

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0101	GENERAL PROCEDURES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0101	GENERAL PROCEDURES	Cassie Gavin	cassie.gavin@sierraclub.org	NC Chapter Sierra Club	Yes.	Yes, A different type of comment.		Cassie Gavin Letter
15A NCAC 02B .0101	GENERAL PROCEDURES	Cassie Gavin	cassie.gavin@sierraclub.org	NC Chapter Sierra Club		Yes, A different type of comment.	Please see the attached comment letter from the NC Sierra Club, NC League of Conservation Voters, NC Environmental Defense Fund, NC Conservation Network and NC Coastal Federation on the EMC's classification of DENR water rules for the rules review process required by Session Law 2013-413.	Cassie Gavin Letter
15A NCAC 02B .0101	GENERAL PROCEDURES				Yes.	Yes, A different type of comment.	I would like to see a option for public petition to have a body of water reclassified. Due to the limited resources of the state, a particular body of water might need attention that it would not get otherwise. Also private property might limit access or awareness of state regulators to properly give attention to areas of great ecological value. My recommendation is to add a section that if the public may draft a petition that when garnished with 10,000 signatures, will require review by the department or designee, and when garnished with 100,000 will require a review public comment on reasoning behind decision of classification change or stasis.	
15A NCAC 02B .0103	ANALYTICAL PROCEDURES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0104	CONSIDERATIONS/ASSIGNING / IMPLEMENTING WATER SUPPLY CLASSIFICATIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0106	CONSIDERATIONS/ASSIGNING CLASSIFICATIONS FOR PRIMARY RECREATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0108	CONSIDERATIONS IN ASSIGNING THE SHELLFISHING AREA CLASSIFICATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0110	CONSIDERATIONS FOR FEDERALLY-LISTED THREATENED OR ENDANGERED AQUATIC SPECIES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0201	ANTIDEGRADATION POLICY	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0202	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0202	DEFINITIONS	Karla Knotts	karlahk@knottsdevelopment.net			Yes, Objection to the rule in whole or in part.	Development definition should be: "any land disturbing activity which adds to the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil."	
15A NCAC 02B .0203	PROTECTION OF WATERS DOWNSTREAM OF RECEIVING WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0204	LOCATION OF SAMPLING SITES AND MIXING ZONES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0205	NATURAL CHARACTERISTICS OUTSIDE STANDARDS LIMITS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0206	FLOW DESIGN CRITERIA FOR EFFLUENT LIMITATIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0208	STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0211	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS C WATERS	Michael Melton	mamelton@aquaamerica.com	AQUA North Carolina, Inc	Yes.	Yes, A different type of comment.	(3)(i)"Combined radium-226 and radium-228: the maximum average annual activity level (based on at least four samples collected quarterly) for combined radium-226 and radium-228 shall not exceed five pCi/L is essentially a drinking water standard as set forth by the SDWA. The MCL with is based on a 4 quarter Running Annual Average is based upon a risk analysis of 2 liters of water/day that is consumed by a human being. This standard should not be applied to a freshwater water standard. In the environment radium-226 and radium-228 (both isotopes)are found naturally as a result of the breakdown of thorium and uranium. (3)(l)(iv) Chlorine, total residual: 17 ug/L >>> requested to update formal rule from 17 to 50 ug/L	
15A NCAC 02B .0211	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS C WATERS	Michael Melton	mamelton@aquaamerica.com	AQUA North Carolina, Inc.	Yes.	Yes, A different type of comment.	(4)(a) Copper: 7 ug/L; 1.3 mg/L is a drinking water standard under the SDWA for humans. This action level as stated in the 2B.0211 (4)(a) is 0.007 mg/L, which is 0.91 % of the standard for drinking water	
15A NCAC 02B .0211	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS C WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0212	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-I WATERS	Michael Melton	mamelton@aquaamerica.com	AQUA North Carolina, Inc.	Yes.	Yes, A different type of comment.	(3)(h)(C) Manganese: 200 ug/L; this is equivalent to 0.002 mg/L, which is lower than the drinking water allowable limit of 0.05 mg/L	
15A NCAC 02B .0212	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-I WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0214	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-II WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0215	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-III WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0216	FRESH SURFACE WATER QUALITY STANDARDS FOR WS-IV WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0218	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-V WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0219	FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS B WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0220	TIDAL SALT WATER QUALITY STANDARDS FOR CLASS SC WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0221	TIDAL SALT WATER QUALITY STANDARDS FOR CLASS SA WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0222	TIDAL SALT WATER QUALITY STANDARDS FOR CLASS SB WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0223	NUTRIENT SENSITIVE WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0224	HIGH QUALITY WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0225	OUTSTANDING RESOURCE WATERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0226	EXEMPTIONS FROM SURFACE WATER QUALITY STANDARDS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0227	WATER QUALITY MANAGEMENT PLANS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0228	EFFLUENT CHANNELS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0229	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT OFFSET PAYMENTS FOR NON-TAR-PAMLICO BASIN ASSOCIATION MEMBERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0230	ACTIVITIES DEEMED TO COMPLY WITH WETLANDS STANDARDS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, A different type of comment.	This rule is supported. Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester	

