

### **15A NCAC 02B .0730 TAR-PAMLICO NUTRIENT STRATEGY: PURPOSE & SCOPE**

**PURPOSE.** The purpose of this Rule and Rules 15A NCAC 02B .0731 through .0736 of this Section is to attain the designated uses of the Pamlico 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. The estuary and waters of the Tar-Pamlico River Basin are classified as Nutrient Sensitive Waters (NSW) pursuant to Rule 15A NCAC 02B .0223 of this Subchapter. The rules enumerated in Item (3) of this Rule together constitute the Tar-Pamlico nutrient strategy, and shall be implemented in accordance with Rule .0223 of the Subchapter.

- (1) **SCOPE AND LIMITATION.** The Tar-Pamlico nutrient strategy rules require controls to reduce nitrogen and phosphorus loads from significant sources of these nutrients throughout the Tar-Pamlico Basin. These Rules do not address sources for which there is insufficient scientific knowledge to base regulation.
- (2) **GOALS.** To achieve the purpose of the Tar-Pamlico nutrient strategy, the Commission established in the initial Tar-Pamlico nutrient rules, enacted in 2000 and 2001, goals of reducing the average annual load of nitrogen delivered to the Pamlico River Estuary from nutrient sources to a level 30 percent below a 1991 baseline, and thereafter maintaining it at or below that level, and of reducing average annual phosphorus load to 1991 baseline level and thereafter maintaining it at or below that level. This Tar-Pamlico nutrient strategy continues these goals.
- (3) **RULES ENUMERATED.** The rules of the Tar-Pamlico nutrient strategy are titled as follows:
  - (a) Rule .0730 Purpose and Scope;
  - (b) Rule .0731 Stormwater Management for New Development;
  - (c) Rule .0732 Agriculture;
  - (d) Rule .0733 Non-Association Dischargers;
  - (e) Rule .0259 Riparian Buffer Protection; and
  - (f) Rule .0261 Buffer Program Delegation.
- (4) **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 Item (2) 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 Tar-Pamlico nutrient strategy.
- (5) **GEOGRAPHIC APPLICABILITY.** The Tar-Pamlico nutrient strategy shall apply in all areas draining to waters within hydrologic units 03020101, 03020102, 03020103, 03020104, and portions of 03020105 located on the Albemarle-Pamlico peninsula unless individual Tar-Pamlico strategy rules describe other boundaries.
- (6) **PENALTIES.** Failure to meet the requirements of the Tar-Pamlico nutrient strategy rules may result in imposition of enforcement measures as authorized by G.S. 143-215.6A, G.S. 143-215.6B, and G.S. 143-215.6C.

*History Note:* Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.8B; 143B-282; Eff. April 1, 2020.