (1) ~~Trout waters (Tr): freshwaters protected for natural trout propagation and survival of stocked trout.~~
- 33 (2) ~~Swamp waters (Sw): waters which have low velocities and other natural characteristics which are~~
- 34 ~~different from adjacent streams.~~
- 35 (3) ~~Nutrient Sensitive Waters (NSW): waters subject to growths of microscopic or macroscopic~~
- 36 ~~vegetation requiring limitations on nutrient inputs.~~

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- 1 (4) ~~Outstanding Resource Waters (ORW): unique and special waters of exceptional state or national~~
 2 ~~recreational or ecological significance which require special protection to maintain existing uses.~~
- 3 (5) ~~High Quality Waters (HQW): waters which are rated as excellent based on biological and~~
 4 ~~physical/chemical characteristics through Division monitoring or special studies, native and special~~
 5 ~~native trout waters (and their tributaries) designated by the Wildlife Resources Commission, primary~~
 6 ~~nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery~~
 7 ~~areas designated by the Marine Fisheries Commission, all water supply watersheds which are either~~
 8 ~~classified as WS I or WS II or those for which a formal petition for reclassification as WS I or WS II~~
 9 ~~has been received from the appropriate local government and accepted by the Division of Water~~
 10 ~~Quality and all Class SA waters.~~
- 11 (6) ~~Future Water Supply (FWS): waters that have been requested by a local government and adopted by~~
 12 ~~the Commission as a future source for drinking, culinary, or food processing purposes. Local~~
 13 ~~government(s) requesting this reclassification shall provide to the Division evidence of intent which~~
 14 ~~may include one or a combination of the following: capitol improvement plans, a Water Supply Plan as~~
 15 ~~described in G.S. 143-355(1), bond issuance for the water treatment plant or land acquisition records.~~
 16 ~~Local governments shall provide a 1:24,000 scale USGS topographical map delineating the location of~~
 17 ~~the intended water supply intake. Requirements for activities administered by the State of North~~
 18 ~~Carolina, such as the issuance of permits for landfills, NPDES wastewater discharges, land application~~
 19 ~~of residuals and road construction activities shall be effective upon reclassification for future water~~
 20 ~~supply use. The requirements shall apply to the critical area and balance of the watershed or protected~~
 21 ~~area as appropriate. Upon receipt of the final approval letter from the Division of Environmental~~
 22 ~~Health for construction of the water treatment plant and water supply intake, the Commission shall~~
 23 ~~initiate rule-making to modify the Future Water Supply supplemental classification. Local government~~
 24 ~~implementation is not required until 270 days after the Commission has modified the Future Water~~
 25 ~~Supply (FWS) supplemental classification through the rule-making process and notified the affected~~
 26 ~~local government(s) that the appropriate local government land use requirements applicable for the~~
 27 ~~water supply classifications are to be adopted, implemented and submitted to the Commission for~~
 28 ~~approval. Local governments may also adopt land use ordinances that meet or exceed the state's~~
 29 ~~minimum requirements for water supply watershed protection prior to the end of the 270 day deadline.~~
 30 ~~The requirements for FWS may also be applied to waters formerly used for drinking water supply use,~~
 31 ~~and currently classified for water supply use, at the request of local government(s) desiring protection~~
 32 ~~of the watershed for future water supply use.~~
- 33 (7) ~~Unique wetland (UWL): wetlands of exceptional state or national ecological significance which~~
 34 ~~require special protection to maintain existing uses. These wetlands may include wetlands that have~~
 35 ~~been documented to the satisfaction of the Commission as habitat essential for the conservation of state~~
 36 ~~or federally listed threatened or endangered species.~~

Commented [A7]: "native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission" is removed because there is no longer this designation nor equivalent designation. However, HQW can be applied in trout streams that have excellent water quality, thus no effect.

Commented [A8]: "or those for which a formal petition for reclassification as WS I or WS II has been received from the appropriate local government and accepted by the Commission" is removed because it is inconsistent with Administrative Procedure Act (APA).

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1 ~~(f) In determining the best usage of waters and assigning classifications of such waters, the Commission shall consider~~
 2 ~~the criteria specified in General Statute 143-214.1(d) and all existing uses as defined by 15A NCAC 2B .0202. In~~
 3 ~~determining whether to revise a designated best usage for waters through a revision to the classifications, the Commission~~
 4 ~~shall follow the requirements of 40 CFR 131.10(b),(c),(d) and (g) which are hereby incorporated by reference including~~
 5 ~~any subsequent amendments and editions. This material is available for inspection at the Department of Environment,~~
 6 ~~Health, and Natural Resources, Division of Water Quality, Water Quality Section, 512 North Salisbury Street, Raleigh,~~
 7 ~~North Carolina. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents,~~
 8 ~~Washington, DC 20402-9325 at a cost of thirteen dollars (\$13.00).~~

