



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

November 5, 2009

Ms. Joanne Benante
Water Quality Planning Branch
United States Environmental Protection Agency
Region 4 - Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-8960

Re: EPA/State North Carolina Nutrient Criteria Implementation Plan (NCIP)

Dear Ms. Benante:

In accordance with both the proposed EPA FY 10 106 plan and the US EPA/State mutual agreement letter, dated June 27, 2006, the State of North Carolina submitted a comprehensive status report of activities related to the development of nutrient management strategies on January 27, 2009. The State continues to pursue revised chlorophyll a standards and proposals for lower chlorophyll a threshold values as its primary approaches to refined nutrient control criteria. As part of the State required public process, staff presented information to the North Carolina Environmental Management Commission (EMC) on November 12, 2008. This presentation provided an overview of potential revisions to the chlorophyll a standard, the addition of chlorophyll a threshold values and additional information on the implementation efforts that would accompany proposed changes to NC nutrient management actions and water quality standards. Per request of the EMC, staff of the Planning, Surface Water Protection and Environmental Sciences Sections presented more comprehensive information on these proposals at the September 10, 2009 Environmental Management Commission meeting. A full record of proceedings can be obtained through the following link:
<http://h2o.enr.state.nc.us/admin/emc/SeptFinalAgenda.htm>

Staff members representing the Classifications and Standards, NPDES, Stormwater and Nonpoint Source Management Units are actively involved in establishing implementation procedures and policies to accompany these proposed changes. Division staff are evaluating changes to regulations which may include technology based effluent limits for wastewater discharges as part of a multi-tiered approach to refine nutrient controls. Using this approach, municipal, industrial, and stormwater discharges will also be assessed with the goal of preventing further enrichment. This regulatory and policy language to address the NPDES, Stormwater and Nonpoint Source implementation aspects of the proposed chlorophyll a standard revisions and the proposed

threshold values have been drafted and will be presented to the EMC's Water Quality Committee on November 14, 2009. The next step required by the North Carolina Administrative Procedures Act is to obtain approval from the full EMC to take draft proposals out for public notice. Recognizing the importance and magnitude of these potential changes, the Division of Water Quality is requesting the following timeline revisions to the previously approved NCIP. However, to the extent possible, DWQ will seek to complete these steps ahead of schedule.

By May 2010: Receive Environmental Management Commission approval to proceed to public notice with draft proposals for revised chlorophyll a standards and threshold implementation rules.

By May 2011: Revised chlorophyll a criteria and thresholds adopted in NC Water Quality rules, pursuant to the NC Administrative Procedures Act. Threshold implementation plans finalized.

North Carolina remains committed to continued cooperation with the US EPA and to full disclosure in regards to the assessment of water quality in the State. North Carolina remains actively engaged in further developing the existing Nutrient Criteria Implementation Plan to assist in the prevention and protection from future nutrient impairments. Questions or comments regarding the status of revisions to water quality standards may be sent directly to Connie Brower at 919-807-6416. Please call Alan Clark at 919-807-6441 or Jeff Manning at 919-807-6415 for any questions regarding the North Carolina Nutrient Criteria Implementation Plan.

Sincerely,


Cm/ Coleen H. Sullins

cc: Annie Godfrey
Lisa Perras-Gordon
Alan Clark