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15A NCAC 02B .0230	ACTIVITIES DEEMED TO COMPLY WITH WETLANDS STANDARDS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0231	WETLAND STANDARDS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0231	WETLAND STANDARDS	Lisa Martin	lmartin@nchba.org	NC Home Builders Association	No, unnecessary	Yes, A different type of comment.	Objection is not based on CWA authority, but on lack of authority to implement specific requirements such as stormwater management, buffers and cumulative impact mitigation. See specific examples under comments for 15A NCAC 2H .0506.	
15A NCAC 02B .0232	NEUSE RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: BASIN NUTRIENT REDUCTION GOAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0233	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0233 Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers, as it is currently written. The NCFs would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	
15A NCAC 02B .0233	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0233	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0234	NEUSE RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0235	NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: BASINWIDE STORMWATER REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0236	NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NITROGEN LOADING REDUCTION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0237	BEST MANAGEMENT PRACTICE COST-EFFECTIVENESS RATE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0238	NEUSE RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NITROGEN REDUCTION STRATEGY	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0239	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT MANAGEMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0240	NUTRIENT OFFSET PAYMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0241	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: DELEGATION OF AUTHORITY FOR THE PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0242	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0242	NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment

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15A NCAC 02B .0243	CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0243 Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers, as it is currently written. The NCFS would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	
15A NCAC 02B .0243	CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0243	CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Susan White	snwhite3@ncsu.edu	WRRRI	Yes.	Yes, A different type of comment.	Consider having these rules as a county ordinance and not a state rule since they are likely more focused on preserving the aesthetic of the river and not water quality where the rules are applied to the main stem of the Catawba River they are not likely providing much as far as water quality benefit to the River.	
15A NCAC 02B .0243	CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0244	CATAWBA RIVER BASIN: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS IN THE CATAWBA RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0244	CATAWBA RIVER BASIN: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS IN THE CATAWBA RIVER BASIN	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment
15A NCAC 02B .0248	RANDLEMAN LAKE WATER SUPPLY WATERSHED: NUTRIENT MANAGEMENT STRATEGY	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

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15A NCAC 02B .0249	RANDLEMAN LAKE WATER SUPPLY WATERSHED: WASTEWATER DISCHARGE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0250	RANDLEMAN LAKE WATER SUPPLY WATERSHED: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0250 Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers, as it is currently written. The NCFS would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	