9 ~~(g) When revising the classification of waters, the Division shall collect water quality data within the watershed for those~~
 10 ~~substances which require more stringent control than required by the existing classification. However, such sampling~~
 11 ~~may be limited to only those parameters which are of concern. If the revision to classifications involves the removal of a~~
 12 ~~designated use, the Division shall conduct a use attainability study as required by the provisions of 40 CFR 131.10(j)~~
 13 ~~which are hereby incorporated by reference including any subsequent amendments and editions. This material is~~
 14 ~~available for inspection at the Department of Environment, Health, and Natural Resources, Division of Water Quality,~~
 15 ~~Water Quality Section, 512 North Salisbury Street, Raleigh, North Carolina. Copies may be obtained from the U.S.~~
 16 ~~Government Printing Office, Superintendent of Documents, Washington, DC 20402-9325 at a cost of thirteen dollars~~
 17 ~~(\$13.00).~~

18
 19 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*

20 *Eff. February 1, 1976;*

21 *Amended Eff. August 1, 1995; February 1, 1993; August 3, 1992; August 1, 1990;*

22 *RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;*

23 *Amended Eff. October 1, 1996.*

Draft for Rule Readoption

1 15A NCAC 02B .0103 is proposed for amendment as follows:
2

3 **15A NCAC 02B .0103 ANALYTICAL PROCEDURES**

4 (a) Chemical/Physical Procedures. Tests or analytical procedures to determine conformity or non-conformity with
5 standards shall, insofar as practicable and applicable, conform to the guidelines by the Environmental Protection
6 Agency codified as 40 CFR, Part 136, which are hereby incorporated by reference including any subsequent
7 amendments and editions. ~~This material is available for inspection at the Department of Environment, Health, and~~
8 ~~Natural Resources, Division of Water Quality, Water Quality Section, 512 North Salisbury Street, Raleigh, North~~
9 ~~Carolina. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents,~~
10 ~~Washington, DC 20402-9325 at a cost of thirteen dollars (\$13.00). A copy of the most current version of 40 CFR Part~~
11 ~~136 is available free of charge on the internet at <http://www.gpo.gov/fdsys/>. Methods not codified by 40 CFR, Part~~
12 ~~136 will, insofar as practicable and applicable, conform to the guidelines by the American Public Health~~
13 ~~Association, Association (APHA), American Water Works Association, Association (AWWA), and Water~~
14 ~~Environment Federation (WEF) publication A "Standard Methods for the Examination of Water and Wastewater,~~
15 ~~19th edition@ (1996) 20th edition" or subsequent editions, which are hereby incorporated by reference. Copies may~~
16 ~~be obtained from the Water Environment Federation, 601 Wythe St., Alexandria, VA, 22314 at a cost of one hundred~~
17 ~~and eighty dollars (\$180.00). The 20th edition is available for inspection at the Department of Environmental Quality,~~
18 ~~Division of Water Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604-1170. A copy of the most~~
19 ~~current edition of the "Standards Methods for the Examination of Water and Wastewater" is available for purchase~~
20 ~~from the following places: APHA, 8001 Street, NW Washington, DC 20001; AWWA, 6666 W. Quincy Avenue,~~
21 ~~Denver, CO 80235; or WEF, 601 Wythe Street, Alexandria, VA 22314.~~

Commented [KG1]: Reference updates

22 (b) Biological Procedures. ~~Biological tests to determine conformity or non-conformity with standards shall be based~~
23 ~~on methods published by the U.S. Environmental Protection Agency as codified as 40 CFR, Part 136, which are hereby~~
24 ~~incorporated by reference including any subsequent amendments and editions. A copy of the most current version of~~
25 ~~40 CFR Part 136 is available free of charge on the internet at <http://www.gpo.gov/fdsys/>, including any subsequent~~
26 ~~amendments and editions. This material is available for inspection at the Department of Environment, Health and~~
27 ~~Natural Resources, Division of Water Quality, Water Quality Planning Branch, 512 North Salisbury Street, Raleigh,~~
28 ~~North Carolina. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents,~~
29 ~~Washington, DC 20402-9325 at a cost of thirteen dollars (\$13.00).~~

