

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

Questions and concerns regarding the request for collection of metals data October 30, 2019

On July 11, 2019, the DWR sent a letter to four Monitoring Coalitions requesting that they collect metals data at targeted stations in assessment units that are on the 303(d) list. The following are responses to questions and comments that have been expressed to the Monitoring Coalition Coordinator.

It is now easier to get on the 303(d) list and more difficult to get off.

Changes were made to the DWR 303(d) listing methodology in 2019 with strong support by the EMC and EPA. There may be more paths in the new methods to be put on the list but that does not equate to making it easier, just a better-defined decision process. Similarly, there are new delisting methodologies, which again, do not make it harder to get off the list, just a better-defined decision process. It is important to note that the EPA has referred to the new DWR methodology as a model for other states and we are proud to have made the 303(d) listing methodology a more fair, consistent and transparent process.

Lab detection limits (PQL) are close to the current standards which may lead to false positives.

Yes, some of the lab detection limits, or practical quantitative levels (PQLs), are close to the current standards. There are even some standards that are lower than the PQLs. Yet, we have not seen, nor been shown, evidence of false positives occurring. For example, when the DWR analyzed the 8,723 results of the 2017-2018 metals sampling that have water quality standards associated with them, 8,584 were non-detects. Of the 139 detects, only 17 showed exceedances. Therefore, even if all 17 exceedances were false positives, they would only represent 0.002% of the results. Furthermore, the 303(d) listing methodology uses a > 10% exceedance with a > 90% confidence level when adding an assessment unit (AU) to the list. Considering these facts, it is highly unlikely that any false positives, even if they did occur, would cause an AU to be listed in error.

Why should the Coalitions collect data that may lead to stricter permit requirements in individual permits?

One of the purposes of the Monitoring Coalition Program is to assist the DWR by providing high quality data to be used, amongst other things, to assess the health of waters in North Carolina. There are many parameters that are collected at coalition stations that have water quality standards associated with them. It is important to remember that many coalition stations included quarterly monitoring for total metals up until 2008, when sampling was discontinued across the state while standards were being established for dissolved metals.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

There is always the chance when data are collected that problems may be identified, but problems must be first identified before they can be addressed. Any changes in permit requirements that results from metals data collection would be to protect the health of NC waters, not to punish an individual facility or permit holder.

Could metals data collection lead to notices of violation for individual permit holders within the AU?

No, data are used for monitoring and assessment not for compliance and enforcement.

How were sites selected? Was any weight/consideration given to benefits for the dischargers?

These sites were chosen either because they were on the list of waters EPA did not approve for delisting in 2014/2016 and they were only impaired for metals at that time. Although we believe collecting metals data may benefit dischargers in the specific AUs when their permits are renewed we did not target sampling based on the presence or absence of dischargers. These sites were selected because they are representative coalition monitoring sites within an AU that is impaired for metals.

Are there any potential impacts on future NPDES permitting if sites chosen remain impaired?

Yes, the NPDES Permitting Branch makes special considerations when developing effluent limits and effluent monitoring requirements for discharges into impaired waters.

What is the process if an individual City decided to adopt a site and try to get it delisted...would sampling requirements still be the same or could we sample only for the impaired metals?

The process for submitting data is outlined on the DWR Modeling and Assessment website at: <https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/water-quality-data-assessment>

**Please note that the DWR will not approve a QAPP or accept data that just targets impaired parameters, it must follow the DWR ambient monitoring protocols and procedures.

Where are these sites on the DEQ delisting priority list?

We don't have a priority delisting list, we have a priority list for developing TMDLs/alternatives and these waters are not on this list. A list of those TMDLs can be found at <https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/tmdls>. Scroll down the page to "How is TMDL Development Prioritized".

If we do not do this, how long before these sites would be selected by DEQ for their program?

The DWR is not planning on collecting samples at these sites in the foreseeable future. Along the same reasons the DWR withdrew the request for the Coalitions to sample at inactive stations (i.e. additional costs and staff time), the DWR will concentrate on sites that

are currently being sampled by the Ambient Monitoring Program. Therefore, these sites will remain on the 303(d) list until there is data to confirm or remove. Likewise, any current permit impacts will not change until there is new data.

Can you provide DEQ data and process that resulted in the 35 delistings mentioned in the July 11 memo?

The 2018 Integrated Report data and listing/delisting methodologies are publicly available at: <https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/water-quality-data-assessment/integrated-report-files>.

The data is available in the 2018 Integrated Report Data.zip file, the metals data are in Excel, named 2018IR_DWRMetalsData_AMSRAMSCoalition.xlsx. The data are also accessible through STORET.

Is there a specific time period for the samples to be collected (i.e. can the 10 samples be collected within 10 weeks)?

The DWR would like the samples to be collected reflecting seasonal variance while avoiding extreme environmental conditions such as droughts and flooding.