



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

Mr. S. Daniel Smith
Director
Division of Water Resources
NC Department of Environmental Quality
512 North Salisbury Street
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Dear Mr. Smith:

The U.S. Environmental Protection Agency Region 4 has completed its review of North Carolina's Triennial Review revisions to its water quality standards (WQS). These revisions were approved for adoption by the North Carolina Environmental Management Commission on July 11, 2019 and became effective for state purposes on November 1, 2019. In a letter dated January 17, 2020, North Carolina's Senior Deputy Attorney General certified that the revisions had been duly adopted according to state law. On February 14, 2020, the EPA received the original signed package for review from the North Carolina Department of Environmental Quality.

In your February 10, 2020 letter, you submitted a number of revisions to the state's previously approved regulations. A significant portion of the changes resulted from a legislative requirement, North Carolina General Statute § 150B-21.3A, which required state agencies to review existing rules every 10 years, determine which rules were necessary, and either re-adopt or repeal each rule as appropriate. As part of that revision and rulemaking effort, the state also reviewed its regulations to satisfy the federal Clean Water Act (CWA) requirement to review existing regulations as part of a triennial review, in addition to addressing the outstanding disapprovals from the state's prior triennial review. We very much appreciate the efforts by your staff, particularly Mrs. Connie Brower, to keep us informed along the way and the preparation of the thorough documentation for the Agency's use during our review. Your staff's extensive efforts have greatly assisted us in completing our review in a timely manner.

In accordance with 40 C.F.R. Section 131.21(c), new and revised state and tribal WQS are not effective for CWA purposes until approved by the EPA. The EPA has concluded the revisions are consistent with the CWA and 40 C.F.R. Part 131. In accordance with Section 303(c) of the CWA and 40 C.F.R. Part 131, and as laid out in the enclosed decision document, the EPA is approving all the revisions identified as new or revised water quality standards.

In addition to the EPA's review pursuant to Section 303(c) of the CWA, Section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the destruction or

adverse modification of designated critical habitat of such species. Regarding consultation activities for Section 7 of the ESA, the EPA Region 4 concluded that the revisions approved by today's action would have no effect on threatened and endangered species or their designated critical habitat. As a result, no further consultation, with either the USFWS or NMFS, is required related to today's action by the EPA.

If you have any questions, please feel free to contact me at (404) 562-9345 or have a member of your staff contact Mrs. Lauren Petter at (404) 562-9272 or petter.lauren@epa.gov.

Sincerely,

Jeanne M. Gettle, Director
Water Division

Enclosure