Commented [KG2]: Reference update

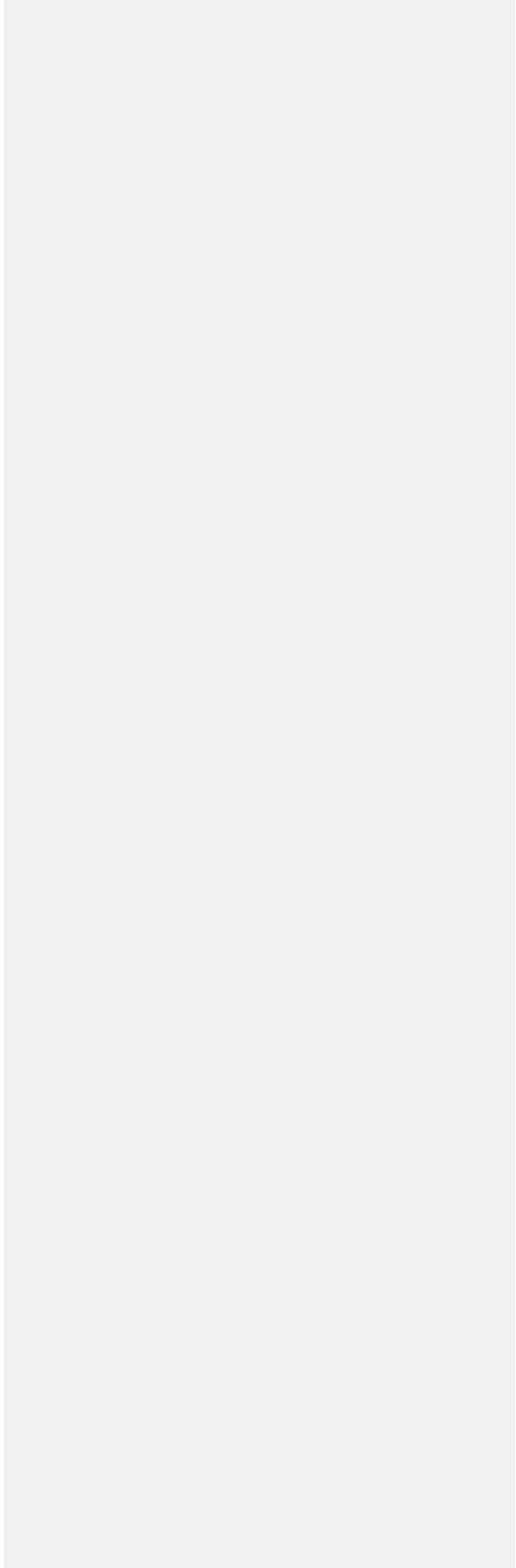
30 (c) Wetland Evaluation Procedures. ~~Evaluations of wetlands for the presence of existing uses shall be based on~~
31 ~~procedures approved by the Director. The Director shall approve wetland evaluation procedures that have been~~
32 ~~demonstrated to produce verifiable and repeatable results and that have widespread acceptance in the scientific~~
33 ~~community. Copies of approved methods or guidance may be obtained by submitting a written request to NCDWQ,~~
34 ~~Ecological Assessment Group, P.O. Box 29535, Raleigh, NC 27626-0535. NCDWR, Wetlands Branch, 1617 Mail~~
35 ~~Service Center, Raleigh, NC 27699-1617.~~

Commented [KG3]: Address update

36
37 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*
38 *Eff. February 1, 1976;*

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- 1 *Amended Eff. February 1, 1993; October 1, 1989; January 1, 1985; September 9, 1979;*
- 2 *RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;*
- 3



1 15A NCAC 02B .0104 is proposed for amendment as follows:
2

3 **15A NCAC 02B .0104 CONSIDERATIONS/ASSIGNING/IMPLEMENTING WATER SUPPLY**
4 **CLASSIFICATIONS**

5 (a) ~~In determining the suitability of waters for use as a source of water supply for drinking, culinary or food processing~~
6 ~~purposes after approved treatment, the Commission will be guided by the physical, chemical, and bacteriological~~
7 ~~maximum contaminant levels specified by Environmental Protection Agency regulations adopted pursuant to the Public~~
8 ~~Health Service Act, 42 U.S.C. 201 et seq., as amended by the Safe Drinking Water Act, 42 U.S.C. 300(f) et seq. In~~
9 ~~addition, the Commission shall be guided by the requirements for unfiltered and filtered water supplies and the maximum~~
10 ~~contaminant levels specified in the North Carolina Rules Governing Public Water Supplies, 15A NCAC 18C .1100,~~
11 ~~.1200 and .1500, which are hereby incorporated by reference including subsequent amendments and editions, and~~
12 ~~comments provided by the Division of Environmental Health.~~

Commented [A1]: The program formerly in DEH that provided comments is now in DWR. Subchapter 18C is not an EMC rule; therefore the additional language is required.

13 ~~(b) All local governments that have land use authority within designated water supply watersheds shall adopt and~~
14 ~~enforce ordinances that at a minimum meet the requirements of G.S. 143-214.5 and this Subchapter. The Commission~~
15 ~~shall approve local water supply protection programs if it determines that the requirements of the local program equal or~~
16 ~~exceed the minimum statewide water supply watershed management requirements adopted pursuant to this Section.~~
17 ~~Local governments may adopt and enforce more stringent controls. Local management programs and modifications to~~
18 ~~these programs must be approved by the Commission and shall be kept on file by the Division of Environmental~~
19 ~~Management, Division of Environmental Health and the Division of Community Assistance.~~

Commented [A2]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

20 ~~(c) All waters used for water supply purposes or intended for future water supply use shall be classified to the most~~
21 ~~appropriate water supply classification as determined by the Commission. Water supplies may be reclassified to a more~~
22 ~~or less protective water supply classification on a case-by-case basis through the rule-making process. A more protective~~
23 ~~water supply classification may be applied to existing water supply watersheds after receipt of a resolution from all local~~
24 ~~governments having land use jurisdiction within the designated water supply watershed requesting a more protective~~
25 ~~water supply classification. Requests for reclassification of non-water supply segments and watersheds to a water supply~~

Commented [A3]: Resolutions are already required for some water supply reclassifications; this modification makes resolutions required for all water supply reclassifications. No fiscal impact for the state, could save state resources, requires local governments to work together and develop synchronicity prior to significant state resources being expended.

