

G.S. 150B-21.3A Report for 15A NCAC 02E, WATER USE REGISTRATION AND ALLOCATION

Agency - Environmental Management Commission

Comment Period - January 29, 2016 – April 8, 2016

Date Submitted to APO - December 19, 2016

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - GENERAL PROVISIONS	15A NCAC 02E .0106	DEFINITIONS	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0107	DELEGATION	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0300 - REGISTRATION OF WATER WITHDRAWALS AND TRANSFERS	15A NCAC 02E .0301	APPLICATION; PROCESSING FEES	Amended Eff. September 1, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0400 - REGULATION OF SURFACE WATER TRANSFERS	15A NCAC 02E .0401	APPLICABILITY	Eff. September 1, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0402	JUDICIAL REVIEW	Eff. September 1, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0500 - CENTRAL COASTAL PLAIN CAPACITY USE AREA	15A NCAC 02E .0501	DECLARATION AND DELINEATION OF CENTRAL COASTAL PLAIN CAPACITY USE AREA	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0502	WITHDRAWAL PERMITS	Eff. August 1, 2002	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0503	PRESCRIBED WATER USE REDUCTIONS IN CRETACEOUS AQUIFER ZONES	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0504	REQUIREMENTS FOR ENTRY AND INSPECTION	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0505	ACCEPTABLE WITHDRAWAL METHODS THAT DO NOT REQUIRE A PERMIT	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0506	CENTRAL COASTAL PLAIN CAPACITY USE AREA STATUS REPORT	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0507	DEFINITIONS	Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0600 - WATER USE DURING DROUGHTS AND WATER SUPPLY EMERGENCIES	15A NCAC 02E .0601	SCOPE	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0602	DEFINITIONS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0603	GENERAL INFORMATION	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0604	ANNUAL REPORTING OF WATER USE DATA	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0605	WATER USE REDUCTION REPORTING, NEW WATER WITHDRAWAL REPORTING AND REGIONAL COORDINATION DURING DROUGHTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0606	WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0607	PUBLICLY AND PRIVATELY OWNED WATER SYSTEM WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0608	STATE AGENCY WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 15A NCAC 02E, WATER USE REGISTRATION AND ALLOCATION

Agency - Environmental Management Commission

Comment Period - January 29, 2016 – April 8, 2016

Date Submitted to APO - December 19, 2016

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	15A NCAC 02E .0609	LOCAL GOVERNMENT WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0610	BUSINESS AND INDUSTRIAL WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0611	AGRICULTURAL AND HORTICULTURAL WATER SHORTAGE RESPONSE PLANNING REQUIREMENTS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0612	DEFAULT WATER SHORTAGE RESPONSE PLANNING MEASURES	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0613	DEFAULT WATER USE REDUCTION MEASURES DURING NCDMAC EXTREME DROUGHT DESIGNATIONS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0614	DEFAULT WATER USE REDUCTION MEASURES DURING NCDMAC EXCEPTIONAL DROUGHT DESIGNATIONS	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02E .0615	WATER REUSE DURING DROUGHTS AND WATER EMERGENCIES	Eff. March 19, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

Comment and Response Document
15A NCAC 02E, Water Use Registration And Allocation

15A NCAC 02E .0502 WITHDRAWAL PERMITS

Commenter Name: Dwight Respass

Email: dwightr@mchsi.com

Zip: 27962

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: I believe that section (g)4 should be changed to allow a field test for chlorides instead of requiring a test by a state certified laboratory. The Div. of Water Quality Groundwater Management Branch uses the Quantab field chloride titration method of testing in their triannual chloride survey. If this method is sufficiently accurate for state testing it should be more than adequate for permit reporting purposes.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.