

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0227

DEADLINE FOR RECEIPT: Friday, October 9, 2015

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

Why is Paragraph (a) necessary? It is simply indicating what the Commission will do, not providing any direction to your regulated public.

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.

In (b)(1)(A), please remove the brackets surrounding "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."

Also in (b)(1)(B), is there a cross-reference that you can provide for the public hearing requirement?

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.

In (b)(1)(D), please change "must" to "shall."

In (b)(1)(E), please delete or define "significant."

In (b)(2)(A), by whom and how is the "case by case" determination made?

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.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber Cronk May
Commission Counsel

Date submitted to agency: September 25, 2015