26 ~~classification shall include submittal to the Commission of resolutions from all local governments having land use~~
27 ~~jurisdiction within the proposed water supply watershed for which a water supply classification is being requested,~~
28 ~~provided that the Commission may reclassify waters without the consent of local governments where the Commission~~
29 ~~deems such reclassifications appropriate and necessary. Local governments requesting water supply reclassifications shall~~
30 ~~provide a topographic map (such as a 1:24,000 scale USGS map) indicating the normal pool elevation for backwaters of~~
31 ~~water supply reservoirs, longitude and latitude coordinates of intended water supply intakes, and critical areas and other~~
32 ~~watershed boundaries as appropriate. Local government(s) requesting the Future Water Supply classification must~~

Commented [A4]: Moved from (o) and updated language. Clarifies procedures, no new requirements added.

33 ~~provide to the Division evidence of intent which may include one or a combination of the following: capital~~
34 ~~improvement plans, a Water Supply Plan as described in G.S. 143-355(l), bond issuance for the water treatment plant or~~
35 ~~land acquisition records. A 1:24,000 scale USGS topographical map delineating the location of the intended water~~
36 ~~supply intake is also required. Requirements for activities administered by the State of North Carolina, such as the~~
37 ~~issuance of permits for landfills, NPDES wastewater discharges, land application of residuals and road construction~~

Commented [A5]: Eliminated FWS because it is not used.

1 activities shall be effective upon reclassification for future water supply use. The requirements shall apply to the critical
 2 area and balance of the watershed or protected area as appropriate. Upon receipt of the final approval letter from the
 3 Division of Environmental Health for construction of the water treatment plant and water supply intake, the Commission
 4 shall initiate rule making to modify the Future Water Supply supplemental classification. Local government
 5 implementation is not required until 270 days after the Commission has modified the Future Water Supply (FWS)
 6 supplemental classification through the rule-making process and notified the affected local government(s) that the
 7 appropriate local government land use requirements applicable for the water supply classifications are to be adopted,
 8 implemented and submitted to the Commission for approval. Local governments may also adopt land use ordinances that
 9 meet or exceed the state's minimum requirements for water supply watershed protection prior to the end of the 270 day
 10 deadline. The requirements for FWS may also be applied to waters formerly used for drinking water supply purposes,
 11 and currently classified for water supply use, at the request of local government(s) desiring protection of the watershed
 12 for future water supply use.

13 ~~(d)~~(c) In considering the reclassification of waters for water supply purposes, the Commission shall take into
 14 consideration the relative proximity, quantity, composition, natural dilution and diminution of potential sources of
 15 pollution to determine that risks posed by all significant pollutants are adequately considered.

16 ~~(e)~~(d) For the purposes of implementing the water supply watershed protection rules (15A NCAC 2B .0100, .0200 and
 17 .0300) and the requirements of Rules .0620 through .0624 of this Subchapter and G.S. 143-214.5, the following schedule
 18 of implementation shall be applicable: effective dates are applicable to State agencies and units of local government with
 19 land use authority in water supply watersheds that were classified as such before and including August 3, 1992:

20 August 3, 1992 - Activities administered by the State of North Carolina, such as the issuance of permits for
 21 landfills, NPDES wastewater discharges, and land application of sludge/residuals, and road
 22 construction activities, shall become effective regardless of the deadlines for municipal and county
 23 water supply watershed protection ordinance adoptions; activities;

24 By July 1, 1993 - ~~Affected municipalities~~ Municipalities with a population greater than 5,000 shall adopt and
 25 submit the appropriate drinking water supply protection, maps and ordinances that meet or exceed the
 26 minimum management requirements of these Rules; 5,000;

27 By October 1, 1993 - ~~Affected municipalities~~ Municipalities with a population less than 5,000 shall adopt and
 28 submit the appropriate drinking water supply protection, maps and ordinances that meet or exceed the
 29 minimum management requirements of these Rules; 5,000; and

30 By January 1, 1994 - ~~Affected county~~ County governments shall adopt and submit the appropriate drinking
 31 water supply protection, maps and ordinances that meet or exceed the minimum management
 32 requirements of these Rules; and other units of local government, as applicable.

33 Affected local government drinking water supply protection ordinances shall become effective on or before these dates.
 34 Local governments may choose to adopt, implement and enforce these provisions prior to this date. Three copies of the
 35 adopted and effective relevant ordinances shall be sent to the Division along with a cover letter from the municipal or
 36 county attorney, or its designated legal counsel, stating that the local government drinking water supply protection
 37 ordinances shall meet or exceed the rules in 15A NCAC 2B .0100, .0200 and .0300. If the rules in 15A NCAC 2B .0100,

Commented [A6]: Updated rule references and information within effective dates. Moved some language to Water Supply Watershed Protection Program rules.

