



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

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

June 7, 2010

Subject: Request for assistance in determining the economic impact of changing the Surface Water Quality Standards in Title 15A NCAC 2B .0200

To Whom It May Concern:

The Environmental Management Commission has approved the Division of Water Quality (DWQ) to proceed with rulemaking to revise the "Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of N.C." in Title 15A NCAC 2B .0200. Revision of these regulations is required under the Federal Clean Water Act to ensure that they contain the most recent toxicological information. Copies of the proposed rule revisions, with additional information and supporting documentation, can be located on the DWQ web site at <http://portal.ncdenr.org/web/wq/ps/csu/swtrirev>.

North Carolina General Statute 150B requires that economic impacts be identified and, if possible, quantified for parties that may be affected by changes to these surface water quality regulations. In this regard, the DWQ is *soliciting input from your organization on the costs and benefits* of revising these standards.

Proposed changes to surface water quality standards include, but are not limited to:

- Modifications to aquatic life metals standards reflecting updates to the US EPA National Recommended Water Quality Criterion
  - Change to dissolved metals water quality standards
  - Addition of acute standards for metals
  - Application of a statewide default hardness of 25 mg/l for hardness dependent metals
  - Inclusions of metal specific formulas for hardness dependent metals
- Addition of language to address flow criterion for acute standards
- Proposed modifications to chlorophyll a standards for fresh and salt waters
- Modification of the standard for 2,4 D in Water Supply classified waters
- Other stylistic changes

The DWQ is providing guidance to assist you in determining if these rules will impact you, and if so, to what extent. The guidance uses the proposed water quality metals standards to estimate waste load allocations for National Pollutant Discharge Elimination System (NPDES) permit limits and potential changes to Pretreatment Program Publicly Owned Treatment Works and their Industrial Users. Your organization could use this information to review available laboratory data to determine if the proposals would result in a revised permit limit and also evaluate impacts of a revised permit limit. To facilitate the evaluation process, we advise that the Surface Water Protection website: <http://portal.ncdenr.org/web/wq/swp/ps/npdes> with its guidance and calculators be

accessed first, then proceed to the Pretreatment website <http://portal.ncdenr.org/web/wq/swp/ps/pret> for further details with respect to Pretreatment Program Publicly Owned Treatment Works and their industrial users.

If you determine that the proposed changes to 15A NCAC 2B .0200 will impact your organization or facility, the DWQ requests you provide us with information on any additional costs to your operations, or if your evaluation shows effects other than increased costs, such as a cost reduction. The types of information we are requesting could include:

- Which of the proposed changes are the major drivers of costs and/or benefits to your facility;
- The number and location of facilities affected by the proposals, including the distribution of costs between these locations;
- The impact, per fiscal year or calendar year, of the proposals on your organization or facility;
- Costs associated with reducing identified pollutant concentrations to allowable levels, including treatment plant modifications, additional operating costs and materials to maintain compliance with permits;
- Planning costs including additional staff hours, consultant fees;
- Additional costs to interact with regulatory agency(s), including increased monitoring, laboratory analysis and preparing or modifying permits. Note that costs for legal fees, civil penalties and criminal fines are not considered part of this regulatory transaction.

If you do not believe that these proposed amendments to 15A NCAC 2B .0200 will have any impact on your operating costs, we would appreciate that information for our analysis.

These proposed amendments are designed to protect and enhance North Carolina's valuable surface water resources for the citizen's of North Carolina and future generations. With this goal in mind, the DWQ is seeking information with respect to the benefits of maintaining and protecting the functional and aesthetic value of the state's surface waters. Any other economic benefits that can be identified should be submitted.

To allow for an in-depth analysis of costs and benefits by the DWQ, written responses *must be received* within **90** calendar days (**Tuesday, September 7<sup>th</sup> 2010**). Include appropriate data, calculations, methods of analysis and rationale to support your conclusions. Submissions of peer-reviewed article/research papers related to these costs/benefits will also assist the DWQ with its assessment of the fiscal impacts of the proposals. Submissions via e-mail are preferred, US Postal System mailing address is noted below.

We would like to take this opportunity to thank you for your assistance. If you have any questions or need additional information with respect to these proposals, contact us at 919-807-6416 or email at [Connie.Brower@ncdenr.gov](mailto:Connie.Brower@ncdenr.gov).

Regards,



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