

## 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@knottsidevelopment.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

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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.	

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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.	

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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.	

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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.	

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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.	

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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.	

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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.	

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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.	

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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.	

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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)

This comment refers to the "green area" requirement.

15A NCAC 02H .0404 (g) (7) is as follows:

- (7) Waste disposal areas are to contain at least 1,000 square feet of open "green area" for each residential unit served, or 2,500 square feet per thousand gallons per day of waste flow, whichever is less. The term "green area" contained herein is defined as an area suitable for waste disposal, either in its natural state or which has been modified by planting vegetative cover of grasses or low growing shrubbery. Green areas shall not include street or roadway right-of-ways or areas not available for waste disposal. Not more than 25 percent of the required area may be covered with non-traffic bearing paved surfaces such as walkways or patios. Subsurface disposal areas shall not be used as parking lots, driveways, or for other vehicular traffic uses.

Pluris believes that this amount of land presents a financial hardship and is not necessary when the actual disposal area required is far less than the computed "Green Area". For non-discharge systems that use high rate infiltration disposal the actual disposal area can be far less than the computed green area. It is imprudent and at times cost prohibitive to set aside many several times the amount of land needed for disposal in green area.

Pluris suggests the following be added to this section

For systems utilizing high rate infiltration disposal combined with tertiary treatment the required green area shall be computed as equal to the area required for the high rate infiltration infrastructure.

This would allow for the facility to be able to set aside enough land to duplicate the disposal system. It is believed that the original formula for calculating green area is related to spray irrigation system requirements. The rule does not address the changing technology and practices of high rate infiltration design.