



# ENVIRONMENTAL MANAGEMENT COMMISSION

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September 11, 2014

TO: RULES REVIEW COMMISSION  
FROM: Benne Hutson, Chair, Environmental Management Commission  
RE: Periodic Review of Existing Rules

The Environmental Management Commission (EMC) has conducted its periodic review of existing rules required by SL 2013-413 for the following subchapters:

15A NCAC 02B  
15A NCAC 02H  
15A NCAC 02T  
15A NCAC 02U

The EMC proposed an initial classification of "necessary with substantive public interest" for all of the rules contained in these subchapters. During the public comment period, 871 comments/other statements were received. Approximately 50 were considered "public comment" as defined in G.S. 150B-21.3A(a)(5). The EMC acted to keep the determinations as "necessary with substantive public interest" as the final agency determination at its regular meeting on September 11, 2014. The following response will apply, that the EMC will consider and/or address all comments during the rule re-adoption process. The report for the Rules Review Commission is attached. Copies of all of the comments and other statements received are also attached. The comments/statements are also available electronically via today's agenda on the EMC's webpage (<http://portal.ncdenr.org/web/emc/agenda/2014/home>).

Attachments:  
Subchapter Reports  
The Comments/Statements  
Forms 0800

**G.S. 150B-21.3A Report for 15A NCAC Subchapter 02T, WASTE NOT DISCHARGED TO SURFACE WATERS**

Agency - Environmental Management Commission

Comment Period - 3/17/14-5/21/14

Date Submitted to APO - Filled in by RRC staff

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
<b>SECTION .0100-GENERAL REQUIREMENTS</b>	15A NCAC 02T .0101	PURPOSE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0102	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0103	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	Yes	Necessary with substantive public interest
	15A NCAC 02T .0104	ACTIVITIES WHICH REQUIRE A PERMIT	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0105	GENERAL REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0106	SUBMISSION OF PERMIT APPLICATIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0107	STAFF REVIEW AND PERMIT PREPARATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0108	FINAL ACTION ON PERMIT APPLICATIONS TO THE DIVISION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0109	PERMIT RENEWALS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0110	MODIFICATION AND REVOCATION OF PERMITS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0111	CONDITIONS FOR ISSUING GENERAL PERMITS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0112	DELEGATION OF AUTHORITY	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0113	PERMITTING BY REGULATION	Amended Eff. June 18, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0114	WASTEWATER DESIGN FLOW RATES	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0115	OPERATIONAL AGREEMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest

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	15A NCAC 02T .0116	CERTIFICATION OF COMPLETION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0117	TREATMENT FACILITY OPERATION AND MAINTENANCE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0118	DEMONSTRATION OF FUTURE WASTEWATER TREATMENT CAPACITIES	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0120	HISTORICAL CONSIDERATION IN PERMIT APPROVAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0200 - WASTEWATER PUMP AND HAUL SYSTEMS</b>	15A NCAC 02T .0201	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0203	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0204	PERMITTING	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0300 - SEWER EXTENSIONS</b>	15A NCAC 02T .0301	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0302	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0303	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0304	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0305	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0306	LOCAL PROGRAMS FOR SEWER SYSTEMS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0400 - SYSTEM-WIDE COLLECTION SYSTEM PERMITTING</b>	15A NCAC 02T .0401	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest

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	15A NCAC 02T .0402	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0403	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0404	MULTIPLE COLLECTION SYSTEMS UNDER COMMON OWNERSHIP	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0405	IMPLEMENTATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0500 – WASTEWATER IRRIGATION SYSTEMS</b>	15A NCAC 02T .0501	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0504	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0505	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0506	SETBACKS	Amended Eff. June 18, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0507	OPERATION AND MAINTENANCE PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0508	RESIDUALS MANAGEMENT PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0600 – SINGLE-FAMILY RESIDENCE WASTEWATER IRRIGATION SYSTEMS</b>	15A NCAC 02T .0601	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0604	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0605	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0606	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest

