NCDENR

North Carolina Department of Environment and Natural Resources
Division of Water Quality
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September 20, 2010
Buffer Interpretation/Clarification #2010-004

MEMORANDUM

Background: Per 15A NCAC 2H .0506(b)(4), the NCDWQ may require applicants seeking a 401 Water Quality Certification (WQC) for impacts to wetlands and surface waters to submit a Secondary and Cumulative Impacts (SCI) assessment report as part of the application process. In the Randleman Lake watershed, a basin wide SCI was conducted as part of the 401 WQC for the Randleman Lake dam and as part of the development of the Randleman Lake Nutrient Management Strategy (RLNMS).

Problem: Because an SCI assessment has been conducted for the Randleman Lake watershed, and since some activities may not be covered under this SCI, it may be unclear when the NCDWQ might require an additional SCI assessment for applicants seeking a 401 WQC for activities within the Randleman Lake watershed.

Solution: The RLNMS went into effect in April 1999. Any waters of the State in the Randleman Lake watershed listed on the 303(d) Impaired Waters List[1] prior to 1999 are covered by the SCI assessment conducted for the RLNMS. Therefore, NCDWQ considers that SCI to be valid for any proposed actions to waters listed prior to 1999 as impaired and no further analysis may be needed.[2] However, if the water(s) of the State to be impacted by a proposed action were not listed on the 303(d) Impaired Waters List *prior to* 1999, and are listed as impaired on the most recent 303(d) list, then a SCI assessment will be required.

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[1] The most current and past 303(d) lists are available at http://portal.ncdenr.org/web/wq/ps/mtu/tmdl/tmdls.

[2] Please note that a SCI may still be required for impacts to waters listed prior to 1999 based on other factors; for more details visit http://portal.ncdenr.org/web/wq/swp/ws/401/policies.

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Signature: _Clu (Wilzl_   Date: 9/27/10

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