

# “303(d) List” Process

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# 1997 – Revision to NC General Statutes

- **143B-282(c)**: The Environmental Management Commission shall implement the provisions of subsections (d) and (e) of 33 U.S.C. § 1313 by identifying and prioritizing impaired waters and by developing appropriate total maximum daily loads of pollutants for those impaired waters. The Commission shall incorporate those total maximum daily loads approved by the United States Environmental Protection Agency into its continuing basinwide water quality planning process.

# Clean Water Act Section 303(d)

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## 1972 Federal Water Pollution Control Act

- Each State shall identify waters that do not meet any **water quality standard** applicable to such waters
- This is the “**303(d) List**”
- EPA shall approve or disapprove list

## 40 CFR 130.7

- State shall submit list to EPA by April 1 of every even-numbered year

# Water Quality Standards

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- Clean Water Act: States establish standards for in-stream water quality
  - Requires EPA approval
- NC G.S. 143-214.1 requires EMC to adopt standards
- Standards include
  - Uses to be made of waterbodies
    - ✦ Water supply, aquatic life, recreation
  - Criteria to protect those uses
    - ✦ Numeric, e.g., 5 mg/L dissolved oxygen
    - ✦ Narrative, e.g., waters shall be suitable for aquatic life propagation

# 303(d) List Process

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- Compile data from rivers, lakes, estuaries
- Confirm data quality
- Compare data to **standards**
- Compile list of waters that do not meet standards
- Provide for public review and comment
- Respond to comments
- Submit list to EPA for approval
  
- Repeat (continuous 2-year process)

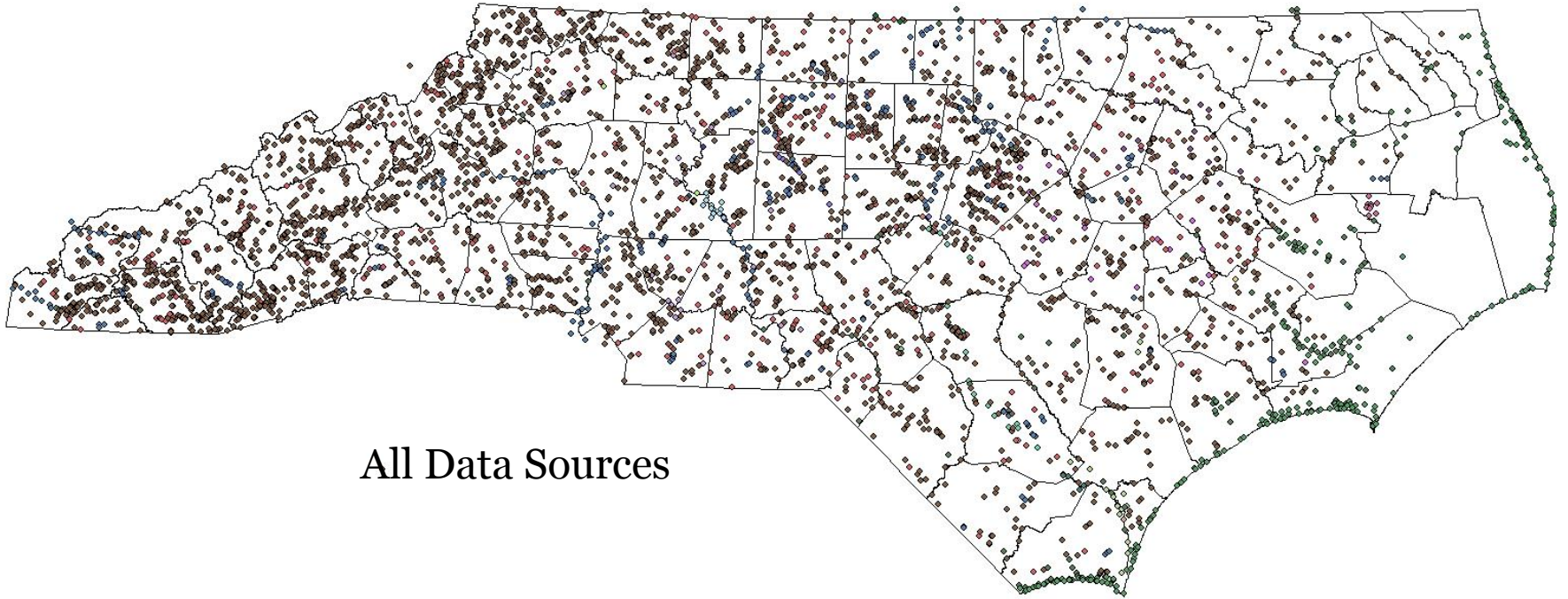
# Data Considered

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- Five-year time period
- Approximately one million observations
- Sources include
  - DWQ
  - Wastewater coalitions (municipalities & industries)
  - Other state agencies
  - Federal agencies
  - Universities
  - Local governments
  - Utilities

# Data Collection Sites

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All Data Sources

# What happens after listing?

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- **List is used for**
  - Basin plans
  - Targeting DWQ & others' technical & financial assistance
  - Informing permitting
  - Developing Total Maximum Daily Loads (TMDLs) as required under CWA Section 303(d)
- **Goal**
  - **Improve water quality, attain standards**



# New EMC Process

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- Adopted November 8, 2012
- 303(d) Assessment Methodology
  1. Public review and comment
  2. Water Quality Committee approval
  3. EMC approval

# 2014 303(d) Assessment Cycle