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15A NCAC 02B .0250	RANDLEMAN LAKE WATER SUPPLY WATERSHED: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0251	RANDLEMAN LAKE WATER SUPPLY WATERSHED: STORMWATER REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0252	RANDLEMAN LAKE WATER SUPPLY WATERSHED: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0252	RANDLEMAN LAKE WATER SUPPLY WATERSHED: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0255	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT LOADING GOALS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0256	TAR-PAMLICO RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0257	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT MANAGEMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0258	TAR-PAMLICO RIVER BASIN- NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: BASINWIDE STORMWATER REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0259	TAR-PAMLICO RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0259 Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers, as it is currently written. The NCFs would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	
15A NCAC 02B .0259	TAR-PAMLICO RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0259	TAR-PAMLICO RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0260	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0260	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0261	TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: DELEGATION OF AUTHORITY FOR THE PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0262	JORDAN WATER SUPPLY NUTRIENT STRATEGY: PURPOSE AND SCOPE	Michael Melton	mamelton@aquaamerica.com	AQUA North Carolina, Inc.	Yes.	Yes, A different type of comment.	Would request that nutrient loading requirements effective date of 2021 be updated in rule for TN	
15A NCAC 02B .0262	JORDAN WATER SUPPLY NUTRIENT STRATEGY: PURPOSE AND SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0263	JORDAN WATER SUPPLY NUTRIENT STRATEGY: DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0264	JORDAN WATER SUPPLY NUTRIENT STRATEGY: AGRICULTURE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0265	JORDAN WATER SUPPLY NUTRIENT STRATEGY: STORMWATER MANAGEMENT FOR NEW DEVELOPMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0267	JORDAN WATER SUPPLY NUTRIENT STRATEGY: PROTECTION OF EXISTING RIPARIAN BUFFERS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0267 Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers, as it is currently written. The NCFS would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	
15A NCAC 02B .0267	JORDAN WATER SUPPLY NUTRIENT STRATEGY: PROTECTION OF EXISTING RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0267	JORDAN WATER SUPPLY NUTRIENT STRATEGY: PROTECTION OF EXISTING RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0268	JORDAN WATER SUPPLY NUTRIENT STRATEGY: MITIGATION FOR RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0268	JORDAN WATER SUPPLY NUTRIENT STRATEGY: MITIGATION FOR RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment
15A NCAC 02B .0269	RIPARIAN BUFFER MITIGATION FEES TO THE NC ECOSYSTEM ENHANCEMENT PROGRAM	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0270	JORDAN WATER SUPPLY NUTRIENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0271	JORDAN WATER SUPPLY NUTRIENT STRATEGY: STORMWATER REQUIREMENTS FOR STATE AND FEDERAL ENTITIES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0272	JORDAN WATER SUPPLY NUTRIENT STRATEGY: FERTILIZER MANAGEMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0273	JORDAN WATER SUPPLY NUTRIENT STRATEGY: OPTIONS FOR OFFSETTING NUTRIENT LOADS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0274	NUTRIENT OFFSET PAYMENT RATES FOR THE NC ECOSYSTEM ENHANCEMENT PROGRAM	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0275	FALLS WATER SUPPLY NUTRIENT STRATEGY: PURPOSE AND SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0276	FALLS WATER SUPPLY NUTRIENT STRATEGY: DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0277	FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY: STORMWATER MANAGEMENT FOR NEW DEVELOPMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0278	FALLS WATER SUPPLY NUTRIENT STRATEGY: STORMWATER MANAGEMENT FOR EXISTING DEVELOPMENT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0279	FALLS WATER SUPPLY NUTRIENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0280	FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY: AGRICULTURE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0281	FALLS WATER SUPPLY NUTRIENT STRATEGY: STORMWATER REQUIREMENTS FOR STATE AND FEDERAL ENTITIES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0282	FALLS WATER SUPPLY NUTRIENT STRATEGY: OPTIONS FOR OFFSETTING NUTRIENT LOADS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0301	CLASSIFICATIONS: GENERAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0301	CLASSIFICATIONS: GENERAL	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, A different type of comment.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment
15A NCAC 02B .0302	HIWASSEE RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0303	LITTLE TENN RIVER BASIN AND SAVANNAH RIVER DRAINAGE AREA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0304	FRENCH BROAD RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0305	WATAUGA RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0306	BROAD RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association		Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0307	NEW RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0308	CATAWBA RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0309	YADKIN-PEE DEE RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0310	LUMBER RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0311	CAPE FEAR RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0312	WHITE OAK RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0313	ROANOKE RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0314	CHOWAN RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0315	NEUSE RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0316	TAR-PAMLICO RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0317	PASQUOTANK RIVER BASIN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0402	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0403	DEFINITION OF TERMS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0404	EFFLUENT LIMITATIONS IN WATER QUALITY LIMITED SEGMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0406	EFFLUENT LIMITS IN EFFLUENT LIMITED SEGMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0407	GUIDANCE FOR DETERMINING A NEW SOURCE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0501	PURPOSE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0501	PURPOSE	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Years of data has been collected without proper management or evaluation of compliance. Some permit holders never sample or submit DMR's with little to no enforcement. Companies that strive to truly comply with permit requirements continue to be required to sample when years of data support a high level of compliance. However, regular sampling requirements continue with the annual submittal of more data that goes un-processed or reviewed.	