Commented [A7]: Requirement for local governments to adopt and submit ordinances and maps is moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

1 .0200 and .0300 are revised, the Division shall modify and distribute to local governments, as appropriate, a revised
 2 model ordinance. The Division shall approve the amended local maps and ordinances, or request the Commission to take
 3 appropriate action under G.S. 143-214.5. For water supply watersheds classified as such after August 3, 1992, the
 4 effective dates for implementation of the water supply watershed protection requirements shall be as follows:

- 5 (1) For activities administered by the State of North Carolina, such as the issuance of permits for landfills,
 6 NPDES wastewater dischargers, and land application of sludge/residuals, and road construction
 7 activities, the effective date is the date the reclassification became effective.
 8 (2) For local governments, the effective date shall be the date the local watershed ordinance was adopted
 9 or revised to reflect the reclassification, but no later than 270 days after receiving notice of a
 10 reclassification from the Commission.

11 ~~(f) Wherever in this Subchapter it is provided that local governments assume responsibility for operation and~~
 12 ~~maintenance of engineered stormwater control(s), this shall be construed to require responsible local governments to~~
 13 ~~inspect such controls at least once per year, to determine whether the controls are performing as designed and intended.~~
 14 ~~Records of inspections shall be maintained on forms supplied by the Division. Local governments may require payment~~
 15 ~~of reasonable inspection fees by entities which own the controls, as authorized by law. In the event inspection shows that~~
 16 ~~a control is not performing adequately, the local government shall order the owning entity to take corrective actions. If~~
 17 ~~the entity fails to take sufficient corrective actions, the local government may impose civil penalties and pursue other~~
 18 ~~available remedies in accordance with the law. The availability of new engineered stormwater controls as an alternative~~
 19 ~~to lower development density and other measures under the provisions of this Subchapter and local ordinances approved~~
 20 ~~by the Commission shall be conditioned on the posting of adequate financial assurance, in the form of a cash deposit or~~
 21 ~~bond made payable to the responsible local government, or other acceptable security. The establishment of a stormwater~~
 22 ~~utility by the responsible local government shall be deemed adequate financial assurance. The purpose of the required~~
 23 ~~financial assurance is to assure that maintenance, repairs or reconstruction necessary for adequate performance of the~~
 24 ~~controls may be made by the owning entity or the local government which may choose to assume ownership and~~
 25 ~~maintenance responsibility.~~

26 ~~(g) Where higher density developments are allowed, stormwater control systems must use wet detention ponds as~~
 27 ~~described in 15A NCAC 2H .1003(g)(2), (g)(3), (i), (j), (k), and (l). Alternative stormwater management systems~~
 28 ~~consisting of other treatment options, or a combination of treatment options, may be approved by the Director. The~~
 29 ~~design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also the discharge~~
 30 ~~rate shall meet one of the following criteria:~~

- 31 (1) ~~the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the~~
 32 ~~pre-storm design stage within five days, but not less than two days; or~~
 33 (2) ~~the post-development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour~~
 34 ~~storm.~~

35 ~~(h)(e) Where no practicable alternative exists, discharge from groundwater remediation projects addressing water quality~~
 36 ~~problems shall be allowed in accordance with other applicable requirements in all water supply classifications.~~

Commented [A8]: O&M responsibilities moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

Commented [A9]: Updated to allow stormwater control systems other than wet detention ponds and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624.

Commented [A10]: Updated to allow stormwater control systems to achieve runoff volume match (90th percentile) as an alternative to basic treatment (one-inch storm) and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624.

1 ~~(i) To further the cooperative nature of the water supply watershed management and protection program provided for~~
2 ~~herein, local governments with jurisdiction over portions of classified watersheds and local governments which derive~~
3 ~~their water supply from within such watersheds are encouraged to establish joint water quality monitoring and~~
4 ~~information sharing programs, by interlocal agreement or otherwise. Such cooperative programs shall be established in~~
5 ~~consultation with the Division.~~

Commented [A11]: Eliminated this paragraph because is not a requirement.

6 ~~(j)(f) Where no practicable alternative exists other than surface water discharge, previously unknown existing~~
7 ~~unpermitted wastewater discharges shall incorporate the best possible technology treatment as deemed appropriate by the~~
8 ~~Division.~~

9 ~~(k)(g) The Commission may designate water supply watersheds or portions thereof as critical water supply watersheds~~
10 ~~pursuant to G.S. 143-214.5(b).~~

11 ~~(l)(h) A more protective classification may be allowed by the Commission although minor occurrences of nonconforming~~
12 ~~activities are present prior to reclassification. When the Commission allows a more protective classification, expansions~~
13 ~~of existing wastewater discharges that otherwise would have been prohibited may be allowed if there is no increase in~~
14 ~~permitted pollutant loading; other discharges of treated wastewater existing at the time of reclassification may be required~~
15 ~~to meet more stringent effluent limitations as determined by the Division. Consideration of all practicable alternatives to~~
16 ~~surface water discharge must be documented.~~

17 ~~(m) The construction of new roads and bridges and non-residential development shall minimize built-upon area, divert~~
18 ~~stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs)~~
19 ~~to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area shall be~~
20 ~~avoided. The Department of Transportation shall use BMPs as outlined in their document entitled "Best Management~~
21 ~~Practices for the Protection of Surface Waters" which is hereby incorporated by reference including all subsequent~~
22 ~~amendments and editions. This material is available for inspection at the Department of Environment, Health, and~~
23 ~~Natural Resources, Division of Environmental Management, Water Quality Planning Branch, 512 North Salisbury Street,~~
24 ~~Raleigh, North Carolina.~~

Commented [A12]: Updated reference to NCDOT permit and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0622. No substantive changes.