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	15A NCAC 02T .0607	CONNECTION TO REGIONAL SYSTEM	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0700 – HIGH RATE INFILTRATION SYSTEMS</b>	15A NCAC 02T .0701	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0702	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0704	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	Yes	Necessary with substantive public interest
	15A NCAC 02T .0705	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0706	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0707	OPERATION AND MAINTENANCE PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0708	RESIDUALS MANAGEMENT PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .0800 – OTHER NON-DISCHARGE WASTEWATER SYSTEMS</b>	15A NCAC 02T .0801	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0804	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0805	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .0806	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .1000 – CLOSED-LOOP RECYCLE SYSTEMS</b>	15A NCAC 02T .1001	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 02T .1003	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 02T .1004	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 02T .1005	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	15A NCAC 02T .1006	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 02T .1007	OPERATIONS AND MAINTENANCE PLAN	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 02T .1008	RESIDUALS MANAGEMENT PLAN	Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
<b>SECTION .1100 – RESIDUALS MANAGEMENT</b>	15A NCAC 02T .1101	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1102	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a), 40 CFR 503.11(l)	No	Necessary with substantive public interest
	15A NCAC 02T .1103	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1104	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1105	POLLUTANT LIMITS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1106	PATHOGEN REDUCTION REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1107	VECTOR ATTRACTION REDUCTION REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1108	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1109	OPERATION AND MANAGEMENT PRACTICES	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1110	OPERATION AND MAINTENANCE PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A ncac 02T .1111	MONITORING AND REPORTING	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .1200 – COAL COMBUSTION PRODUCTS MANAGEMENT</b>	15A NCAC 02T .1201	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1202	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest

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	15A NCAC 02T .1203	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1204	APPLICATION REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1205	POLLUTANT LIMITS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1206	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1207	OPERATION AND MANAGEMENT PRACTICES	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1208	OPERATION AND MAINTENANCE PLAN	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1209	MONITORING AND REPORTING	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .1300 – ANIMAL WASTE MANAGEMENT SYSTEMS</b>	15A NCAC 02T .1301	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1302	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1303	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1304	STATE PERMITTING REQUIREMENTS	Amended Eff. January 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1305	NPDES PERMITTING REQUIREMENTS	Amended Eff. January 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA 102(a), 40 CFR § 122.23	No	Necessary with substantive public interest
	15A NCAC 02T .1306	CLOSURE REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1307	SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS	Eff. January 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	Yes	Necessary with substantive public interest
	15A NCAC 02T .1308	EVALUATION AND APPROVAL OF SWINE WASTE MANAGEMENT SYSTEMS	Eff. January 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest

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	15A NCAC 02T .1309	LAGOON CONVERSION REQUIREMENTS	Eff. January 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .1400 – MANURE HAULER OPERATIONS</b>	15A NCAC 02T .1401	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1402	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1403	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	Yes	Necessary with substantive public interest
	15A NCAC 02T .1404	ANNUAL REPORTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	Yes	Necessary with substantive public interest
<b>SECTION .1500 – SOIL REMEDIATION</b>	15A NCAC 02T .1501	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1502	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1503	PERMITTING BY REGULATION	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1504	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a), 40 CFR 261.24	No	Necessary with substantive public interest
	15A NCAC 02T .1505	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1506	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
	15A NCAC 02T .1507	CLOSURE REQUIREMENTS	Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f))	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CWA Sect 102(a)	No	Necessary with substantive public interest
<b>SECTION .1600 –GROUNDWATER REMEDIATION SYSTEMS</b>	15A NCAC 02T .1601	SCOPE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest
	15A NCAC 02T .1602	DEFINITIONS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest
	15A NCAC 02T .1604	APPLICATION SUBMITTAL	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest



**G.S. 150B-21.3A Report for 15A NCAC Subchapter 02T, WASTE NOT DISCHARGED TO SURFACE WATERS**

Agency - Environmental Management Commission

Comment Period - 3/17/14-5/21/14

Date Submitted to APO - Filled in by RRC staff

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	15A NCAC 02T .1605	DESIGN CRITERIA	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest
	15A NCAC 02T .1606	SETBACKS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest
	15A NCAC 02T .1607	MONITORING AND REPORTING REQUIREMENTS	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest
	15A NCAC 02T .1608	REQUIREMENTS FOR CLOSURE	Eff. September 1, 2006	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 144-148	No	Necessary with substantive public interest

