

Don V.



North Carolina Department of Environment and Natural Resources

Division of Water Quality

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Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

Received  
JAN - 7 2010  
Air Permits Section

January 4, 2010

TO: Keith Overcash, Director  
Division of Air Quality

FROM: Coleen H. Sullins

SUBJECT: Northeast Cape Fear River



In response to your recent request, I am providing additional information about mercury in fish in the Northeast Cape Fear River.

The river is on North Carolina's list of impaired waters. The listing process is required by Section 303(d) of the Federal Clean Water Act. This list identifies waters that do not meet water quality standards or waters where the uses are impaired. Tissue from certain fish in the Northeast Cape Fear exceeds 0.4 milligram of mercury per kilogram of body weight. As a result, the NC Department of Health and Human Services has issued fish consumption advisories for those fish, telling people to either limit consumption or avoid eating them, impairing the use of these resources.

Under 40 CFR 122.4, part of the Federal regulations for permits to discharge wastewater to waters, no permit may be issued to a new source or a new discharger when the imposition of conditions cannot ensure compliance with the applicable water quality requirements, in this case protection of the fish for fish consumption purposes.

For the reasons explained above, a net increase in mercury in the Northeast Cape Fear River is not acceptable. If you need to discuss this further, please contact me or Kathy Stecker.

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