.0234 NEUSE RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Neuse River Basin:

(1) All new and expanding dischargers shall document that all practical alternatives to surface water discharge were evaluated pursuant to 15A NCAC 2H .0105(c)(2), prior to a submittal of an application for a discharge. For purposes of this Rule, permitted discharges means those individually permitted and not those covered under general permits.

(2) All wastewater dischargers greater than or equal to 0.5 million gallons per day (MGD) permitted flow regardless of current loading levels shall evaluate and optimize the operation of their facilities in order to reduce nutrient loadings. One year after the effective date of this Rule, a report shall be submitted to the division by each wastewater discharger or collectively by an Association, documenting the efforts/level of reductions achieved.

(3) The collective total nitrogen load for all individually permitted wastewater discharges shall, on an annual mass basis, be no more than 2.8 million pounds per year, unless individual wastewater discharges separately or collectively purchase a portion of the nonpoint source allocation in accordance with the formula for offset payments set forth in 15A NCAC 2B .0240. Items (5), (6) and (7) of this Rule indicate how this load is allocated in the basin. Compliance with the 2.8 million pounds annual average mass load of total nitrogen shall be required within five years of the effective date of this Rule. If dischargers individually choose to make nutrient offset payments per Rule .0240 of this Section, those offset payments shall be required prior to permit issuance and reissuance. Nutrient offset payments made to purchase nitrogen load reductions from nonpoint sources shall not be credited to the existing nonpoint source's load allocation.

(4) Any existing individual discharger or collective group of wastewater dischargers that accepts wastewater from another wastewater treatment facility in the Neuse River Basin and that results in the elimination of the discharge from that wastewater treatment facility shall be allowed to increase the annual mass load of total nitrogen discharged by the annual mass load of total nitrogen allocated to the wastewater treatment facility that is eliminated. If the wastewater treatment system that is to be eliminated has a permitted flow of less than 0.5 MGD, the annual mass load of total nitrogen shall be calculated from the most recent available data on that facility.

(5) The individually permitted wastewater discharges to the Neuse River basin with permitted flows of less than 0.5 MGD in 1995 shall be allocated an annual average mass load of 280,000 pounds of total nitrogen. All existing facilities above Falls Lake Dam with permitted flows greater than or equal to 0.05 MGD shall meet a quarterly average total phosphorus limit of 2 mg/l. More stringent limits may apply to protect water quality standards in localized areas.

(6) The following Sub-Item specifies the nutrient allocations for discharges above Falls Lake with permitted flows greater than or equal to 0.5 MGD in 1995.

(a) The individually permitted discharges above Falls Lake Dam with permitted flows of greater than or equal to 0.5 MGD in 1995 shall be allocated an annual average mass load of 444,000 pounds of total nitrogen. The estimate of the total nitrogen load discharged through the Falls Lake Dam to the lower Neuse River shall be 15 percent, or 66,600 pounds annual average total nitrogen discharged to the lower Neuse River. The load shall be allocated to the individual facilities based upon the ratio of their 1995 permitted flow to the total permitted flow of those dischargers greater than or equal to 0.5 MGD above the Falls Lake Dam.

(b) All existing facilities above Falls Lake Dam with permitted flows greater than or equal to 0.05 MGD shall meet a quarterly average total phosphorus limit of 2 mg/l. More stringent limits may apply to protect water quality standards in localized areas.

(7) The following Sub-Item specifies the nutrient allocations for discharges below Falls Lake with permitted flows greater than or equal to 0.5 MGD in 1995.

(a) Wastewater treatment plants below Falls Lake Dam that have a permitted flow greater than or equal to 0.5 MGD shall be assigned an annual mass loading limit for total nitrogen based upon the ratio of their flow to the sum of the individual flows as set forth in Sub-item (7)(b) of this Rule multiplied by 2.45 million pounds within five years of the effective date of this Rule.

