

**15A NCAC 02B .0710 NEUSE NUTRIENT STRATEGY: PURPOSE AND SCOPE**

(a) **PURPOSE.** The purpose of this Rule and Rules .0711 through .0715 of this Section is to attain the designated uses of the Neuse River estuary with respect to meeting nutrient-related water quality standards pursuant to the Environmental Management Commission's authority under the Clean Water Responsibility and Environmentally Sound Policy Act, S.L. 1997-458. All waters of the Neuse River Basin are supplementally classified as Nutrient Sensitive Waters (NSW) pursuant to 15A NCAC 02B .0223. The rules enumerated in Paragraph (d) of this Rule together constitute the Neuse nutrient strategy, and shall be implemented in accordance with 15A NCAC 02B .0223.

(b) **SCOPE AND LIMITATION.** The Neuse nutrient strategy rules require controls to reduce nitrogen loads from significant sources of this nutrient throughout the Neuse Basin. These Rules do not address sources for which there is insufficient scientific knowledge to base regulation.

(c) **GOAL.** To achieve the purpose of the Neuse nutrient strategy, the Commission established in the initial Neuse nutrient strategy rules, enacted in August 1998, the goal of reducing the average annual load of nitrogen delivered to the Neuse estuary from point and nonpoint sources by a minimum of 30 percent below the average annual load for the period 1991 through 1995 and thereafter maintaining it at or below that level. This amended strategy continues that goal.

(d) **RULES ENUMERATED.** The rules of the Neuse nutrient strategy, in addition to this one, are titled as follows:

- (1) Rule .0711 for stormwater;
- (2) Rule .0712 for agriculture;
- (3) Rule .0713 for wastewater discharges;
- (4) Rule .0233 for riparian buffer protection; and
- (5) Rule .0241 for riparian buffer program delegation

(e) **ADAPTIVE MANAGEMENT.** The Division shall evaluate the basin's nutrient dynamics to inform and guide adaptive management. This evaluation shall utilize all sources of available information, including stakeholder input, and shall consider drivers, character, and shifts in the impairment with time, trends, and character of loading delivered to the estuary, and distribution and character of loading inputs to the basin and changes to those inputs over time. The evaluation shall address the extent to which the reduction goals identified in Paragraph (c) of this Rule have been achieved and shall provide recommendations on management needs. The Division shall complete the evaluation within three years of the effective date of this Rule and shall distribute the findings upon completion. The Division shall also report biannually to the Water Quality Committee of the Commission on implementation progress and reductions achieved by sources subject to the Neuse nutrient strategy.

(f) **GEOGRAPHIC APPLICABILITY.** The Neuse nutrient strategy shall apply in all areas draining to NSW waters within the Neuse River Basin unless individual Neuse strategy rules describe other boundaries.

(g) **PENALTIES.** Failure to meet requirements of the Neuse nutrient strategy rules may result in imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

*History Note: Authority G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1); 143B-282; S.L. 1995-572; Eff. August 1, 1998; Recodified from 15A NCAC 02B .0232 Eff. April 1, 2020; Readopted Eff. April 1, 2020.*