

RRC REQUESTED TECHNICAL CHANGES AND RESULTING DWR REPONSES TO 15A NCAC 02B .0227		
Requested Technical Change (from "RRC Request for Technical Changes to 02B .0227" unless otherwise noted as "Follow-Up Question")	<u>Existing or Proposed Language</u>	<u>Corresponding DWR Response</u>
Why is Paragraph (a) necessary? It is simply indicating what the Commission will do, not providing any direction to your regulated public.	<i>Existing</i>	This paragraph is helpful to the public as it provides a description of the purpose of, and actions contained within, a water quality management plan (WQMP); the authorities of the EMC in relation to a WQMP; and the contents of the rest of the rule.
Are the areas listed in Sub-Paragraphs (1) and (2) the only waters determined by the Commission to be protected by a water quality management plan? If not, please reword to make more clear.	<i>Existing</i>	See revised rule, Line 12: Added "either in Rules .0601 - .0608 of this Subchapter that address the Goose Creek watershed (Yadkin Pee-Dee River Basin)"
Follow-up Question: In (b), is "that address the Goose Creek watershed (Yadkin Pee-Dee River Basin)" necessary? It reads better to me with just "either in Rules .0601-.0608 of this Subchapter or as follows"	<i>Existing</i>	While "that address the Goose Creek watershed (Yadkin Pee-Dee River Basin)" may not be necessary, it is very helpful; it lets the reader know to which waters Rules .0601 - .0608 apply without having to look at those rules. In addition, this language in combination with "or as follows" provides the reader with the knowledge of all NC waters with WQMPs.
In (b)(1)(A), please remove the brackets surrounding "as specified in 15A NCAC 2H .1002(2)(a)."	<i>Existing</i>	See revised rule, Lines 20 and 21: Removed brackets from "[as specified in 15A NCAC 2H .1002(2)(a)]."
In (b)(1)(B), please consider removing the parenthesis surrounding "such as non-industrial process cooling or seafood processing discharges."	<i>Existing</i>	See revised rule, Lines 23 and 24: Removed parentheses from "such as non-industrial process cooling or seafood processing discharges."
Also in (b)(1)(B), is there a cross-reference that you can provide for the public hearing requirement?	<i>Existing</i>	No, as this is a requirement specific to the water quality management plan for the Lockwoods Folly River Area.
In (b)(1)(C), what do you mean by "reduced loading rates" and "increased buffer zones." Is there a rule or statute that provides what the typical loading rates and buffer zones are? Also, how is this determination made? Please include factors that will be used in making this decision. Also, by whom will this determination be made? Please provide additional information.	<i>Existing</i>	See revised rule, Lines 26 and 27: Removed "New non-discharge permits shall be required to meet reduced loading rates and increased buffer zones, to be determined on a case-by-case basis."

Requested Technical Change (from "RRC Request for Technical Changes to 02B 0227" unless otherwise noted as "Follow-Up Question")	<u>Existing or Proposed Language</u>	<u>Corresponding DWR Response</u>
Follow-Up Question: Does the deletion of (b)(1)C result in a substantial change? I don't read it as such as you aren't imposing any unexpected or new requirements, but I just wanted to make sure with you guys that I was correct.	<i>Existing</i>	No.
In (b)(1)(D), please change "must" to "shall."	<i>Existing</i>	See revised rule, Line 28: Replaced "must" with "shall."
In (b)(1)(E), please delete or define "significant."	<i>Existing</i>	See revised rule, Lines 29 - 32: Removed "where significant shellfish or submerged aquatic vegetation bed resources occur;" and added "if those activities would result in a reduction of the beds of submerged aquatic vegetation or a reduction of shellfish producing habitat as defined in 15A NCAC 03I .0101(b)(20)(A) and (B),"
In (b)(2)(A), by whom and how is the "case by case" determination made?	Proposed	In this scenario, the state would request from the discharger an evaluation of what the discharger could achieve in terms of treatment of oxygen consuming wastes; then staff with the Wastewater Branch of the Water Quality Permitting Section of DWR would review the evaluation to see if the state agrees with it, and make a determination based on the cost and technology assessment.
Follow-Up Question: In (b)(2)(A), is there some sort of approval process? Based on your response, it appears as though the answer is yes. If this is correct, additional information needs to be put in indicating how the decision will be made and by whom (unless this process is set forth elsewhere in Rule or Statute). This is where I have the bigger concern regarding clarity/ambiguity.	Proposed	Yes; please look at 02B .0406 (e).
Follow-Up Question: Regarding (b)(2)(A), please provide a cross-reference. It needs some additional information to provide some guidance. If 02B .0406 is appropriate, please provide that cross-reference	Proposed	See revised rule, line 6: Added "in accordance with Rule .0406(e) of this Subchapter."
In (b)(2)(B), how will the "case by case" determination be made? I see some additional information provided in Rule .0404, but no factors.	Proposed	See revised rule, line 7: Removed "on a case-by-case basis"