15A NCAC 02B .0502	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0503	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0504	CLASSIFICATION OF WASTE SOURCES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0505	MONITORING REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0506	REPORTING REQUIREMENTS	Michael Melton	mamelton@aquaaamerica.com	AQUA North Carolina, Inc	Yes.	Yes, A different type of comment.	Should there be language added concerning the requirement to report DMRS electronically?	
15A NCAC 02B .0506	REPORTING REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0508	TESTS AND MEASUREMENTS APPLICABLE TO SICS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0601	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): PURPOSE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0601	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): PURPOSE	Karla Knotts	karlahk@knottsdevelopment.net			Yes, Objection to the rule in whole or in part.	Sediment can not be 'prevented' since ""Sediment" means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin". this rule is impossible to meet. The Word needs to be changed. 'Accelerated Erosion' is a better phrase for this purpose.	
15A NCAC 02B .0602	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): STORMWATER CONTROL REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0603	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): WASTEWATER CONTROL REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0603	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): WASTEWATER CONTROL REQUIREMENTS	Karla Knotts	karlahk@knottsdevelopment.net			Yes, Objection to the rule in whole or in part.	if a property owner can meet the Control Requirements (previous section) there should not be a prohibition on NPDES permits	
15A NCAC 02B .0604	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): CONTROL TOXICITY INCLUDING AMMONIA	Michael Melton	mamelton@aquaamerica.com	AQUA North Carolina, Inc.	Yes.	Yes, A different type of comment.	AQUA would like to have opportunity to sit on stakeholder discussion should this toxicity requirement be re-visited	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0604	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): CONTROL TOXICITY INCLUDING AMMONIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0605	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): RIPARIAN BUFFER WIDTHS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0605	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): RIPARIAN BUFFER WIDTHS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0606	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): VARIANCE FOR ACTIVITIES WITHIN RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0606	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): VARIANCE FOR ACTIVITIES WITHIN RIPARIAN BUFFERS	Karla Knotts	karlahk@knottsdevelopment.net			Yes, Objection to the rule in whole or in part.	Since the buffers are not of record, and only described in word form in statute & rule it is wholly unreasonable for a property owner & their purchaser to know the affect of the buffer on their property. item (v) should be removed (ownership prior to rule passage)	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0606	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): VARIANCE FOR ACTIVITIES WITHIN RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	
15A NCAC 02B .0607	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): BUFFER TYPES AND MANAGING ACTIVITIES WITHIN RIPARIAN BUFFERS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0607	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): BUFFER TYPES AND MANAGING ACTIVITIES WITHIN RIPARIAN BUFFERS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	No, unnecessary	Yes, Objection to the rule in whole or in part.	Has the state been able to verify the success of the various buffer rules? The cost/benefit ratio?	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0608	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: FOREST HARVESTING REQUIREMENTS	Gail Bledsoe	gail.bledsoe@ncagr.gov	North Carolina Forest Service	Yes.	Yes, Objection to the rule in whole or in part.	<p>Below are 2 options that we would like to offer for consideration in lieu of, 02B .0608 Goose Creek Watershed: Management Activities Within Riparian Buffers: Forest Harvesting Requirements, as it is currently written. The NCFCS would welcome being included in any future process to bring about changes to the rule.</p> <p>OPTION 1: Exempt from this rule, silvicultural activities on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through G.S. 277.6 or on forest lands that have a forest management plan prepared or approved by a registered forester. Silvicultural activities are already subject to and required to be in compliance with the North Carolina Forest Practices Guidelines Related to Water Quality (FPGs), 02 NCAC 60C .0100-.0209.</p> <p>OPTION 2: Return to and move forward with the efforts that were underway in 2010 and 2011, with then NCDWQ staff, to replace the individual Riparian Buffer Rules with one Consolidated Riparian Buffer Rule. Having a consolidated buffer rule to replace the current individual ones, and to act as a template for any future ones, will provide the consistency needed to ensure understanding and compliance by those trying to implement the rules.</p> <p>Thank you. North Carolina Forest Service Gail Bledsoe, Staff Forester</p>	