(b) For purposes of the above calculation the flows shall be:
Central Johnston County 4.99 MGD, Raleigh 60 MGD, Clayton 1. 9 MGD, Burlington Industries 5 MGD, Cary-Northside 12 MGD, Wake Forest 6 MGD, Cary-Southside 16 MGD, Apex 3.6 MGD, Fuquay-Varina 6 MGD, Benson 3 MGD, Goldsboro 16.8 MGD, Kinston-Peachtree 6.75 MGD, LaGrange 0.75 MGD, Kinston-Northside 4.5 MGD, Dupont-Kinston 3.6 MGD, Kenly 0.63 MGD, Wilson 14 MGD, Contentnea Sewerage District 2.85, Farmville 3.5 MGD, Zebulon 1.85 MGD, Weyerhaeuser 32 MGD, New Bern 4.7 MGD,

Havelock 1.9 MGD, US Marine Corps Cherry Point 3.5 MGD, CWS Inc. NE Craven Utilities 1 MGD, and Snow Hill 0.5 MGD.

(c) All existing facilities below Falls Lake Dam with permitted flows greater than or equal to 0.5 MGD shall meet a quarterly average total phosphorus limit of 2 mg/l. Upon expansion, these facilities must meet a monthly average total phosphorous limit of 1 mg/l. More stringent limits may apply to protect water quality standards in localized areas.

(8) All new wastewater discharge flows, flows not permitted prior to December 31, 1995, shall document efforts to obtain allocation from the load established in Item (3) of this Rule from existing wastewater discharges. If allocation can not be obtained from the existing dischargers, new dischargers may purchase a portion of the nonpoint source load allocation at a rate of 200 percent of the cost as set in 15A NCAC 2B .0240 to implement practices designed to reduce that same loading created by the new discharge. Payment for the portion of the nonpoint source load allocation purchased shall be made prior to permit issuance and reissuance. The new discharge shall at a minimum comply with an annual mass load of total nitrogen based on a concentration of 3.5 mg/l and their permitted flow. These facilities must meet a monthly average total phosphorous limit of 1 mg/l. More stringent limits may be given to protect water quality standards in localized areas.

(9) The following Sub-Item describes the option for dischargers to join an Association to collectively meet nutrient load allocations.

(a) All dischargers within the basin may form an Association to meet their allocated total nitrogen load collectively. For dischargers that join the Association, an agreement shall be drafted between the Division and the Association that includes annual loading targets. The total nitrogen load allocated to the Association shall be calculated by the sum of the individual allocated loads developed in Items (5), (6) and (7) of this Rule. The membership of the Association shall be established no later than March 1, 1998. All facilities who apply for membership in the Association prior to March 1, 1998 shall be accepted. Thereafter, the Division shall accept new members in the Association on every five-year anniversary of March 1, 1998 based on applications for membership received before that date from facilities existing as of the effective date of this Rule.

(b) This annual total nitrogen loading target shall be met within five years of the effective date of this Rule. The agreement may also require stepwise decreases in total nitrogen loads for the five years following the effective date of this Rule. When developing a final agreement, the Commission shall acknowledge the differences in transport percentages between dischargers above and below Falls Lake Dam. The Association shall also document reduction in total nitrogen loadings for any member facilities located in Craven, Jones, Pamlico and Carteret Counties as a result of their immediate proximity to the estuary. If the Association does not meet its annual total nitrogen loading target in any given year, the Association shall make payments for nonpoint source controls at a rate as set in 15A NCAC 2B .0240. No Association exists, for the purposes of this Rule, until the Agreement is formally approved by the Commission.

(c) All existing Association dischargers below Falls Lake Dam that have a permitted flow greater than or equal to 0.5 MGD shall receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. All existing Association dischargers above Falls Lake Dam that have a permitted flow greater than or equal to 0.05 MGD shall receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. New and expanding Association dischargers shall receive a quarterly average total phosphorus limit of 2 mg/l in their NPDES permits. More stringent phosphorous limits may apply to protect water quality standards in localized areas.

History Note: *Authority G.S. 143-214.1; 143-215; 143-215.1; 143-215.3(a)(1); S.L. 1995, c. 572;*
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