

15A NCAC 02B .0276 FALLS WATER SUPPLY NUTRIENT STRATEGY: DEFINITIONS

(a) Unless the context indicates otherwise, the following words and phrases, which are not defined in G.S. 143, Article 21, shall be interpreted as follows for the purposes of the Falls nutrient strategy:

- (1) "Allocation" means the mass quantity of nitrogen or phosphorus that a discharger, group of dischargers, nonpoint source, or collection of nonpoint sources is assigned. For point sources, possession of allocation does not authorize the discharge of nutrients but is prerequisite to such authorization through a NPDES permit, and allocation may be further distinguished as follows:
 - (A) "Active" allocation means that portion of an allocation that has been applied toward and is expressed as a nutrient limit in an individual NPDES permit;
 - (B) "Reserve" allocation means allocation that is held by a permittee or other person but which has not been applied toward and is not expressed as a nutrient limit in an individual NPDES permit;
- (2) "Applicator" means the same as defined in 15A NCAC 02B .0202(4);
- (3) "Atmospheric nitrogen" means total oxidized nitrogen (NO_x) which includes all nitrogen oxides (including NO₂, NO, N₂, nitrogen trioxide [N₂O₃], nitrogen tetroxide [N₂O₄], dinitrogen pentoxide [N₂O₅], nitric acid (HNO₃) peroxyacid nitrates (PAN)), the sum of which is referred to as reduced nitrogen (NH_x);
- (4) "Delivered," as in delivered allocation, load, or limit, means the allocation, load, or limit that is measured or predicted at Falls Reservoir;
- (5) "Development" means the same as defined in 15A NCAC 02B .0202(23);
- (6) "Discharge," as in discharge allocation, load, or limit means the allocation, load, or limit that is measured at the point of discharge into surface waters in the Falls watershed;
- (7) "Existing development" means development, other than that associated with agricultural or forest management activities that meets one of the following criteria:
 - (A) It either is built or has established a vested right based on statutory or common law as interpreted by the courts, as of the effective date of either local new development stormwater programs implemented under 15A NCAC 02B .0277 for projects that do not require a state permit or, as of the applicable compliance date established in 15A NCAC 02B .0281(5) and (6); or
 - (B) It occurs after the compliance date set out in Sub-Item (5)(d) of Rule .0277 but does not result in a net increase in built-upon area;
- (8) "Falls nutrient strategy," or "Falls water supply nutrient strategy" means the set of 15A NCAC 02B .0275 through .0282 and .0315(p);
- (9) "Falls Reservoir" means the surface water impoundment operated by the US Army Corps of Engineers and named Falls of Neuse Reservoir;
- (10) "Upper Falls Reservoir" means that portion of the reservoir upstream of State Route 50;
- (11) "Upper Falls Watershed" means that area of Falls watershed draining to Upper Falls Reservoir;
- (12) "Lower Falls Reservoir" means that portion of the reservoir downstream of State Route 50;
- (13) "Lower Falls Watershed" means that area of Falls watershed draining to lower falls Reservoir without first passing through Upper Falls Reservoir;
- (14) "Load" means the mass quantity of a nutrient or pollutant released into surface waters over a given time period. Loads may be expressed in terms of pounds per year and may be expressed as "delivered load" or an equivalent "discharge load;"
- (15) "Load allocation" means the same as set forth in federal regulations 40 CFR 130.2(g), which is incorporated herein by reference, including subsequent amendments and editions. These regulations may be obtained at no cost from <http://www.epa.gov/lawsregs/search/40cfr.html> or from the U.S. Government Printing Office, 732 North Capitol St. NW, Washington D.C., 20401;
- (16) "New development" means any development project that does not meet the definition of existing development set out in this Rule;
- (17) "Nitrogen" means the sum of the organic, nitrate, nitrite, and ammonia forms of nitrogen in a water or wastewater;
- (18) "NPDES" means National Pollutant Discharge Elimination System, and connotes the permitting process required for the operation of point source discharges in accordance with the requirements of Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq;
- (19) "Nutrients" means total nitrogen and total phosphorus;

- (20) "Phosphorus" or "total phosphorus" means the sum of the orthophosphate, polyphosphate, and organic forms of phosphorus in a water or wastewater;
- (21) "Stream" means a body of concentrated flowing water in a natural low area or natural channel on the land surface;
- (22) "Surface waters" means all waters of the state as defined in G.S. 143-212 except underground waters;
- (23) "Technical specialist" means the same as defined in 15A NCAC 06H .0102(9);
- (24) "Total nitrogen" means the same as 'nitrogen' defined in Item (17);
- (25) "Total phosphorus" means the same as 'phosphorus' defined in Item (20);
- (26) "Wasteload" means the mass quantity of a nutrient or pollutant released into surface waters by a wastewater discharge over a given time period. Wasteloads may be expressed in terms of pounds per year and may be expressed as "delivered wasteload" or an equivalent "discharge wasteload;" and
- (27) "Wasteload allocation" means the same as set forth in federal regulations 40 CFR 130.2(h), which is incorporated herein by reference, including subsequent amendments and editions. These regulations may be obtained at no cost from <http://www.epa.gov/lawsregs/search/40cfr.html> or from the U.S. Government Printing Office, 732 North Capitol St. NW, Washington D.C., 20401.

(b) The definitions in Rule .0279 shall also apply throughout these Falls Water Supply Nutrient Strategy rules.

*History Note: Authority G.S. 143-214.1; 1432-214.3; 143-214.5; 143-214.7; 143-215.1; 143215.3; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d); S.L. 2005-190; S.L. 2006-259; S.L 2009-337; S.L 2009-486;
Eff. January 15, 2011 (this permanent rule replaces the temporary rule approved by the RRC on December 16, 2010).*