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March 13, 2013

MEMORANDUM:

To: Charles Wakild, Director
Division of Water Quality

From: Charles Person, Chair
Water Quality Committee

Subject: Delegation of Minor Modifications to Approved Major Variances to the Director

This memo is to inform you of the Water Quality Committee's March 13, 2013 decision delegating approval of minor modifications to approved major variances of the Riparian Buffer Protection Rules to the Director of the Division of Water Quality. This is in accordance with the Water Quality Committee's February 12, 2003 decision delegating approval of minor modifications to approved major variances of the Riparian Buffer Protection Rules to the Director of the Division of Water Quality.

As a condition of this delegation, the Director shall send any requests for modifications to approved major variances to the Water Quality Committee if any of the following criteria are not met:

1. The proposed modification(s) do(es) not change the original preliminary findings that all of the requirements for a Major Variance have been met pursuant to 15A NCAC 02B .0233(9)(a), 15A NCAC 02B .0250(12)(a), 15A NCAC 02B .0259(9)(a), 15A NCAC 02B .0267(12)(a), or 15A NCAC 02B .0606(1)(a);

2. The modifications do not result in additional impacts (either direct or indirect) to buffers or water quality;

3. The modifications comply with the original Commission's approval with conditions or stipulations; and

4. The purpose of the project is unchanged.

Notwithstanding the above criteria, in those instances when the Director determines that approval of a modification merits additional scrutiny, the Director shall forward that request to the Water Quality Committee for its review and deliberation.

This delegation of approval of minor modifications to approved major variances of the Riparian Buffer Protection Rules is effective immediately.

cc: Frank Crawley
Chuck Wakild
Karen Higgins
Lois Thomas