

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Environmental-Management-Commission

RULE CITATION: 15A NCAC 02B .0208

**DEADLINE FOR RECEIPT: Thursday, April 14, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Subpart (a)(2)(B)(xvi), the roman numeral (xv) is missing. Please correct the numbering.*

Please retype the rule accordingly and resubmit it either to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609 or via email.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: April 8, 2022 [v.2: April 11, 2022]

1 15A NCAC 02B .0208 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0208 STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE**

4 (a) Toxic Substances: the concentration of toxic substances, either alone or in combination with other wastes, in  
5 surface waters shall not render waters injurious to aquatic life or wildlife, recreational activities, or public health, nor  
6 shall it impair the waters for any designated uses. Specific standards for toxic substances to protect freshwater and  
7 tidal saltwater uses are listed in Rules .0211 and .0220 of this Section, respectively. The narrative standard for toxic  
8 substances and numerical standards applicable to all waters shall be interpreted as follows:

9 (1) The concentration of toxic substances shall not result in chronic toxicity to aquatic life. Any levels  
10 in excess of the chronic value for aquatic life shall be considered to result in chronic toxicity. In  
11 the absence of direct measurements of chronic toxicity, the concentration of toxic substances shall  
12 not exceed the concentration specified by the fraction of the lowest LC50 value that predicts a no  
13 effect chronic level as determined by the use of an acceptable Acute to Chronic Ratio (ACR) in  
14 accordance with U.S. Environmental Protection Agency (EPA) "Guidelines for Deriving  
15 Numerical Water Quality Criteria for the Protection of Aquatic Life and its Uses." In the absence  
16 of an ACR, that toxic substance shall not exceed one-one hundredth (0.01) of the lowest LC50 or,  
17 if it is demonstrated that a toxic substance has a half-life of less than 96 hours, the maximum  
18 concentration shall not exceed one-twentieth (0.05) of the lowest LC50.

19 (2) The concentration of toxic substances shall not exceed the level necessary to protect human health  
20 through exposure routes of fish tissue consumption, water consumption, recreation, or other route  
21 identified for the water body. Fish tissue consumption shall include the consumption of shellfish.  
22 These concentrations of toxic substances shall be determined as follows:

23 (A) For non-carcinogens, these concentrations shall be determined using a Reference Dose  
24 (RfD) as published by the EPA pursuant to Section 304(a) of the Federal Water Pollution  
25 Control Act as amended, a RfD issued by the EPA as listed in the Integrated Risk  
26 Information System (IRIS) file, or a RfD approved by the Director after consultation with  
27 the State Health director. Water quality standards or criteria used to calculate water  
28 quality based effluent limitations to protect human health through the different exposure  
29 routes shall be determined as follows:

30 (i) Fish tissue consumption:

31 
$$WQS = (RfD \times RSC) \times \text{Body Weight} / (FCR \times BCF)$$

32 where:

33 WQS = water quality standard or criteria;

34 RfD = reference dose;

35 RSC = Relative Source Contribution;

36 FCR = fish consumption rate (based upon 17.5 gm/person-day);

1 BCF = bioconcentration factor or bioaccumulation factor (BAF), as  
2 appropriate.

3 Pursuant to Section 304(a) of the Federal Water Pollution Control Act as amended, BCF  
4 or BAF values, literature values, or site specific bioconcentration data shall be based on  
5 EPA publications; FCR values shall be average consumption rates for a 70 Kg adult for  
6 the lifetime of the population; alternative FCR values may be used when it is considered  
7 necessary to protect localized populations that may be consuming fish at a higher rate;  
8 RSC values, when made available through EPA publications pursuant to Section 304(a)  
9 of the Federal Clean Water Pollution Control Act to account for non-water sources of  
10 exposure may be either a percentage (multiplied) or amount subtracted, depending on  
11 whether multiple criteria are relevant to the chemical;

12 (ii) Water consumption (including a correction for fish consumption):

$$13 \text{ WQS} = (\text{RfD} \times \text{RSC}) \times \text{Body Weight} / [\text{WCR} + (\text{FCR} \times \text{BCF})]$$

14 where:

15 WQS = water quality standard or criteria;

16 RfD = reference dose;

17 RSC = Relative Source Contribution;

18 FCR = fish consumption rate (based upon 17.5 gm/person-day);

19 BCF = bioconcentration factor or bioaccumulation factor (BAF), as  
20 appropriate;

21 WCR = water consumption rate (assumed to be two liters per day for  
22 adults).

23 To protect sensitive groups, exposure shall be based on a 10 Kg child drinking one liter  
24 of water per day. Standards may also be based on drinking water standards based on the  
25 requirements of the Federal Safe Drinking Water Act, 42 U.S.C. 300(f)(g)-1. For  
26 non-carcinogens, specific numerical water quality standards have not been included in  
27 this Rule because water quality standards to protect aquatic life for all toxic substances  
28 for which standards have been considered are more stringent than numerical standards to  
29 protect human health from non-carcinogens through consumption of fish. Standards to  
30 protect human health from non-carcinogens through water consumption are listed under  
31 the water supply classification standards in Rule .0211 of this Section. The equations  
32 listed in this Subparagraph shall be used to develop water quality based effluent  
33 limitations on a case-by-case basis for toxic substances that are not presently included in  
34 the water quality standards. Alternative FCR values may be used when it is necessary to  
35 protect localized populations that may be consuming fish at a higher rate;

36 (B) For carcinogens, the concentrations of toxic substances shall not result in unacceptable  
37 health risks and shall be based on a Carcinogenic Potency Factor (CPF). An unacceptable

1 health risk for cancer shall be more than one case of cancer per one million people  
2 exposed ( $10^{-6}$  risk level). The CPF is a measure of the cancer-causing potency of a  
3 substance estimated by the upper 95 percent confidence limit of the slope of a straight  
4 line calculated by the Linearized Multistage Model or other appropriate model according  
5 to U.S. Environmental Protection Agency Guidelines, FR 51 (185): 33992-34003; and FR  
6 45 (231 Part V): 79318-79379. Water quality standards or criteria for water quality based  
7 effluent limitations shall be calculated using the procedures given in this Part and in Part  
8 (A) of this Subparagraph. Standards to protect human health from carcinogens through  
9 water consumption are listed under the water supply classification standards in Rules  
10 .0212, .0214, .0215, .0216, and .0218 of this Section. Standards to protect human health  
11 from carcinogens through the consumption of fish (and shellfish) only shall be applicable  
12 to all waters as follows:

- 13 (i) Aldrin: 0.05 ng/l;
- 14 (ii) Arsenic: 10 ug/l;
- 15 (iii) Benzene: 51 ug/l;
- 16 (iv) Carbon tetrachloride: 1.6 ug/l;
- 17 (v) Chlordane: 0.8 ng/l;
- 18 (vi) DDT: 0.2 ng/l;
- 19 (vii) Dieldrin: 0.05 ng/l;
- 20 (viii) Dioxin: 0.000005 ng/l;
- 21 (ix) Heptachlor: 0.08 ng/l;
- 22 (x) Hexachlorobutadiene: 18 ug/l;
- 23 (xi) Polychlorinated biphenyls (total of all identified PCBs and congeners): 0.064  
24 ng/l;
- 25 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 31.1 ng/l;
- 26 (xiii) Tetrachloroethane (1,1,2,2): 4 ug/l;
- 27 (xiv) Tetrachloroethylene: 3.3 ~~ug/L~~; ug/l;
- 28 (xvi) Trichloroethylene: 30 ug/l;
- 29 (xvii) Vinyl chloride: 2.4 ~~ug/L~~; ug/l;
- 30 (xviii) 1,4-Dioxane: 80 ug/l.

31 The values listed in Subparts (i) through ~~(xvii)~~ (xviii) of this Part may be adjusted by the  
32 Commission or its designee on a case-by-case basis to account for site-specific or  
33 chemical-specific information pertaining to the assumed BCF, FCR, or CPF values or  
34 other data.

35 (b) Temperature: the Commission may establish a water quality standard for temperature for specific water bodies  
36 other than the standards specified in Rules .0211 and .0220 of this Section upon a case-by-case determination that  
37 thermal discharges to these waters that serve or may serve as a source or receptor of industrial cooling water provide

1 for the maintenance of the designated best use throughout a portion of the water body. Such revisions of the  
2 temperature standard shall be consistent with the provisions of Section 316(a) of the Federal Water Pollution  
3 Control Act, as amended. A list of such revisions shall be maintained and made available to the public by the  
4 Division.