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .0101	PURPOSE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0101	PURPOSE	Cassie Gavin	cassie.gavin@sierraclub.org	NC Chapter Sierra Club	Yes.	Yes, A different type of comment.		<a href="#">Cassie Gavin Attachment</a>
15A NCAC 02T .0102	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0103	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0103	DEFINITIONS	Karla hammer Knotts	karlahk@knottsdevelopment.net			Yes, Objection to the rule in whole or in part.	the definition of wetlands is not correct. it has to have the correct soil AND the correct plant life not just be 'wet.'. I suggest a correct definition is "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions"	
15A NCAC 02T .0104	ACTIVITIES WHICH REQUIRE A PERMIT	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0105	GENERAL REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0106	SUBMISSION OF PERMIT APPLICATIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0107	STAFF REVIEW AND PERMIT PREPARATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0108	FINAL ACTION ON PERMIT APPLICATIONS TO THE DIVISION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0109	PERMIT RENEWALS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .0110	MODIFICATION AND REVOCATION OF PERMITS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0111	CONDITIONS FOR ISSUING GENERAL PERMITS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0112	DELEGATION OF AUTHORITY	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0113	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0114	WASTEWATER DESIGN FLOW RATES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0115	OPERATIONAL AGREEMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0116	CERTIFICATION OF COMPLETION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0117	TREATMENT FACILITY OPERATION AND MAINTENANCE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0118	DEMONSTRATION OF FUTURE WASTEWATER TREATMENT CAPACITIES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0120	HISTORICAL CONSIDERATION IN PERMIT APPROVAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0201	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .0203	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0204	PERMITTING	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0301	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0302	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0303	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0304	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0305	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0306	LOCAL PROGRAMS FOR SEWER SYSTEMS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0401	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0402	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0403	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0404	MULTIPLE COLLECTION SYSTEMS UNDER COMMON OWNERSHIP	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .0405	IMPLEMENTATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0501	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0504	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0505	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0506	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0507	OPERATION AND MAINTENANCE PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0508	RESIDUALS MANAGEMENT PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0601	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0604	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0605	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0606	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0607	CONNECTION TO REGIONAL SYSTEM	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0701	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .0702	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0704	APPLICATION SUBMITTAL	Michael Gallant	gallantmc@yahoo.com	Michael C. Gallant, PE, PA	Yes.	Yes, Objection to the rule in whole or in part.	The rule does not address the use of non-native soils in the construction of high rate infiltration systems. These materials should be allowed given proper treatment standards are met.	<a href="#">Michael Gallant Attachment</a>
15A NCAC 02T .0704	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0705	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0706	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0707	OPERATION AND MAINTENANCE PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0708	RESIDUALS MANAGEMENT PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0801	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0804	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0805	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .0806	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1001	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1003	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1004	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1005	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1006	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1007	OPERATIONS AND MAINTENANCE PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1008	RESIDUALS MANAGEMENT PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1101	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1102	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1103	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1104	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1105	POLLUTANT LIMITS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1106	PATHOGEN REDUCTION REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1107	VECTOR ATTRACTION REDUCTION REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1108	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1109	OPERATION AND MANAGEMENT PRACTICES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1110	OPERATION AND MAINTENANCE PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1111	MONITORING AND REPORTING	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1201	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1202	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1203	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1204	APPLICATION REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1205	POLLUTANT LIMITS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1206	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1207	OPERATION AND MANAGEMENT PRACTICES	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1208	OPERATION AND MAINTENANCE PLAN	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1209	MONITORING AND REPORTING	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	



