

15A NCAC 02B .0227 has been amended with changes as published in 30:12 NCR 1277-1278 as follows:

15A NCAC 02B .0227 WATER QUALITY MANAGEMENT PLANS

(a) In implementing the water quality standards to protect the ~~existing uses~~ **"existing uses"** [as defined by Rule .0202 of this Section] of the waters of the state or the water quality ~~which that~~ supports those uses, the Commission shall develop water quality management plans on a priority basis to attain, maintain or enhance water quality throughout the state. Additional specific actions deemed necessary by the Commission to protect the water quality or the existing uses of the waters of the state shall be specified in Paragraph (b) of this Rule. These actions may include anything within the powers of the Commission. The Commission may also consider local actions ~~which that~~ have been taken to protect a waterbody in determining the appropriate protection options to be incorporated into the water quality management plan.

(b) All waters determined by the Commission to be protected by a water quality management plan are listed with specific actions either in Rules .0601- .0608 of this Subchapter that address the Goose Creek watershed (Yadkin Pee-Dee River Basin) or as follows:

(1) The Lockwoods Folly River Area (Lumber River Basin), which includes all waters of the lower Lockwoods Folly River in an area extending north from the Intracoastal Waterway to a line extending from Genoes Point to Mullet Creek, shall be protected by the specific actions described in Parts (A) through (E) (D) of this Subparagraph.

(A) New development activities within 575' of the mean high water line ~~which that~~ require a Sedimentation Erosion Control Plan or a CAMA major development permit ~~must shall~~ comply with the low density option of the coastal ~~Stormwater stormwater Runoff Disposal Rules requirements~~ **"stormwater stormwater Runoff Disposal Rules requirements"** ~~[as specified in 15A NCAC 2H .1005(2)(a)].~~ as specified in 15A NCAC 2H .1005(2)(a). .1005(3)(a).

(B) New or expanded NPDES permits shall be issued only for non-domestic, non-industrial process type discharges ~~(such as non-industrial process cooling or seafood processing discharges).~~ such as non-industrial process cooling or seafood processing discharges. A public hearing ~~is shall be~~ mandatory for any proposed (new or expanded) NPDES permit to this protected area.

~~(C) New non-discharge permits shall be required to meet reduced loading rates and increased buffer zones, to be determined on a case by case basis.~~

~~(D)~~(C) New or expanded marinas ~~must shall~~ be located in upland basin areas.

~~(E)~~(D) No dredge or fill activities shall be allowed ~~where significant shellfish or submerged aquatic vegetation bed resources occur, if those activities would result in a reduction of the beds of submerged~~ **"submerged aquatic vegetation [habitat] habitat"** or **"a reduction of shellfish [shellfish] producing habitat"** ~~[habitat as which]~~ **that are defined in [15A NCAC 03I .0101(b)(20)(A) and (B)].** 15A NCAC 03I .0101, except for maintenance dredging, such as that required to maintain access to existing channels and facilities located within the protected area or maintenance dredging for activities such as agriculture.

(2) A part of the Cape Fear River (Cape Fear River Basin) comprised of a section of Index No. 18-(71) from upstream mouth of Toomers Creek to a line across the river between Lilliput Creek and Snows Cut shall be protected by the Class SC Sw standards as well as the following site-specific action: All new individual NPDES wastewater discharges and expansions of existing individual NPDES wastewater discharges shall be required to provide treatment for oxygen consuming wastes as described in Parts (A) through (C) of this Subparagraph.

(A) Effluent limitations shall be as follows: BOD₅ = 5 mg/l, NH₃-N = 1 mg/l and DO = 6 mg/l, or utilize site-specific best available technology on a case-by-case basis for industrial discharges, discharges in accordance with Rule .0406 (e) of this Subchapter.

(B) Seasonal effluent limits for oxygen consuming wastes ~~will~~ shall be considered on a case-by-case basis in accordance with Rule .0404 of this Subchapter.

(C) Any new or expanded permitted pollutant discharge of oxygen consuming waste shall not cause the dissolved oxygen of the receiving water to drop more than 0.1 mg/l below the modeled in-stream dissolved oxygen at total permitted capacity for all discharges.

*History Note: Authority G.S. 143-214.1; 143-215.8A;
Eff. October 1, 1995;
Amended Eff. ~~November 1, 2015~~; July 1, 2016; January 1, 1996.*