15A NCAC 02B Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02B .0608	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: FOREST HARVESTING REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0609	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: MITIGATION REQUIREMENTS FOR BUFFER IMPACTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02B .0609	SITE SPECIFIC WATER QUALITY MANAGEMENT PLAN FOR THE GOOSE CREEK WATERSHED (YADKIN PEE-DEE RIVER BASIN): MANAGE ACTIVITIES WITHIN RIPARIAN BUFFERS: MITIGATION REQUIREMENTS FOR BUFFER IMPACTS	Jay Stem	ncaa@ncaggregates.org	North Carolina Aggregates Association	Yes.	Yes, Objection to the rule in whole or in part.	Concerning mitigation rates, overall the Neuse has seen very little improve after years of buffer regulations and a tremendous amount of mitigation dollars paid into the fund. The mitigation rates have increased at such a high rate that true mitigation costs of 1-foot of stream impact for example could not have increased from \$125/foot to \$374/foot in 13 years. That is a total of ~200% or 15% per year. As of July of 2013, the rates have jumped again. For comparison - attached is a spreadsheet of the fee schedule for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Program and the link below has the current mitigation rates. http://portal.ncdenr.org/web/eep/fee-schedules	Jay Stem Attachment

May 13, 2014

DENR Rule Comments
1601 Mail Service Center
Raleigh, NC 27699

*Submitted via the DENR Periodic Review and Expiration of Existing Rules website at:
<http://www.ncwater.org/rules-review/> and email*

Re: Comments on DENR proposed classifications of water quality and wetland rules for the rules review process required by Session Law 2013-413

To: NC Department of Environment and Natural Resources,

These comments are being submitted in response to the DENR's proposed classification of water quality and wetland rules for purposes of the rule review required under Session Law 2013-413. The law requires the EMC to determine whether the rules under review should be classified as:

- 1) Necessary with substantive public interest;
- 2) Necessary without substantive public interest; or
- 3) Unnecessary.

The EMC has submitted reports classifying rules in Title 15A, Subchapters 2B, 2H, 2T and 2U of the North Carolina Administrative Code in these three categories. It is our understanding that the 60-day comment period now underway invites public comment on the proposed classification of the rules. Although rule objections may be relevant to concluding that a rule has substantive public interest (which requires re-adoption of the rule), we reserve the right to comment further on the substance of the rules in response to the formal public notice required for re-adoption. As requested by the Rules Review Commission, the EMC reports also indicate whether a rule implements or conforms to a federal statute or rule. We appreciate your consideration of these comments on the EMC reports.

First, we would like to note some general comments. In an earlier letter, we encouraged the EMC to reconsider the decision to put all of the water quality and wetland rules through review and re-adoption without regard to how recently those rules have been adopted. Session Law 2013-413 does not require review of rules adopted or amended within the last ten years. A number of large, complex water quality rule sets have been adopted in the last five years. The workload associated with reviewing those rules will put an unreasonable and unnecessary burden on the EMC and on DENR staff. It will be difficult to do a thoughtful rule review and the volume of rule review activity will also make it difficult for the water quality program to meet its other responsibilities under state and federal law.

Many of the water quality rules also represent comprehensive strategies to address an existing water quality problem. The rule classification process underway now should not be used to identify an individual rule as unnecessary when the rule plays a role in a larger water quality strategy. The nutrient management strategies in particular have been carefully constructed to achieve pollution reductions from all major sources contributing to water quality impairment.

Those rule sets must be reviewed as a whole to insure that the rules continue to meet the Clean Water Act mandate for pollution reductions necessary to achieve water quality standards.

We would also offer more specific comments on the four subchapters:

Subchapter 2B (Surface Water and Wetland Standards): We agree that all of the rules in Subchapter 2B are necessary and have substantive public interest. It is important to note that many of these rules – including all of the standards for nutrient sensitive water bodies – are required to satisfy the Clean Water Act’s requirement that the State must reduce the discharge of pollutants contributing to impaired water quality.

Subchapter 2H (Procedures for Permits and Approvals): Again, we agree that all of the Subchapter 2H rules are necessary and have substantive public interest. The EMC has identified a few of the rules as not implementing or conforming to federal regulations. That determination may be significant for several reasons. Under S.L. 2013-413, failure to review a rule can cause the rule to automatically expire – unless the rule implements or conforms to a federal statute or rule. The relationship between state rules and federal regulations may also become significant in the rule re-adoption process given the APA’s restrictions on adoption of environmental rules that go beyond federal standards.

The EMC report identifies 19 of the 22 rules for local wastewater pretreatment programs as implementing or conforming to federal regulations. While it may be correct that three of the state pretreatment rules are not specifically mandated by federal regulation, the state rules as a whole have been adopted to ensure that local pretreatment programs meet federal requirements. In those circumstances, we think the better course would be to conclude that all of the pretreatment rules implement federal regulations (specifically, that 15A N.C. Admin. Code 02H .0917, .0920, .0922 implement 40 C.F.R. §§ 403.8 and 403.12). Making an overly narrow rule-by-rule decision on the relationship to federal regulations could undermine the overall state pretreatment program. Federal statutes and rules rarely include all of the procedural requirements needed to run a delegated state program. Those additional requirements should still be considered necessary to implement federal regulations.