15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1301	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1302	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1303	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1304	STATE PERMITTING REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1306	CLOSURE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1306	CLOSURE REQUIREMENTS	Patricia Harris	pat.harris@ncagr.gov	Division of Soil and Water Conservation	Yes.	Yes, A different type of comment.	<p>1. Recommend DWR to contact NRCS to re-evaluate its closure standard and/or forward this issue to the 1217 Inter-agency Group for evaluation</p> <p>2. Recommend setting up some type of "inactive lagoon closure fund" to decommission animal waste structures that have been inactive for "X" years; fund could be managed like the Agriculture Cost Share Program administered by the NC Soil &amp; Water Conservation Commission.</p> <p>3. Recommend clarification in closure requirements to address "deemed permitted" waste structures. Current rule needs to be updated to incorporate legislation allowing dairy operations to operate below threshold resulting in the rescission of the dairy's state general waste management permit. In addition, current rules also need to address animal waste structures that are "deemed permitted" since these types of structures are documented in the DWR BIMS database but are not addressed in the closure requirements.</p> <p>ISA NCAC 02T .1306 CLOSURE REQUIREMENTS Any containment basin, such as a lagoon or a waste storage structure, permitted under this Section shall continue to be subject to the conditions and requirements of the facility's permit until closed to NRCS standards and the permit is rescinded by the Division. Closure shall include prenotification to the Division and submittal of closure form supplied by the Division or forms approved by the Division as providing the same information as required by the Division's forms within 15</p>	
15A NCAC 02T .1307	SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1307	SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS	Patricia Harris	pat.harris@ncagr.gov	Division of Soil and Water Conservation	Yes.	Yes, Objection to the rule in whole or in part.	1. Recommend eliminating reference to "synthetic finer" because synthetic liners have a conductivity rate and will not totally eliminate seepage. This requirement is the greatest obstacle in allowing growers to relocate waste structure to more environmentally preferable sites, to expand operations and/or to convert to innovative technology. Currently, statewide capacity for pork production decreases every time a swine operation is closed. 2. Recommend adding "Substantially eliminate" to (b){l} and (b){l}{A}. "Substantially eliminate" was included for all parameters except for eliminating discharge. Please note that any change in this rule would also require a change in the related NC General Statute.	<a href="#">Patricia Harris Attachment</a>
15A NCAC 02T .1308	EVALUATION AND APPROVAL OF SWINE WASTE MANAGEMENT SYSTEMS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1309	LAGOON CONVERSION REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1401	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1402	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1403	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1403	PERMITTING BY REGULATION	Patricia Harris	pat.harris@ncagr.gov	Division of Soil and Water Conservation	Yes.	Yes, Objection to the rule in whole or in part.	Recommend eliminating annual reporting requirement and replace with record keeping requirement; currently annual reports are low priority for DWR given other pressing mandates, and the reports that have been submitted, essentially lack value for DWR because DWR does not have the resources to ensure the reports are written correctly and provide valuable information; annual reports do not trigger inspections	<a href="#">Patricia Harris Attachment</a>
15A NCAC 02T .1404	ANNUAL REPORTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1404	ANNUAL REPORTS	Patricia Harris	pat.harris@ncagr.gov	Division of Soil and Water Conservation		Yes, Objection to the rule in whole or in part.	Recommend eliminating annual reporting requirement and replace with record keeping requirement; currently annual reports are low priority for DWR given other pressing mandates, and the reports that have been submitted, essentially lack value for DWR because DWR does not have the resources to ensure the reports are written correctly and provide valuable information; annual reports do not trigger inspections	<a href="#">Patricia Harris Attachment</a>
15A NCAC 02T .1501	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1502	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1503	PERMITTING BY REGULATION	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1504	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1505	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1506	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1507	CLOSURE REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1601	SCOPE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1601	SCOPE				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1602	DEFINITIONS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1602	DEFINITIONS				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1604	APPLICATION SUBMITTAL	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1604	APPLICATION SUBMITTAL				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1605	DESIGN CRITERIA	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1605	DESIGN CRITERIA				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1606	SETBACKS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1606	SETBACKS				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1607	MONITORING AND REPORTING REQUIREMENTS	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	

15A NCAC 02T Comments

Rule	Rule Name	Commenter Name	Email	Affiliation	Do you agree with the Agency's determination?	Do you want to comment on this rule?	Comment	Attachment
15A NCAC 02T .1607	MONITORING AND REPORTING REQUIREMENTS				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	
15A NCAC 02T .1608	REQUIREMENTS FOR CLOSURE	Paul Calamita	Paul@AquaLaw.com	NC Water Quality Association	Yes.	Yes, A different type of comment.	NCWQA will submit detailed recommended revisions to the regulations under review in a separate comment letter.	
15A NCAC 02T .1608	REQUIREMENTS FOR CLOSURE				Yes.	Yes, A different type of comment.	Combine the rules of 15A NCAC 02T .1600 with related rule 15A NCAC 02C .0225 since they all address injection wells for in situ remediation.	

May 13, 2014

DENR Rule Comments  
1601 Mail Service Center  
Raleigh, NC 27699

*Submitted via the DENR Periodic Review and Expiration of Existing Rules website at:  
<http://www.ncwater.org/rules-review/> and email*

**Re: Comments on DENR proposed classifications of water quality and wetland rules for the rules review process required by Session Law 2013-413**

To: NC Department of Environment and Natural Resources,

These comments are being submitted in response to the DENR's proposed classification of water quality and wetland rules for purposes of the rule review required under Session Law 2013-413. The law requires the EMC to determine whether the rules under review should be classified as:

- 1) Necessary with substantive public interest;
- 2) Necessary without substantive public interest; or
- 3) Unnecessary.