5

6 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*

7 *Eff. February 1, 1976;*

8 *Amended Eff. May 1, 2007; April 1, 2003; February 1, 1993; October 1, 1989; January 1, 1985;*

9 *September 9, 1979;*

10 *Readopted Eff. November 1, 2019;*

11 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0212 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0212 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-I**  
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-I.  
6 Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to  
7 Class WS-I waters.

- 8 (1) The best usage of waters classified as WS-I shall be as a source of water supply for drinking,  
9 culinary, or food processing purposes for those users desiring maximum protection of their water  
10 supplies in the form of the most stringent WS classification, and any best usage specified for Class  
11 C waters. Class WS-I waters are waters located on land in public ownership and waters located in  
12 undeveloped watersheds.
- 13 (2) The best usage of waters classified as WS-I shall be maintained as follows:
- 14 (a) Water quality standards in a WS-I watershed shall meet the requirements as specified in  
15 Item (3) of this Rule.
- 16 (b) Wastewater and stormwater point source discharges in a WS-I watershed shall meet the  
17 requirements as specified in Item (4) of this Rule.
- 18 (c) Nonpoint source pollution in a WS-I watershed shall meet the requirements as specified in  
19 Item (5) of this Rule.
- 20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall  
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,  
22 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National  
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public  
24 Water Supplies, 15A NCAC 18C .1500, incorporated by reference including subsequent  
25 amendments and editions.
- 26 (e) Sources of water pollution that preclude any of the best uses on either a short-term or  
27 long-term basis shall be deemed to violate a water quality standard.
- 28 (f) The Class WS-I classification may be used to protect portions of Class WS-II, WS-III, and  
29 WS-IV water supplies. For reclassifications occurring after the July 1, 1992 statewide  
30 reclassification, a WS-I classification that is requested by local governments shall be  
31 considered by the Commission if all local governments having jurisdiction in the affected  
32 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-  
33 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when  
34 one or more local governments has failed to adopt protective measures as required by this  
35 Sub-Item.
- 36 (3) Water quality standards applicable to Class WS-I Waters shall be as follows:

- 1 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the  
2 aesthetic qualities of water supplies and to prevent foaming;
- 3 (b) Total coliforms shall not exceed 50/100 ml (MF count) as a monthly geometric mean value  
4 in watersheds serving as unfiltered water supplies;
- 5 (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from  
6 taste and odor problems from chlorinated phenols;
- 7 (d) Solids, total dissolved: not greater than exceed 500 mg/l;
- 8 (e) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO<sub>3</sub> or Ca + Mg);
- 9 (f) Toxic and other deleterious substances that are non-carcinogens:
- 10 (i) Barium: 1.0 mg/l;
- 11 (ii) Chloride: 250 mg/l;
- 12 (iii) Nickel: 25 ug/l;
- 13 (iv) Nitrate nitrogen: 10.0 mg/l;
- 14 (v) 2,4-D: 70 ug/l;
- 15 (vi) 2,4,5-TP (Silvex): 10 ug/l; and
- 16 (vii) Sulfates: 250 mg/l;
- 17 (g) Toxic and other deleterious substances that are carcinogens:
- 18 (i) Aldrin: 0.05 ng/l;
- 19 (ii) Arsenic: 10 ug/l;
- 20 (iii) Benzene: 1.19 ug/l;
- 21 (iv) Carbon tetrachloride: 0.254 ug/l;
- 22 (v) Chlordane: 0.8 ng/l;
- 23 (vi) Chlorinated benzenes: 488 ug/l;
- 24 (vii) DDT: 0.2 ng/l;
- 25 (viii) Dieldrin: 0.05 ng/l;
- 26 (ix) Dioxin: 0.000005 ng/l;
- 27 (x) Heptachlor: 0.08 ng/l;
- 28 (xi) Hexachlorobutadiene: 0.44 ug/l;
- 29 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
- 30 (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
- 31 (xiv) Tetrachloroethylene: 0.7 ug/l;
- 32 (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
- 33 (xvi) Vinyl Chloride: 0.025 ~~ug/l.~~ ug/l; and
- 34 (xvii) 1,4-Dioxane: 0.35 ug/l.
- 35 (4) Wastewater and stormwater point source discharges in a WS-I watershed shall be permitted pursuant  
36 to 15A NCAC 02B .0104.