25 ~~(n) Activities within water supply watersheds are also governed by the North Carolina Rules Governing Public Water~~
26 ~~Supplies, 15A NCAC 18C .1100, .1200 and .1500. Proposed expansions of treated wastewater discharges to water~~
27 ~~supply waters must be approved by the Division of Environmental Health Division.~~

Commented [A13]: Eliminated because is unnecessary to specify this in this rule.

28 ~~(o) Local governments shall correctly delineate the approximate normal pool elevation for backwaters of water supply~~
29 ~~reservoirs for the purposes of determining the critical and protected area boundaries as appropriate. Local governments~~
30 ~~must submit to the Division a 1:24,000 scale U.S.G.S. topographic map which shows the local government's corporate~~
31 ~~and extraterritorial jurisdiction boundaries, the Commission's adopted critical and protected area boundaries, as well as~~
32 ~~the local government's interpreted critical and protected area boundaries. All revisions (expansions or deletions) to these~~
33 ~~areas must be submitted to the Division and approved by the Commission prior to local government revision.~~

Commented [A14]: Eliminated because there is no longer a separate Division of Environmental Health and expansions of wastewater discharges will be reviewed in accordance with wastewater program rules.

34 ~~(p)(i) Local governments shall encourage participation in the Agricultural Cost Share Program. The Soil and Water~~
35 ~~Conservation Commission is the designated management agency responsible for implementing the provisions of the rules~~
36 ~~in 15A NCAC 2H .0200 pertaining to agricultural activities. Agricultural activities are subject to the provisions of the~~
37 ~~Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624) and~~

Commented [A15]: Add a non-exclusive list of what sources of information local governments can use to "approximate normal pool elevation" and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623.

Commented [A16]: Eliminated first sentence encouraging participation in the Ag Cost Share Program because is not a requirement.

Commented [A17]: Moved language regarding Soil and Water Conservation Commission as designated management agency to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0622. No substantive changes.

1 15A NCAC 2H .0217). The following shall be required within WS I watersheds and the critical areas of WS II, WS III
2 and WS IV watersheds:

3 (1) ~~Agricultural activities conducted after January 1, 1993 shall maintain a minimum 10 foot vegetated~~
4 ~~buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all~~
5 ~~perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale~~
6 ~~topographic maps or as determined by local government studies; and~~

7 (2) ~~Animal operation deemed permitted and permitted under 15A NCAC 2H.0217 2T .1300 are allowed~~
8 ~~in all classified water supply watersheds.~~

9 ~~(q) Existing development is not subject to the requirements of these Rules. Redevelopment is allowed if the rebuilding~~
10 ~~activity does not have a net increase in built upon area or provides equal or greater stormwater control than the previous~~
11 ~~development, except that there are no restrictions on single family residential redevelopment. Expansions to structures~~
12 ~~classified as existing development must meet the requirements of the rules in 15A NCAC 2B .0100, .0200 and .0300;~~
13 ~~however, the built upon area of the existing development is not required to be included in the density calculations.~~
14 ~~Expansions to structures other than existing development must meet the density requirements of these Rules for the entire~~
15 ~~project site. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of~~
16 ~~record shall not be subject to the development restrictions of these Rules if it is developed for single family residential~~
17 ~~purposes. Local governments may, however, require the combination of contiguous nonconforming lots of record owned~~
18 ~~by the same party in order to establish a lot or lots that meet or nearly meet the development restrictions of the rules~~
19 ~~under 15A NCAC 2B. Any lot or parcel created as part of a family subdivision after the effective date of these Rules shall~~
20 ~~be exempt from these Rules if it is developed for one single family detached residence and if it is exempt from local~~
21 ~~subdivision regulation. Any lot or parcel created as part of any other type of subdivision that is exempt from a local~~
22 ~~subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these~~
23 ~~Rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.~~
24 ~~Local governments may also apply more stringent controls relating to determining existing development, redevelopment~~
25 ~~or expansions.~~

26 ~~(r) Development activities may be granted minor variances by local governments utilizing the procedures of G.S. 153A~~
27 ~~Article 18, or G.S. 160A, Article 19. A description of each project receiving a variance and the reason for granting the~~
28 ~~variance shall be submitted to the Commission on an annual basis by January 1. For all proposed major and minor~~
29 ~~variances from the minimum statewide watershed protection rules, the local Watershed Review Board shall make findings~~
30 ~~of fact showing that:~~

31 (1) ~~there are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of~~
32 ~~the ordinance;~~

33 (2) ~~the variance is in harmony with the general purpose and intent of the local watershed protection~~
34 ~~ordinance and preserves its spirit; and~~

35 (3) ~~in granting the variance, the public safety and welfare have been assured and substantial justice has~~
36 ~~been done.~~

Commented [A18]: Moved vegetated buffer requirements to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624. No substantive changes.

Commented [A19]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624. No substantive changes.

Commented [A20]: Moved variance procedures to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

Commented [A21]: Replaced submission requirement with "furnish upon request" and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623.