The EMC has submitted reports classifying rules in Title 15A, Subchapters 2B, 2H, 2T and 2U of the North Carolina Administrative Code in these three categories. It is our understanding that the 60-day comment period now underway invites public comment on the proposed classification of the rules. Although rule objections may be relevant to concluding that a rule has substantive public interest (which requires re-adoption of the rule), we reserve the right to comment further on the substance of the rules in response to the formal public notice required for re-adoption. As requested by the Rules Review Commission, the EMC reports also indicate whether a rule implements or conforms to a federal statute or rule. We appreciate your consideration of these comments on the EMC reports.

First, we would like to note some general comments. In an earlier letter, we encouraged the EMC to reconsider the decision to put all of the water quality and wetland rules through review and re-adoption without regard to how recently those rules have been adopted. Session Law 2013-413 does not require review of rules adopted or amended within the last ten years. A number of large, complex water quality rule sets have been adopted in the last five years. The workload associated with reviewing those rules will put an unreasonable and unnecessary burden on the EMC and on DENR staff. It will be difficult to do a thoughtful rule review and the volume of rule review activity will also make it difficult for the water quality program to meet its other responsibilities under state and federal law.

Many of the water quality rules also represent comprehensive strategies to address an existing water quality problem. The rule classification process underway now should not be used to identify an individual rule as unnecessary when the rule plays a role in a larger water quality strategy. The nutrient management strategies in particular have been carefully constructed to achieve pollution reductions from all major sources contributing to water quality impairment.

Those rule sets must be reviewed as a whole to insure that the rules continue to meet the Clean Water Act mandate for pollution reductions necessary to achieve water quality standards.

We would also offer more specific comments on the four subchapters:

*Subchapter 2B (Surface Water and Wetland Standards):* We agree that all of the rules in Subchapter 2B are necessary and have substantive public interest. It is important to note that many of these rules – including all of the standards for nutrient sensitive water bodies – are required to satisfy the Clean Water Act’s requirement that the State must reduce the discharge of pollutants contributing to impaired water quality.

*Subchapter 2H (Procedures for Permits and Approvals):* Again, we agree that all of the Subchapter 2H rules are necessary and have substantive public interest. The EMC has identified a few of the rules as not implementing or conforming to federal regulations. That determination may be significant for several reasons. Under S.L. 2013-413, failure to review a rule can cause the rule to automatically expire – unless the rule implements or conforms to a federal statute or rule. The relationship between state rules and federal regulations may also become significant in the rule re-adoption process given the APA’s restrictions on adoption of environmental rules that go beyond federal standards.

The EMC report identifies 19 of the 22 rules for local wastewater pretreatment programs as implementing or conforming to federal regulations. While it may be correct that three of the state pretreatment rules are not specifically mandated by federal regulation, the state rules as a whole have been adopted to ensure that local pretreatment programs meet federal requirements. In those circumstances, we think the better course would be to conclude that all of the pretreatment rules implement federal regulations (specifically, that 15A N.C. Admin. Code 02H .0917, .0920, .0922 implement 40 C.F.R. §§ 403.8 and 403.12). Making an overly narrow rule-by-rule decision on the relationship to federal regulations could undermine the overall state pretreatment program. Federal statutes and rules rarely include all of the procedural requirements needed to run a delegated state program. Those additional requirements should still be considered necessary to implement federal regulations.

We are also concerned that the EMC has taken too narrow a view of the relationship between the isolated wetlands rules and implementation of federal regulations. Although isolated wetlands fall outside the scope of the permitting program established in Section 404 of the Clean Water Act, protection of the water quality functions of isolated wetlands has links to other sections of the Clean Water Act that require reduction of pollutant loading to impaired waters and development of plans to reduce nonpoint source pollution. The isolated wetlands rules can also have a role in implementation of other federal laws such as the Endangered Species Act.

*Subchapter 2T (Waste Not Discharged to Surface Waters):* We agree that all of the Subchapter 2T rules are both necessary and have substantive public interest.

*Subchapter 2U (Reclaimed Water):* We agree that all of the Subchapter 2U rules are both necessary and have substantive public interest. We also believe the EMC is correct in finding that the reclaimed water rules implement or conform to federal regulation. Some stakeholders



have argued in the past that reclaimed water can be discharged without a Clean Water Act permit. We believe that position reflects a basic misunderstanding of the Clean Water Act and the reclaimed water rules clearly implement federal requirements concerning discharge of wastewater.

Thank you for considering these comments and we look forward to participating in future discussions of the substance of these rules.