1 (5) Nonpoint source pollution in a WS-I watershed shall not have an adverse impact, as defined in 15A  
2 NCAC 02H .1002, on use as a water supply or any other designated use.

3

4 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*

5 *Eff. February 1, 1976;*

6 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995; February 1, 1993;*

7 *March 1, 1991; October 1, 1989;*

8 *Readopted Eff. November 1, 2019;*

9 *Amended Eff. May 1, 2022.*

10



1 15A NCAC 02B .0214 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0214 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-II**  
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as  
6 WS-II. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply  
7 to Class WS-II waters.

- 8 (1) The best usage of waters classified as WS-II shall be as a source of water supply for drinking,  
9 culinary, or food-processing purposes for those users desiring maximum protection for their water  
10 supplies where a WS-I classification is not feasible as determined by the Commission in accordance  
11 with Rule .0212 of this Section and any best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-II shall be maintained as follows:
- 13 (a) Water quality standards in a WS-II watershed shall meet the requirements as specified in  
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the  
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-II watershed shall meet the requirements as specified  
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall  
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,  
21 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National  
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public  
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or  
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II classification may be used to protect portions of Class WS-III and WS-IV  
27 water supplies. For reclassifications of these portions of Class WS-III and WS-IV water  
28 supplies occurring after the July 1, 1992 statewide reclassification, a WS-II classification  
29 that is requested by local governments shall be considered by the Commission if all local  
30 governments having jurisdiction in the affected areas have adopted a resolution and the  
31 appropriate ordinances as required by G.S. 143-214.5(d) to protect the watershed or if the  
32 Commission acts to protect a watershed when one or more local governments has failed to  
33 adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-II Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the  
36 aesthetic qualities of water supplies and to prevent foaming;

- 1 (b) Odor producing substances contained in sewage or other wastes: only such amounts,  
2 whether alone or in combination with other substances or wastes, as shall not cause  
3 organoleptic effects in water supplies that cannot be corrected by treatment, impair the  
4 palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any  
5 best usage established for waters of this class;
- 6 (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from  
7 taste and odor problems from chlorinated phenols;
- 8 (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO<sub>3</sub> or Ca + Mg);
- 9 (e) Solids, total dissolved: not greater than 500 mg/l;
- 10 (f) Toxic and other deleterious substances that are non-carcinogens:  
11 (i) Barium: 1.0 mg/l;  
12 (ii) Chloride: 250 mg/l;  
13 (iii) Nickel: 25 ug/l;  
14 (iv) Nitrate nitrogen: 10.0 mg/l;  
15 (v) 2,4-D: 70 ug/l;  
16 (vi) 2,4,5-TP (Silvex): 10 ug/l; and  
17 (vii) Sulfates: 250 mg/l;
- 18 (g) Toxic and other deleterious substances that are carcinogens:  
19 (i) Aldrin: 0.05 ng/l;  
20 (ii) Arsenic: 10 ug/l;  
21 (iii) Benzene: 1.19 ug/l;  
22 (iv) Carbon tetrachloride: 0.254 ug/l;  
23 (v) Chlordane: 0.8 ng/l;  
24 (vi) Chlorinated benzenes: 488 ug/l;  
25 (vii) DDT: 0.2 ng/l;  
26 (viii) Dieldrin: 0.05 ng/l;  
27 (ix) Dioxin: 0.000005 ng/l;  
28 (x) Heptachlor: 0.08 ng/l;  
29 (xi) Hexachlorobutadiene: 0.44 ug/l;  
30 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;  
31 (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;  
32 (xiv) Tetrachloroethylene: 0.7 ug/l;  
33 (xv) Trichloroethylene: 2.5 ug/l; ~~and~~  
34 (xvi) Vinyl Chloride: 0.025 ~~ug/l.~~ ug/l; and  
35 (xvii) 1,4-Dioxane: 0.35 ug/l.
- 36 (4) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the following  
37 requirements:

- 1 (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127  
2 shall be allowed in the entire watershed.
- 3 (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed  
4 in the entire watershed.
- 5 (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A  
6 NCAC 02H .0126 shall be allowed in the entire watershed.
- 7 (d) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed  
8 except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104 of this  
9 Subchapter, and none shall be allowed that have an adverse effect on human health or that  
10 are not treated in accordance with the permit or other requirements established by the  
11 Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall  
12 disclose all chemical constituents present or potentially present in their wastes and  
13 chemicals that could be spilled or be present in runoff from their facility that may have an  
14 adverse impact on downstream water quality. These facilities may be required to have spill  
15 and treatment failure control plans as well as perform special monitoring for toxic  
16 substances.
- 17 (e) New domestic and industrial discharges of treated wastewater that are subject to Individual  
18 NPDES Permits shall not be allowed in the entire watershed.
- 19 (f) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be  
20 issued for landfills that discharge treated leachate in the remainder of the watershed.
- 21 (g) No new permitted sites for land application of residuals or petroleum contaminated soils  
22 shall be allowed in the Critical Area.
- 23 (5) Nonpoint source pollution in a WS-II watershed shall meet the following requirements:
- 24 (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water  
25 supply or any other designated use.
- 26 (b) Class WS-II waters shall be protected as water supplies that are located in watersheds that  
27 meet average watershed development density levels specified for Class WS-II waters in  
28 Rule .0624 of this Subchapter.
- 29

30 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*  
31 *Eff. May 10, 1979;*  
32 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;*  
33 *Readopted Eff. November 1, 2019;*  
34 *Amended Eff. May 1, 2022.*  
35

1 15A NCAC 02B .0215 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0215 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-III**  
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as  
6 WS-III. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also  
7 apply to Class WS-III waters.

- 8 (1) The best usage of waters classified as WS-III shall be as a source of water supply for drinking,  
9 culinary, or food-processing purposes for those users where a more protective WS-I or WS-II  
10 classification is not feasible as determined by the Commission in accordance with Rules .0212 and  
11 .0214 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-III shall be maintained as follows:
- 13 (a) Water quality standards in a WS-III watershed shall meet the requirements as specified in  
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the  
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-III watershed shall meet the requirements as specified  
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall  
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,  
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National  
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public  
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or  
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-III classification may be used to protect portions of Class WS-IV water  
27 supplies. For reclassifications of these portions of WS-IV water supplies occurring after  
28 the July 1, 1992 statewide reclassification, a ~~WS-II classification~~ more protective  
29 classification, such as WS-III, that is requested by local governments shall be considered  
30 by the Commission if all local governments having jurisdiction in the affected areas have  
31 adopted a resolution and the appropriate ordinances as required by G.S. 143-214.5(d) to  
32 protect the watershed or if the Commission acts to protect a watershed when one or more  
33 local governments has failed to adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-III Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the  
36 aesthetic qualities of water supplies and to prevent foaming;

- 1 (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only  
2 such amounts, whether alone or in combination with other substances or wastes, as shall  
3 not cause organoleptic effects in water supplies that cannot be corrected by treatment,  
4 impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H  
5 .1002, on any best usage established for waters of this class;
- 6 (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from  
7 taste and odor problems from chlorinated phenols;
- 8 (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO<sub>3</sub> or Ca + Mg);
- 9 (e) Solids, total dissolved: not greater than 500 mg/l;
- 10 (f) Toxic and other deleterious substances that are non-carcinogens:
- 11 (i) Barium: 1.0 mg/l;
- 12 (ii) Chloride: 250 mg/l;
- 13 (iii) Nickel: 25 ug/l;
- 14 (iv) Nitrate nitrogen: 10.0 mg/l;
- 15 (v) 2,4-D: 70 ug/l;
- 16 (vi) 2,4,5-TP (Silvex): 10 ug/l; and
- 17 (vii) Sulfates: 250 mg/l;
- 18 (g) Toxic and other deleterious substances that are carcinogens:
- 19 (i) Aldrin: 0.05 ng/l;
- 20 (ii) Arsenic: 10 ug/l;
- 21 (iii) Benzene: 1.19 ug/l;
- 22 (iv) Carbon tetrachloride: 0.254 ug/l;
- 23 (v) Chlordane: 0.8 ng/l;
- 24 (vi) Chlorinated benzenes: 488 ug/l;
- 25 (vii) DDT: 0.2 ng/l;
- 26 (viii) Dieldrin: 0.05 ng/l;
- 27 (ix) Dioxin: 0.000005 ng/l;
- 28 (x) Heptachlor: 0.08 ng/l;
- 29 (xi) Hexachlorobutadiene: 0.44 ug/l;
- 30 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
- 31 (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
- 32 (xiv) Tetrachloroethylene: 0.7 ug/l;
- 33 (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
- 34 (xvi) Vinyl Chloride: 0.025 ~~ug/l.~~ ug/l; and
- 35 (xvii) 1,4-Dioxane: 0.35 ug/l.
- 36 (4) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the following  
37 requirements:

- 1 (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127  
2 shall be allowed in the entire watershed.
- 3 (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed  
4 in the entire watershed.
- 5 (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A  
6 NCAC 02H .0126 shall be allowed in the entire watershed.
- 7 (d) New domestic wastewater discharges that are subject to Individual NPDES Permits shall  
8 not be allowed in the Critical Area and are allowed in the remainder of the watershed.
- 9 (e) New industrial wastewater discharges that are subject to Individual NPDES Permits except  
10 non-process industrial discharges shall not be allowed in the entire watershed.
- 11 (f) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed  
12 except for those allowed by Sub-Items (a) through (e) of this Item or Rule .0104 of this  
13 Subchapter, and none shall be allowed that have an adverse effect on human health or that  
14 are not treated in accordance with the permit or other requirements established by the  
15 Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall  
16 disclose all chemical constituents present or potentially present in their wastes and  
17 chemicals that could be spilled or be present in runoff from their facility that may have an  
18 adverse impact on downstream water quality. These facilities may be required to have spill  
19 and treatment failure control plans as well as perform special monitoring for toxic  
20 substances.
- 21 (g) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be  
22 issued for landfills to discharge treated leachate in the remainder of the watershed.
- 23 (h) No new permitted sites for land application of residuals or petroleum contaminated soils  
24 shall be allowed in the Critical Area.
- 25 (5) Nonpoint source pollution in a WS-III watershed shall meet the following requirements:
- 26 (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water  
27 supply or any other designated use.
- 28 (b) Class WS-III waters shall be protected as water supplies that are located in watersheds that  
29 meet average watershed development density levels specified Class WS-III waters in Rule  
30 .0624 of this Subchapter.

31

32 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*  
33 *Eff. September 9, 1979;*  
34 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;*  
35 *October 1, 1989;*  
36 *Readopted Eff. November 1, 2019;*  
37 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0216 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0216 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-IV**  
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-  
6 IV. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to  
7 Class WS-IV waters.

- 8 (1) The best usage of waters classified as WS-IV shall be as a source of water supply for drinking,  
9 culinary, or food-processing purposes for those users where a more protective WS-I, WS-II or WS-  
10 III classification is not feasible as determined by the Commission in accordance with Rules .0212  
11 through .0215 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-IV shall be maintained as follows:
- 13 (a) Water quality standards in a WS-IV watershed shall meet the requirements as specified in  
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the  
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-IV watershed shall meet the requirements as specified  
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall  
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,  
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National  
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public  
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or  
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II or WS-III classifications may be used to protect portions of Class WS-IV  
27 water supplies. For reclassifications of these portions of WS-IV water supplies occurring  
28 after the July 1, 1992 statewide reclassification, a ~~WS-IV classification~~ more protective  
29 classification, such as a WS-II or WS-III, that is requested by local governments shall be  
30 considered by the Commission if all local governments having jurisdiction in the affected  
31 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-  
32 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when  
33 one or more local governments has failed to adopt protective measures as required by this  
34 Sub-Item.
- 35 (3) Water quality standards applicable to Class WS-IV Waters shall be as follows:
- 36 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the  
37 aesthetic qualities of water supplies and to prevent foaming;