1 The local Watershed Review Board may attach conditions to the major or minor variance approval that support the
 2 purpose of the local watershed protection ordinance. If the variance request qualifies as a major variance, and the local
 3 Watershed Review Board decides in favor of granting the major variance, the Board shall then prepare a preliminary
 4 record of the hearing and submit it to the Commission for review and approval. If the Commission approves the major
 5 variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision
 6 which authorizes the local Watershed Review Board to issue a final decision which would include any conditions or
 7 stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare
 8 a Commission decision to be sent to the local Watershed Review Board. The local Watershed Review Board shall
 9 prepare a final decision denying the major variance. For all proposed major and minor variances the local government
 10 considering or requesting the variance shall notify and allow a reasonable comment period for all other local governments
 11 having jurisdiction within the watershed area governed by these Rules and the entity using the water supply for
 12 consumption. Appeals from the local government decision on a major or minor variance request are made on certiorari to
 13 the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial
 14 review to Superior Court. When local ordinances are more stringent than the state's minimum water supply protection
 15 rules a variance to the local government's ordinance is not considered a major variance as long as the result of the
 16 variance is not less stringent than the state's minimum requirements.

17 (s) ~~Cluster~~ development is allowed on a project by project basis as follows:

- 18 (1) ~~Overall density of the project meets associated density or stormwater control requirements under 15A~~
 19 ~~NCAC 2B .0200;~~
- 20 (2) ~~Buffers meet the minimum statewide water supply watershed protection requirements;~~
- 21 (3) ~~Built upon areas are designed and located to minimize stormwater runoff impact to the receiving~~
 22 ~~waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated~~
 23 ~~areas, and maximize the flow length through vegetated areas;~~
- 24 (4) ~~Areas of concentrated density development are located in upland areas and away, to the maximum~~
 25 ~~extent practicable, from surface waters and drainageways;~~
- 26 (5) ~~Remainder of tract to remain in vegetated or natural state;~~
- 27 (6) ~~The area in the vegetated or natural state may be conveyed to a property owners association; a local~~
 28 ~~government for preservation as a park or greenway; a conservation organization; or placed in a~~
 29 ~~permanent conservation or farmland preservation easement. A maintenance agreement shall be filed~~
 30 ~~with the property deeds; and~~
- 31 (7) ~~Cluster developments that meet the applicable low density requirements shall transport stormwater~~
 32 ~~runoff by vegetated conveyances to the maximum extent practicable.~~

33 (t) ~~Local governments may administer oversight of future development activities in single family residential~~
 34 ~~developments that exceed the applicable low density requirements by tracking dwelling units rather than percentage~~
 35 ~~built upon area, as long as the wet detention pond or other approved stormwater control system is sized to capture and~~
 36 ~~treat runoff from all pervious and built upon surfaces shown on the development plan and any off-site drainage from~~

Commented [A22]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624. No substantive changes.

Commented [A23]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624. No substantive changes.

1 pervious and built-upon surfaces, and when an additional safety factor of 15 percent of built-upon area of the project site
2 is figured in:

3 (u) ~~All new development shall meet the development requirements on a project-by-project basis except local governments
4 may submit ordinances and ordinance revisions which use density or built-upon area criteria averaged throughout the
5 local government's watershed jurisdiction instead of on a project-by-project basis within the watershed. Prior to approval
6 of the ordinance or amendment, the local government must demonstrate to the Commission that the provisions as
7 averaged meet or exceed the statewide minimum requirements, and that a mechanism exists to ensure the orderly and
8 planned distribution of development potential throughout the watershed jurisdiction.~~

Commented [A24]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0624. No substantive changes.

9 (v) ~~Silviculture activities are subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A
10 NCAC II .0101—.0209). The Division of Forest Resources is the designated management agency responsible for
11 implementing the provisions of the rules in 15A NCAC 2B .0200 pertaining to silviculture activities.~~

Commented [A25]: Updated reference to NC Forest Service Guidelines and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0622.

12 (w) ~~Local governments shall, as the existing laws allow, develop, implement, and enforce comprehensive nonpoint source
13 and stormwater discharge control programs to reduce water pollution from activities within water supply watersheds such
14 as development, forestry, landfills, mining, on-site sanitary sewage systems which utilize ground adsorption, toxic and
15 hazardous materials, transportation, and water-based recreation.~~

Commented [A26]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

16 (x) ~~When the Commission assumes a local water supply protection program as specified under G.S. 143-214.5(e) all local
17 permits authorizing construction and development activities as regulated by the statewide minimum water supply
18 watershed protection rules of this Subchapter must be approved by the Commission prior to local government issuance.~~

Commented [A27]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

19 (y) ~~In the event that stormwater management systems or facilities may impact existing waters or wetlands of the United
20 States, the Clean Water Act requires that these systems or facilities be consistent with all federal and state requirements.~~

Commented [A28]: Eliminated because is unnecessary to state in this rule. Stormwater systems and facilities impacting waters or wetlands of the U.S. will still be subject to 404/401 permitting.