Sincerely,

Molly Diggins, State Director  
Sierra Club, NC Chapter

Jane Preyer, Director  
Environmental Defense Fund, NC Office

Julie Youngman, Senior Attorney  
Southern Environmental Law Center

cc: Mr. Benne Hutson, Chair, EMC, [Benne.Hutson@gmail.com](mailto:Benne.Hutson@gmail.com)  
Tom Reeder, Division of Water Resources, [tom.reeder@ncdenr.gov](mailto:tom.reeder@ncdenr.gov)  
Joe DeLuca, Rules Review Commission, [joe.deluca@oah.nc.gov](mailto:joe.deluca@oah.nc.gov)

## Michael Gallant Attachment

The use of engineered materials to enhance infiltration of treated effluent allows for a reliable, cost effective and repairable design. Currently there is no mention of the use of said material in the rules. Below is the section of the 2T rules regarding the required hydrogeological information required for permitting a high rate infiltration system.

Pluris believes that the use on non-native soils or engineered material would allow for savings in land costs without any loss of effective treatment and will provide reliable and repairable high rate infiltration basins.

15A NCAC 02T .0704 (e) is as follows:

(e) A hydrogeologic description prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C respectively of the subsurface to a depth of 20 feet or bedrock, whichever is less, shall be provided to the Division for systems treating industrial waste and any system with a design flow of over 25,000 gallons per day. A greater depth of investigation is required if the respective depth is used in predictive calculations. This evaluation shall be based on borings for which the numbers, locations, and depths are sufficient to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site. These techniques may include geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components: [Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology under G.S. 89E, soil science under G.S. 89F, or engineering under G.S. 89C.]

- (1) a description of the regional and local geology and hydrogeology;
- (2) a description, based on field observations of the site, of the site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;
- (3) changes in lithology underlying the site;
- (4) depth to bedrock and occurrence of any rock outcrops;
- (5) the hydraulic conductivity and transmissivity of the affected aquifer(s);
- (6) depth to the seasonal high water table;
- (7) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features;
- (8) a discussion of the groundwater flow regime of the site prior to operation of the proposed facility and post operation of the proposed facility focusing on the relationship of the system to groundwater receptors, groundwater discharge features, and groundwater flow media; and
- (9) a mounding analysis to predict the level of the SHWT after wastewater application.

(The following provision should be added to this Rule to allow the use of non-native materials in high rate infiltration systems when the following criteria are met to ensure protection of water quality .)

- (10) Engineered high rate infiltration disposal systems that utilize non-native soils or materials to enhance infiltration shall be allowed provided the following standards are met:
  - (a) The proposed treatment system shall include tertiary treatment with a mechanism to provide filtration of effluent to 0.5 microns or less. All tertiary treatment units should be provided in duplicate so that the failure of one or part of the treatment units does not impede the treatment process.
  - (b) All proposed systems shall meet effluent limits as follows: Total Nitrogen less than 4 mg/L, Total Phosphorus less than 2 mg/L.
  - (c) All non-native and native materials shall be tested for permeability. This permeability shall be included in the analysis of the entire infiltration system.

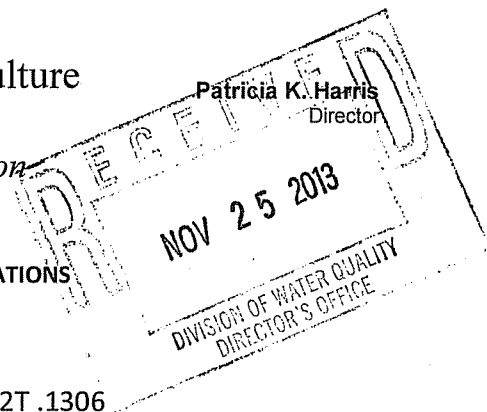
- (d) A gradation analysis of all non-native materials shall be provided. All non-native materials specified shall have a gradation such that 90% of the material is less than 4.8 millimeters in size.
- (e) The non-native materials shall comprise at least 25% of the basin sidewall area when used to enhance lateral infiltration.
- (f) Systems using non-native soils or materials shall be required to meet the same setbacks as systems using only native soils as set out in Section .0706 of this Rule.



