

**Agenda Item: 14-11 Request for 30-day Waiver and Request to Proceed to Public Hearing with Surface Water Quality Standards Rule Amendments in 15A NCAC 02B and Approval of the Fiscal Note in accordance with NCGS 150B-19.1(e)**

**Explanation:**

The State is required to hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. The Environmental Management Commission is requested to approve a waiver of its 30-day rule and to approve proposed amendments to 15A NCAC 02B water quality standards regulations, and the accompanying fiscal note, to allow DWR to proceed to public hearings as part of North Carolina's Triennial Review of surface water quality standards.

Following a public hearing held in November 2013, the EMC appointed Hearing Officer (Steve Tedder) identified for DWR staff, modifications to existing water quality standards needed to maintain conformity with the Clean Water Act. The Hearing Officer presented those modifications to the DWR staff drafted amendments to include: updates to metals standards in accordance with federal criterion; revision of metals standards to reflect, where applicable, the dissolved metal concentration; acute and chronic metals standards; applying hardness values to derive hardness-dependent metals standards; and equations to allow for standard development. The standard for 2,4 D (chlorophenoxy herbicide) is proposed for revision to incorporate newer reference dose information. Edits for organizational purposes and reading clarity are also proposed.

In accordance with NCGS 150B-19.1, DWR has prepared, and submitted, a Fiscal Note for Office of State Budget Management review.

**Recommendation:**

The Director recommends that the Commission approve the 30 day waiver, proposed rule amendments and fiscal note along with authorizing public hearings on these items.