

Notice of Rulemaking Action to Amend 15A NCAC 02B .0100–.0300: Classifications and Standards for the Protection of Surface Waters:

Notice is hereby given in accordance with General Statute (G.S.) §150B-21.2, G.S. §150B-21.3A and G.S. §150B-21.4 that the N.C. Environmental Management Commission (EMC) intends to amend several rules cited in 15A NCAC 02B .0100, 0200 and .0300. The EMC will conduct public hearings to consider proposed permanent amendments to various rules that establish the surface water quality standards and classifications for North Carolina. These proposed amendments comprise the state's Triennial Review of Surface Water Quality Standards mandated by the federal Clean Water Act and, additionally, the re-adoption of rules pursuant to G.S. §150B-21.3A. While updated aquatic life protective concentrations for arsenic, beryllium, cadmium, chromium III, chromium VI, copper, lead, nickel, silver and zinc were adopted by the EMC in April 2016 (effective date Jan. 1, 2015), the Division of Water Resources (DWR) received notice from the federal Environmental Protection Agency Region IV (EPA) that certain executing provisions were not approved for purposes under the Clean Water Act. This disapproval created a situation where state rules are not in agreement with how the state is required to implement National Pollutant Discharge Elimination System (NPDES) permits for regulated parties within the state. In addition, the Division will accept comments on variances to the water quality standards and the Fiscal Note prepared for this proposal. The agency obtained G.S. §150B-19.1 certification of the Fiscal Note from Office of State Budget Management (OSBM) on April 16, 2018.

The complete text of the proposed rule revisions is available on the Division of Water Resources' Proposed Rules website, pursuant to G.S. 150B-19.1. <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>

The Fiscal Note is available on the OSBM website: https://files.nc.gov/ncosbm/documents/files/DEQ_2018-04-16.pdf

Proposed Effective Date: Jan. 1, 2019

Public Hearings:

Date: July 2, 2018

Time: 6 p.m.

Location: Piedmont Triad Regional Council, 1398 Carrollton Crossing Drive, Kernersville, N.C. 27284

Date: July 11, 2018

Time: 6 p.m.

Location: Ground Floor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, N.C. 27604

It is important that all interested and potentially affected people or parties make their views known to the EMC, whether in favor of or opposed to any of the proposed amendments and current regulations. The public hearing will be recorded. It will consist of a presentation by DWR staff, followed by an open comment period. The EMC-appointed hearing officer may limit the length of time that you may speak, if necessary, so that all those who wish to speak will have an opportunity. You may attend the public hearing to make oral comments and/or submit written comments. You may present conceptual ideas, technical justifications or specific language you believe is necessary and relevant to 15A NCAC 02B surface water quality classifications and standards regulations. No items will be voted on and no decisions will be made at this hearing.

How to Submit Comments:

As the state and EPA have a strong interest in assuring that the decisions are legally defensible, based on the best scientific information available and subject to full and meaningful public comment and participation, clear records are critical to the administrative review by the EMC and the EPA. Anyone interested in and potentially affected by the proposal is strongly encouraged to submit written comments, data or other relevant information. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published on May 15, 2018 in the N.C. Register <http://www.ncoah.com/rules/register/> unless the EMC publishes the text of the proposed different rule and accepts comments on the new text. Comments may be submitted to Connie Brower at the postal address or email address listed below.

Comment Period Ends: July 16, 2018

Connie Brower
DWR - Water Planning Section
1611 Mail Service Center
Raleigh, NC 27699-1611

Email: 15ANCAC02B_TriRev_Rule_Comments@ncdenr.gov

Questions should be directed to Connie Brower at (919) 807-6416.