

Information Item: 13-02 Request for Environmental Management Commission (EMC) Review of the Fiscal Analysis Prepared for Proposed Amendments to the Surface Water Quality Standards Rules: 15A NCAC 02B .0200, in accordance with the Federal Water Pollution Control Act

Explanation:

Under Section 303(c)(1) of the Federal Water Pollution Control Act (Clean Water Act), North Carolina has been delegated the authority to establish water quality standards to protect human health and the aquatic environment. In accordance with the Clean Water Act mandate for states to review and modify water quality standards at least once every three years, proposed amendments to 15A NCAC 02B regulations comprised the state's 2008-2012 Triennial Review of Surface Water Quality Standards. The EMC approved taking these proposed rule changes to 15A NCAC 02B .0200 regulations governing surface water quality classifications and standards to public hearing on March 11, 2010.

Based upon NC Administrative Procedures Act, Chapter 150B of the General Statutes and NC Executive Order No. 70, a fiscal analysis has been prepared to enable the EMC and the Office of State Budget Management to review the economic impact related to the proposed rule changes. To estimate potential costs to the regulated community associated with pollution control, and to seek efforts to reduce the burden to regulated parties, DENR reviewed applicable permitting implementation policies, considered adjustments to sampling programs, compliance schedules, the use of site-specific criterion and variances, other relief measures, as well as potential alternative solutions for treatment of wastewater.

Water quality standards are established to protect human health and the environment and it is advantageous to avoid the economic burden needed to clean up polluted waters and restore degraded and/or devastated aquatic habitats. With this in mind, benefits associated with protecting and/or restoring the waters for use by the citizens of North Carolina as well as the recovery and maintenance of aquatic ecosystems have been examined and are included in the fiscal analysis."

The "Fiscal Analysis for the Proposed Amendments to 15A NCAC 02B: Classifications and Water Quality Standards Applicable To Surface Waters and Wetlands of North Carolina" sets out the assumptions, methods, and data used in the required analysis. Information obtained from interested affected parties is included to further explain how conclusions were reached. Based upon data bases and relevant sources available to DENR, the estimated number of regulated parties impacted by the proposed rule change and a summarization of how these parties may be affected is provided.

Staff is submitting the "Fiscal Analysis for the Proposed Amendments to 15A NCAC 02B: Classifications and Water Quality Standards Applicable To Surface Waters and Wetlands of North Carolina" for review. Approval of the analysis will be requested at the EMC's March 2013 meeting.