- 1 (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only  
2 such amounts, whether alone or in combination with other substances or waste, as will not  
3 cause organoleptic effects in water supplies that cannot be corrected by treatment, impair  
4 the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on  
5 any best usage established for waters of this class;
- 6 (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from  
7 taste and odor problems due to chlorinated phenols shall be allowed. Specific phenolic  
8 compounds may be given a different limit if it is demonstrated not to cause taste and odor  
9 problems and not to be detrimental to other best usage;
- 10 (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO<sub>3</sub> or Ca + Mg);
- 11 (e) Solids, total dissolved: not greater than 500 mg/l;
- 12 (f) Toxic and other deleterious substances that are non-carcinogens:
- 13 (i) Barium: 1.0 mg/l;
- 14 (ii) Chloride: 250 mg/l;
- 15 (iii) Nickel: 25 ug/l;
- 16 (iv) Nitrate nitrogen: 10.0 mg/l;
- 17 (v) 2,4-D: 70 ug/l;
- 18 (vi) 2,4,5-TP (Silvex): 10 ug/l; and
- 19 (vii) Sulfates: 250 mg/l;
- 20 (g) Toxic and other deleterious substances that are carcinogens:
- 21 (i) Aldrin: 0.05 ng/l;
- 22 (ii) Arsenic: 10 ug/l;
- 23 (iii) Benzene: 1.19 ug/l;
- 24 (iv) Carbon tetrachloride: 0.254 ug/l;
- 25 (v) Chlordane: 0.8 ng/l;
- 26 (vi) Chlorinated benzenes: 488 ug/l;
- 27 (vii) DDT: 0.2 ng/l;
- 28 (viii) Dieldrin: 0.05 ng/l;
- 29 (ix) Dioxin: 0.000005 ng/l;
- 30 (x) Heptachlor: 0.08 ng/l;
- 31 (xi) Hexachlorobutadiene: 0.44 ug/l;
- 32 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
- 33 (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
- 34 (xiv) Tetrachloroethylene: 0.7 ug/l;
- 35 (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
- 36 (xvi) Vinyl Chloride: 0.025 ~~ug/l.~~ ug/l; and
- 37 (xvii) 1,4-Dioxane: 0.35 ug/l.



1 (4) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the following  
2 requirements:

3 (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127  
4 shall be allowed in the entire watershed.

5 (b) Discharges from domestic facilities, industrial facilities and trout farms that are subject to  
6 Individual NPDES Permits shall be allowed in the entire watershed.

7 (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A  
8 NCAC 02H .0126 shall be allowed in the entire watershed.

9 (d) No discharge of sewage, industrial wastes, or other wastes shall be allowed in the entire  
10 watershed except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104  
11 of this Subchapter, and none shall be allowed that have an adverse effect on human health  
12 or that are not treated in accordance with the permit or other requirements established by  
13 the Division pursuant to G.S. 143-215.1. Upon request by the Commission, dischargers or  
14 industrial users subject to pretreatment standards shall disclose all chemical constituents  
15 present or potentially present in their wastes and chemicals that could be spilled or be  
16 present in runoff from their facility which may have an adverse impact on downstream  
17 water supplies. These facilities may be required to have spill and treatment failure control  
18 plans as well as perform special monitoring for toxic substances.

19 (e) New industrial discharges of treated wastewater in the critical area shall meet the  
20 provisions of Rule .0224(c)(2)(D), (E), and (G) of this Section and Rule .0203 of this  
21 Section.

22 (f) New industrial connections and expansions to existing municipal discharges with a  
23 pretreatment program pursuant to 15A NCAC 02H .0904 shall be allowed in the entire  
24 watershed.

25 (g) No new landfills shall be allowed in the Critical Area.

26 (h) No new permitted sites for land application residuals or petroleum contaminated soils shall  
27 be allowed in the Critical Area.

28 (5) Nonpoint source pollution in a WS-IV watershed shall meet the following requirements:

29 (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water  
30 supply or any other designated use.

31 (b) Class WS-IV waters shall be protected as water supplies that are located in watersheds that  
32 meet average watershed development density levels specified for Class WS-IV waters in  
33 Rule .0624 of this Subchapter.

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35 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*  
36 *Eff. February 1, 1986;*

1 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; June 1, 1996; October 1, 1995; August*  
2 *1, 1995; June 1, 1994;*  
3 *Readopted Eff. November 1, 2019;*  
4 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0218 is amended as published in 35:22 NCR 2407-2433 as follows:

2  
3 **15A NCAC 02B .0218 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-V**  
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as  
6 WS-V. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply  
7 to Class WS-V waters.