We are also concerned that the EMC has taken too narrow a view of the relationship between the isolated wetlands rules and implementation of federal regulations. Although isolated wetlands fall outside the scope of the permitting program established in Section 404 of the Clean Water Act, protection of the water quality functions of isolated wetlands has links to other sections of the Clean Water Act that require reduction of pollutant loading to impaired waters and development of plans to reduce nonpoint source pollution. The isolated wetlands rules can also have a role in implementation of other federal laws such as the Endangered Species Act.

Subchapter 2T (Waste Not Discharged to Surface Waters): We agree that all of the Subchapter 2T rules are both necessary and have substantive public interest.

Subchapter 2U (Reclaimed Water): We agree that all of the Subchapter 2U rules are both necessary and have substantive public interest. We also believe the EMC is correct in finding that the reclaimed water rules implement or conform to federal regulation. Some stakeholders

have argued in the past that reclaimed water can be discharged without a Clean Water Act permit. We believe that position reflects a basic misunderstanding of the Clean Water Act and the reclaimed water rules clearly implement federal requirements concerning discharge of wastewater.

Thank you for considering these comments and we look forward to participating in future discussions of the substance of these rules.

Sincerely,

Molly Diggins, State Director
Sierra Club, NC Chapter

Jane Preyer, Director
Environmental Defense Fund, NC Office

Julie Youngman, Senior Attorney
Southern Environmental Law Center

cc: Mr. Benne Hutson, Chair, EMC, Benne.Hutson@gmail.com
Tom Reeder, Division of Water Resources, tom.reeder@ncdenr.gov
Joe DeLuca, Rules Review Commission, joe.deluca@oah.nc.gov

Fee Schedules for the EEP Statewide Stream & Wetland and Riparian Buffer In-Lieu Fee Programs

Fiscal Year	Stream (per foot)	Riparian Wetlands (per acre)	Non-Riparian Wetlands (per acre)	Coastal Marsh (per acre)	Buffer (sq ft)
1990-91	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1991-92	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1992-93	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1993-94	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1994-95	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1995-96	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1996-97	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1997-98	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1998-99	\$125	\$24,000	\$12,000	\$120,000	\$0.96
1999-00	\$125	\$24,000	\$12,000	\$120,000	\$0.96
2000-01	\$125	\$24,000	\$12,000	\$120,000	\$0.96
2001-02	\$125	\$24,000	\$12,000	\$120,000	\$0.96
2002-03	\$125	\$24,000	\$12,000	\$120,000	\$0.96
2003-04	\$200	\$24,000	\$12,000	\$120,000	\$0.96
2004-05	\$205	\$24,552	\$12,276	\$122,760	\$0.96
2005-06	\$219	\$26,246	\$13,123	\$131,230	\$0.96
2006-07	\$232	\$27,847	\$13,924	\$139,235	\$0.96
2007-08	\$245	\$29,351	\$14,676	\$146,754	\$0.96
2008-09 (prior to rule revision)	\$258	\$30,790	\$15,396	\$153,945	\$0.96
2008-09 Low	\$244	\$33,696	\$22,113	\$146,615	\$0.96
2008-09 High	\$323	\$59,600	\$43,000	\$146,615	\$0.96
2009-10 Low	\$260	\$35,853	\$23,528	\$155,998	\$0.96
2009-10 High	\$344	\$63,414	\$45,752	\$155,998	\$0.96
2010-11 Low	\$256	\$35,172	\$23,081	\$153,035	\$0.96
2010-11 High	\$338	\$62,210	\$44,883	\$153,035	\$0.96
2011-12 Low	\$264	\$36,228	\$23,774	\$157,627	\$0.96/\$0.99 *
2011-12 High	\$349	\$64,077	\$46,230	\$157,627	\$0.96/\$0.99 *
2012-13 Low	\$276	\$37,859	\$24,844	\$164,721	\$0.99/\$1.02 *
2012-13 High	\$365	\$66,961	\$48,311	\$164,721	\$0.99/\$1.02 *

* Rules require EEP to adjust buffer fees in January and wetland and stream fees in July.

[Link to high/low fee areas explanation and map for stream and wetland fees](#)