21 (z) ~~A model local water supply watershed management and protection ordinance, as approved by the Commission in
22 accordance with G.S. 143-214.5, is on file with the Office of Administrative Hearings and may be obtained by writing to:
23 Water Quality Planning Branch, Division of Environmental Management, Post Office Box 29535, Raleigh, North
24 Carolina 27626-0535.~~

Commented [A29]: Updated reference to current division website and moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623.

25 (aa) ~~The Commission may delegate such matters as variance approval, extension of deadlines for submission of
26 corrected ordinances and assessment of civil penalties to the Director.~~

Commented [A30]: Moved to Water Supply Watershed Protection Program Rule 15A NCAC 2B .0623. No substantive changes.

27 (j) ~~Local government water supply watershed ordinances for water supply classified watersheds shall be implemented in
28 accordance with Rules .0620 through .0624 of this Subchapter.~~

Commented [A31]: Added (j) to provide the new location for water supply watershed rules implemented by DEMLR.

30 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*
31 *Eff. February 1, 1976;*
32 *Amended Eff. August 1, 1995; August 3, 1992; March 1, 1991; October 1, 1989.*
33

1 15A NCAC 02B .0106 is proposed for repeal as follows:
2

3 ~~15A NCAC 02B .0106 — CONSIDERATIONS/ASSIGNING CLASSIFICATIONS FOR PRIMARY RECREATION~~

4 ~~In assigning the B or SB classification to waters intended for primary recreation, the Commission will take into consideration~~
5 ~~the relative proximity of sources of water pollution and will recognize the potential hazards involved in locating swimming~~
6 ~~areas close to sources of water pollution and will not assign this classification to waters in which such water pollution could~~
7 ~~result in a hazard to public health. Discharges to waters classified as B or SB will meet the reliability requirements specified~~
8 ~~in 15A NCAC 2H.0124. Discharges to waters where a primary recreational use is determined by the Director to be attainable~~
9 ~~will be required to meet water quality standards and reliability requirements to protect this use concurrently with~~
10 ~~reclassification efforts.~~

11 *History Note:* Authority G.S. 143-214.1; 143-215.3(a)(1);
12 *Eff. February 1, 1976;*
13 *Amended Eff. October 1, 1989; January 1, 1985; September 9, 1979.*
14
15
16
17

Commented [A1]: Separate rule not necessary, language moved to Class B and SB rules in Section .0200.

1 15A NCAC 02B .0108 is proposed for repeal as follows:
2

3 ~~15A NCAC 02B .0108 — CONSIDERATIONS IN ASSIGNING THE SHELLFISHING AREA CLASSIFICATION~~

4 ~~In determining the safety or suitability of Class SA waters to be used for shellfishing for market purposes, the Commission~~
5 ~~will be guided by the existing water quality of the area in relation to the standards to protect shellfishing uses, the potential~~
6 ~~contamination of the area from both point and nonpoint sources of pollution, and the presence of harvestable quantities of~~
7 ~~shellfish or the potential for the area to have harvestable quantities through management efforts of the Division of Marine~~
8 ~~Fisheries. Waters will not be classified SA without the written concurrence of the Division of Health Services, North Carolina~~
9 ~~Department of Human Resources. Division of Marine Fisheries, North Carolina Department of Environmental Health and~~
10 ~~Natural Resources.~~

11
12 *History Note: Authority G.S. 143-214.1;*
13 *Eff. January 1, 1985;*
14 *Amended Eff. October 1, 1989.*

Commented [A1]: Separate rule not necessary, language moved to Class SA rule in Section .0200.

15
16
17

1 15A NCAC 02B .0110 is proposed for amendment as follows:
2

3 **15A NCAC 02B .0110 CONSIDERATIONS FOR FEDERALLY-LISTED THREATENED OR**
4 **ENDANGERED AQUATIC SPECIES**

5 Certain waters provide habitat for federally-listed aquatic animal species that are listed as threatened or endangered by
6 the U.S. Fish and Wildlife Service or National Marine Fisheries Service under the provisions of the Endangered Species
7 Act, 16 U.S.C. 1531-1544 and subsequent modifications. Maintenance and recovery of the water quality conditions
8 required to sustain and recover federally-listed threatened and endangered aquatic animal species contributes to the
9 support and maintenance of a balanced and indigenous community of aquatic organisms and thereby protects the
10 biological integrity of the waters. ~~The Division shall develop site specific management strategies under the provisions of~~
11 ~~15A NCAC 2B .0225 or 15A NCAC 2B .0227 for those waters. The Commission shall utilize Rule .0225 or .0227 of this~~
12 ~~Subchapter for site specific strategies for those waters. These plans shall be developed within the basinwide planning~~
13 ~~schedule with all plans completed at the end of each watershed's first complete five year cycle following adoption of this~~
14 ~~Rule.~~ Nothing in this Rule shall prevent the Division or ~~EMC Commission~~ from taking other actions within its authority
15 to maintain and restore the quality of these waters.

16
17 *History Note: Authority G. S. 143-214.1; 143-215.3(a)(1); 143-215.8A;*
18 *Eff. August 1, 2000.*
19

Commented [A1]: Corrected the authority from the "Division" to the "Commission".

Commented [A2]: The basinwide schedule has been legislatively changed to a 10 year cycle and the timeline requirement is obsolete.