- 8 (1) The best usage of waters classified as WS-V shall be as waters that are protected as water supplies  
9 which are generally upstream and draining to Class WS-IV waters; waters previously used for  
10 drinking water supply purposes; or waters used by industry to supply their employees, but not  
11 municipalities or counties, with a raw drinking water supply source, although this type of use is not  
12 restricted to WS-V classification; and all Class C uses.
- 13 (2) The best usage of waters classified as WS-V shall be maintained as follows:
- 14 (a) Water quality standards in a WS-V water shall meet the requirements as specified in Item  
15 (3) of this Rule.
- 16 (b) Wastewater and stormwater point source discharges in a WS-V water shall meet the  
17 requirements as specified in Item (4) of this Rule.
- 18 (c) Nonpoint source pollution in a WS-V water shall meet the requirements as specified in  
19 Item (5) of this Rule.
- 20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall  
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,  
22 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National  
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public  
24 Water Supplies, 15A NCAC 18C .1500.
- 25 (e) The Commission or its designee may apply management requirements for the protection  
26 of waters downstream of receiving waters provided in Rule .0203 of this Section.
- 27 (f) The Commission shall consider a more protective classification for the water supply if a  
28 resolution requesting a more protective classification is submitted from all local  
29 governments having land use jurisdiction within the affected watershed.
- 30 (g) Sources of water pollution that preclude any of the best uses on either a short-term or  
31 long-term basis shall be deemed to violate a water quality standard;
- 32 (3) Water quality standards applicable to Class WS-V Waters shall be as follows:
- 33 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the  
34 aesthetic qualities of water supplies and to prevent foaming;
- 35 (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only  
36 such amounts, whether alone or in combination with other substances or waste, as will not  
37 cause organoleptic effects in water supplies that can not be corrected by treatment, impair

1 the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on  
2 any best usage established for waters of this class;

3 (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from  
4 taste and odor problems due to chlorinated phenols. Specific phenolic compounds may be  
5 given a different limit if it is demonstrated not to cause taste and odor problems and not to  
6 be detrimental to other best usage;

7 (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO<sub>3</sub> or Ca + Mg);

8 (e) Solids, total dissolved: not greater than 500 mg/l;

9 (f) Toxic and other deleterious substances that are non-carcinogens:

10 (i) Barium: 1.0 mg/l;

11 (ii) Chloride: 250 mg/l;

12 (iii) Nickel: 25 ug/l;

13 (iv) Nitrate nitrogen: 10.0 mg/l;

14 (v) 2,4-D: 70 ug/l;

15 (vi) 2,4,5-TP (Silvex): 10 ug/l; and

16 (vii) Sulfates: 250 mg/l;

17 (g) Toxic and other deleterious substances that are carcinogens:

18 (i) Aldrin: 0.05 ng/l;

19 (ii) Arsenic: 10 ug/l;

20 (iii) Benzene: 1.19 ug/l;

21 (iv) Carbon tetrachloride: 0.254 ug/l;

22 (v) Chlordane: 0.8 ng/l;

23 (vi) Chlorinated benzenes: 488 ug/l;

24 (vii) DDT: 0.2 ng/l;

25 (viii) Dieldrin: 0.05 ng/l;

26 (ix) Dioxin: 0.000005 ng/l;

27 (x) Heptachlor: 0.08 ng/l;

28 (xi) Hexachlorobutadiene: 0.44 ug/l;

29 (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;

30 (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;

31 (xiv) Tetrachloroethylene: 0.7 ug/l;

32 (xv) Trichloroethylene: 2.5 ug/l; and

33 (xvi) Vinyl Chloride: 0.025 ~~ug/l.~~ ug/l; and

34 (xvii) 1,4-Dioxane: 0.35 ug/l.

35 (4) No discharge of sewage, industrial wastes, or other wastes shall be allowed that have an adverse  
36 effect on human health or that are not treated in accordance with the permit or other requirements  
37 established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission,

1 dischargers or industrial users subject to pretreatment standards shall disclose all chemical  
2 constituents present or potentially present in their wastes and chemicals that could be spilled or be  
3 present in runoff from their facility which may have an adverse impact on downstream water quality.  
4 These facilities may be required to have spill and treatment failure control plans as well as perform  
5 special monitoring for toxic substances.

6 (5) Nonpoint Source pollution in a WS-V water shall not have an adverse impact on waters for use as  
7 water supply or any other designated use.

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9 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*  
10 *Eff. October 1, 1989;*  
11 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995;*  
12 *Readopted Eff. November 1, 2019;*  
13 *Amended Eff. May 1, 2022.*