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March 7, 2017

**To:** US EPA Regional Administrator

**CC:**

Michael S. Regan, Secretary, NC DEQ  
Jay Zimmerman, Director, NC DWR  
Marion Hopkins, Assessment, Listing and TMDL Section, EPA Water Protection Division  
Betsy Southerland, Office of Science and Technology Director, EPA HQ  
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Julia Anastasio, Director, Association of Clean Water Administrators

**Subject:** Comments from North Carolina Environmental Management Commission (EMC) (the "State") to US EPA ("EPA") regarding EPA's Dec 8, 2016 proposal to add waterbody-pollutant combinations to the State's April 1, 2016 Section 303(d) List

On February 14, 2017, the North Carolina Environmental Management Commission (EMC) issued comments to EPA regarding EPA's proposal to add waterbody-pollutant combinations to the State's Section 303(d) List. The EMC has asked that I forward this brief summary of those comments to you.

It is our position that the states are responsible under the Clean Water Act (CWA) for defining the protocol for determining attainment and non-attainment of water quality standards in individual waters and identifying impaired and unimpaired waters. EPA has an important role in the process but that role is limited to determining that an individual state's approaches are consistent with the CWA.

The State disagrees with the written statements made by EPA in this matter as either findings or conclusions. The State's methodology is authorized by the State's General Statutes (NCGS § 143B-282(c)), developed by the State with significant input and ultimate approval by the State's EMC after involvement of public input and stakeholders.

The EMC submitted a letter to EPA in 2014 with similar concerns, following EPA's disapproval of components of the State's 2014 303(d) list. Even though DWR staff has requested that EPA sit down and discuss this matter, EPA has not attempted to discuss the differences, other than repeating their same arguments in formal, written correspondence. The State disagrees with the prolonged and drawn out EPA process of approving/disapproving the State's list.

The State respectfully, but strongly, requests EPA to re-evaluate its disapproval of the State's 303(d) submittal, affirm understanding/acceptance of the State's listings based upon the State's Listing Methodology and approve the 303(d) List submitted by the State on April 1, 2016.

Sincerely,

John D. Solomon, Chairman  
North Carolina EMC