Steve Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Division of Soil and Water Conservation*

Patricia K. Harris  
Director



**NCA&CS RECOMMENDATIONS FOR DWR RULE MODIFICATIONS**

**NOVEMBER 25, 2013**

**Lagoon and Waste Storage Structure Closure Requirements - 15A NCAC 02T .1306**

1. *Recommend DWR to contact NRCS to re-evaluate its closure standard and/or forward this issue to the 1217 Inter-agency Group for evaluation*
2. *Recommend setting up some type of "inactive lagoon closure fund" to decommission animal waste structures that have been inactive for "X" years; fund could be managed like the Agriculture Cost Share Program administered by the NC Soil & Water Conservation Commission.*
3. *Recommend clarification in closure requirements to address "deemed permitted" waste structures. Current rule needs to be updated to incorporate legislation allowing dairy operations to operate below threshold resulting in the rescission of the dairy's state general waste management permit. In addition, current rules also need to address animal waste structures that are "deemed permitted" since these types of structures are documented in the DWR BIMS database but are not addressed in the closure requirements.*

**15A NCAC 02T .1306 CLOSURE REQUIREMENTS**

Any containment basin, such as a lagoon or a waste storage structure, permitted under this Section shall continue to be subject to the conditions and requirements of the facility's permit until closed to NRCS standards and the permit is rescinded by the Division. Closure shall include pre-notification to the Division and submittal of closure form supplied by the Division or forms approved by the Division as providing the same information as required by the Division's forms within 15 days of completion of closure.

**Manure Haulers - 15A NCAC 02T .1402-.1404**

*Recommend eliminating annual reporting requirement and replace with record keeping requirement; currently annual reports are low priority for DWR given other pressing mandates, and the reports that have been submitted, essentially lack value for DWR because DWR does not have the resources to ensure the reports are written correctly and provide valuable information; annual reports do not trigger inspections*

**15A NCAC 02T .1403 PERMITTING BY REGULATION**

(a) The following systems are deemed permitted pursuant to Rule .0113 of this Subchapter provided the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system in this Rule:

- (1) Manure Hauler that land apply a total of 100 tons or less of animal waste per calendar year if:
  - (A) animal waste is applied at no greater than agronomic rates; and
  - (B) a setback of at least 25 feet is maintained from a perennial stream or perennial waterbody during land application.

MAILING ADDRESS  
Division of Soil and Water Conservation  
1614 Mail Service Center  
Raleigh, NC 27699-1614

Telephone: 919-733-2302  
Fax Number: 919-733-3559

LOCATION  
Archdale Building  
512 N. Salisbury Street, Suite 504  
Raleigh, NC 27604

An Equal Opportunity Employer

- (2) Manure Hauler that land apply a total of more than 100 tons of animal waste per calendar year if:
- (A) animal waste is applied at no greater than agronomic rates;
  - (B) animal waste is not stockpiled uncovered for greater than 15 days;
  - (C) animal waste is not stockpiled within 100 feet of a perennial stream or perennial waterbody;
  - (D) a setback of at least 25 feet is maintained from a perennial stream or perennial waterbody during land application;
  - (E) the Manure Hauler registers with the Division by one year from the effective date of this Rule. Manure Hauler that begin operation following the effective date of this Rule must register with the Division prior to accepting or purchasing manure.
  - ~~(F) the Manure Hauler submits an annual report, as specified in this Section, to the Division by March 1 of each year; and (replace with record keeping requirement)~~
  - (G) the field on which animal waste is applied has had a representative Standard Soil Fertility Analysis within the last three years from a Division certified laboratory pursuant to 15A NCAC 02H .0800.
- (b) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

**~~15A NCAC 02T .1404 — ANNUAL REPORTS~~**

- ~~(a) Manure Haulers that land apply more than 100 tons but less than 750 tons of animal waste per calendar year shall submit to the Division a report of the activities for the calendar year that includes the following:~~
- ~~(1) Name, mailing address, and phone number of the Manure Hauler;~~
  - ~~(2) Date, location, and amount of all animal waste received; and~~
  - ~~(3) Date, location, amount, and acreage of all animal waste land application.~~
- ~~(b) Manure Haulers that land apply 750 tons or more of animal waste per calendar year shall submit to the Division a report of the activities for the calendar year that includes the following:~~
- ~~(1) Name, mailing address, and phone number of the Manure Hauler;~~
  - ~~(2) Dates, locations, and amounts of animal waste received; and~~
  - ~~(3) Dates, locations, application rate, acreage, waste analysis, and receiving crop of all animal waste land applied.~~
- ~~(c) Annual reports shall be submitted by March 1 for the preceding calendar year, on Division-supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.~~

**Animal Operation Operator-In-Charge Initial Certification Requirements – 15A NCAC 08F .0405**

*Recommend expanding 30 day deadlines listed in 15A NCAC 08F .0405. This should match the requirement for water pollution control system operators rule (8G rules) which allows operator to be delinquent up to two years without taking test. Please note that any change in this rule would also require a change in the related NC General Statute.*

**15A NCAC 08F .0405 RENEWAL OF CERTIFICATION**

- (a) A currently valid certification as an animal waste management system operator shall be maintained by:
- (1) the payment of an annual renewal fee by the date established by the Certification Commission;
  - (2) completion of a minimum of six hours of additional training approved by the Certification Commission during each three year period following initial certification.
- (b) A certified animal waste management system operator that fails to pay the annual renewal fee within 30 days of the due date, or fails to complete the approved additional training within 30 days of the end of three year period, shall take and pass an examination approved by the Certification Commission in order to renew the certificate.

**Operator Certification Requirements for Initial Certification for Operators of Animal Waste Management - 15A NCAC 08F .0401**

*Recommend authorizing the commission to determine training requirements including hours of class time as is allowed for other waste water training requirements. Currently 10 hour initial training requirement lacks flexibility and dictates training is extended over two days which increases hardship and cost in time, travel and training for DWR and the producers. Is ten hours needed? Please note that any change in this rule would also require a change in the related NC General Statute.*

**15A NCAC 08F .0401 QUALIFICATIONS FOR EXAMINATION**

- (a) Type A Animal Waste Management System Operator.
- (1) An applicant for certification as a Type A Animal Waste Management System Operator shall be expected to have a general knowledge of animal operations and Type A animal waste management systems. The applicant shall have knowledge of the laws and regulations related to the operation of Type A animal waste management systems, the equipment usually employed in Type A animal waste management systems, be able to describe the general maintenance requirements for such equipment, have the ability to perform calibrations and calculations relating to the land application of the waste, have an understanding of animal waste management plans, and be able to read and complete the forms necessary to document the proper land application of animal waste in accordance with the animal waste management plan. The applicant must

submit an application to the Certification Commission showing that the following requirements have been met in order to take an examination for certification as a Type A Animal Waste Management System Operator:

- (A) be at least 18 years of age;
  - (B) completion of a 10 hour training program on the operation of Type A animal waste management systems that provides instruction regarding the collection, storage, treatment, and land application of animal waste,
- (2) An applicant who has failed to pass the appropriate examination after three attempts must attend and complete the approved training program before being eligible to retake the examination.

(b) Type B Animal Waste Management System Operator.

- (1) An applicant for certification as a Type B Animal Waste Management System Operator shall be expected to have a general knowledge of animal operations and Type B animal waste management systems. The applicant shall have knowledge of the laws and regulations related to the operation of Type B animal waste management systems, knowledge of the equipment usually employed in Type B animal waste management systems, be able to describe the general maintenance requirements for such equipment, have the ability to perform calibrations and calculations relating to the land application of the waste, have an understanding of animal waste management plans, and be able to read and complete the forms necessary to document the proper land application of animal waste in accordance with the animal waste management plan. The applicant must submit an application to the Certification Commission showing that the following requirements have been met in order to take an examination for certification as a Type B Animal Waste Management System Operator:
- (A) be at least 18 years of age;
  - (B) completion of a 10 hour training program on the operation of Type B Animal Waste Management Systems that provides instruction regarding the collection, storage, treatment, and application of animal waste.
- (2) An applicant who has failed to pass the appropriate examination after three attempts must attend and complete the approved training program before being eligible to retake the examination.

### **Animal Waste Performance Standards - 15A NCAC 02T .1307**

1. *Recommend eliminating reference to “synthetic liner” because synthetic liners have a conductivity rate and will not totally eliminate seepage. This requirement is the greatest obstacle in allowing growers to relocate waste structure to more environmentally preferable sites, to expand operations and/or to convert to innovative technology. Currently, statewide capacity for pork production decreases every time a swine operation is closed.*
2. *Recommend adding “Substantially eliminate” to (b)(1) and (b)(1)(A). “Substantially eliminate” was included for all parameters except for eliminating discharge. Please note that any change in this rule would also require a change in the related NC General Statute.*

#### **15A NCAC 02T .1307 SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS**

(a) This Rule applies to animal waste management systems subject to regulation under G.S. 143-215.10I.

(b) An animal waste management system that serves a swine farm subject to regulation under G.S. 143-215.10I, shall meet all of the following performance standards:

- (1) Substantially eliminate the discharge of animal waste to surface waters and groundwater through direct discharge, seepage, or runoff. To meet this standard:
- (A) Earthen structures must be designed and constructed ~~with synthetic liners~~ to substantially eliminate seepage.