



**DEQ Division Overview**  
**Secretary's Environmental Justice and Equity**  
**Advisory Board Inaugural Meeting**

**July 11, 2018**





## DEQ's Work

- Follow the Science
- Follow the Law, Follow the Rules
- Use Science and the Law to Follow Justice

DEQ uses a scientific and legal lens to do our work.

Your guidance is needed to add the lens of how our work can impact communities and people.

*We must do more than the law requires to be transparent and communicate with the public on the department's work and how those we regulate are impacting communities.*

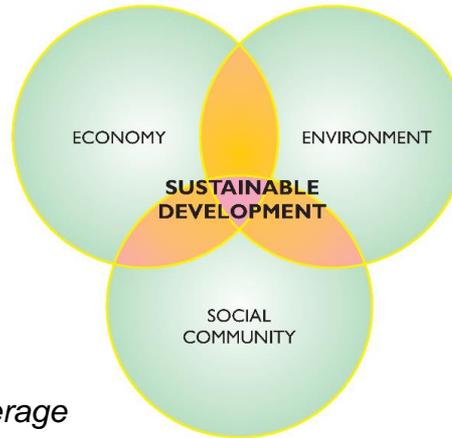
## We Need Your Help

- *Identifying priority issues*
- *Identifying vulnerable communities*
- *Building trust with vulnerable communities*
- *Executing more effective public outreach*

### Proposed Community of Concern Criteria

- Race and Ethnicity
- Age and Sex
- Disability
- Poverty/Household Income
- Limited English Proficiency

*10% or more in comparison to the county average*  
*50% or more minority*  
*5% or more in comparison to the county average*  
*for poverty*  
*EPA and NEPA*



### Regulatory Requirements

- National Environmental Policy Act, NEPA
- State Environmental Policy Act, SEPA

### Policy/Permitting

- EJ Snapshot
- EJ Review

#### Identify

- Grassroots
- Commission on Indian Affairs
- Governor's Council on Hispanic/Latino Affairs
- Local Government
- Churches
- Nursing Homes
- Libraries
- Fire Departments

#### Contact

- Postcards
- Flyers
- Information Packets

## Right now

Working with NC Department of Justice to address remediation alternatives that would speed up the clean up process

- By 10/15/2018, all homeowners will be off bottled water
- By 12/31/2019 permanent solutions will be in determined for the remaining coal ash plants in question.
- Recent meetings were adjusted for the convenience of DEQ staff, not focused on the best ways to engage residents affected by cleanup processes
- Media continue to cover the issue in several key markets
- Age of this issue means we have more awareness of key constituencies interested in the issue

## Public Outreach/Stakeholder Engagement

- Meetings with key environmental groups monitoring progress of clean up plan approval process, public meetings for residents helping guide them toward the best long-term solution for their water needs.
- Public notices, press releases, social media messages, letters/emails to residents, email lists to specific non-profits are more targeted

## Regulatory Requirements

- Coal Ash Management Act
- NC Groundwater Standards
- Protections/Interpretations of Waters of the United States
- Proposed CCR Rule Changes (NC)
- Federal CCR Rules
- Federal Clean Water Act/Safe Drinking Water Act

## Right now

Section staff are implementing DEQ's efforts regarding environmental justice, and assisting other divisions in implementing EJ screening during the permitting process.

## Policy/Permitting

- New landfills require an environmental impact statement – EJ is a component
- Counties must hold a public hearing prior to selecting or approving a site for a new sanitary landfills

In 2008, the General Assembly updated the Solid Waste Law: DEQ may deny an application for a permit for a solid waste facility if DEQ finds the new facility's cumulative impact disproportionately affects a minority or low-income community protected by Title VI.

***This is the only NC program with this authority.***

## Regulatory Requirements

- North Carolina rules/laws
- GS 153A-136(c)-(d)
- 130A-294(a)(4)(c)(9)
- Common application review practices



### **Permitting Process**

At the start of a new site:

- A public hearing is required.
- Local government approval in the form of a resolution or franchise is required.
- Special use permits may be required.

Draft permits receive public hearing and public comment period finalizing the language.



## Right now

- Coordination with EPA and local stakeholders through community meetings and public education to improve public health and environmental outcomes.
- Federal Superfund law provides for grants to communities for engagement and technical assistance.
- Superfund sites:  
CTS of Asheville; Chemtronics, Kerr McGee Navassa, Stony Hill Road TCE, Davidson Asbestos, Patterson Street Vapor Intrusion Removal Site Assessment, Kaba Ilco, One-Hour Martinizing (Durham)

## Policy / Permitting

- Identify, monitor and communicate the risks and locations of more than 4,000 chemical spill or disposal sites.
- Make efficient use of public resources to prevent exposure to dangerous chemicals and to conduct cleanups at the most dangerous sites.
- Work toward finding state and federal cleanup solutions that are effective, efficient and responsive to communities in North Carolina.

## Regulatory Requirements

- NCGS 130A-310
- Federal Superfund (CERCLA)



*Kerr McGee Site, Navassa, NC*

# Brownfields Program

## Right now

- Prospective developers negotiate a brownfields agreement that defines activities needed to make the site suitable for reuse – not to regulatory standards.
- Provides liability protection to all future owners (includes the land) as long as they are not the responsible parties.

This summer NC will approve its 500<sup>th</sup> brownfields agreement.

## Regulatory Dependencies

Brownfields Property Reuse Act (**N.C.G.S. § 130A-310.34**).



# Brownfields Program

## Public Notice/Stakeholder Engagement

The prospective developer (PD) submits a Notice of Intent to Redevelop a Brownfields Property and a summary of the Notice of Intent to DEQ to start the process.

- That triggers a set time to submit written comments as well as requesting a public meeting on the proposed brownfields agreement
- PD provides a copy of the Notice of Intent to all local governments of jurisdiction

### ***A 30-day public comment period begins once the PD:***

- Publishes the summary of the Notice of Intent in a newspaper of general circulation serving the area in which the brownfields property is located.
- Posts a copy of the summary of the Notice of Intent at the brownfields property.
- Mails/delivers a copy of the summary to each owner of property contiguous to the brownfields property.

Brownfields, unlike some other areas of opportunity, are more market driven than DEQ driven.

DEQ offers guidance to public sector partners and drives public engagement around Brownfield notifications.

# Methyl Bromide (MeBr)

Log fumigation air permitting

## Right now

Seven facilities in North Carolina are permitted for MeBr use under Synthetic Minor permits

- Three reported no usage in 2017
- A fourth is no longer in operation
- Currently:
  - Title V permit application
  - 4 synthetic permit applications

## Policy/Permitting

- Evaluated on a case-by-case basis; Title V permit for emissions exceeding 10 tons per year
- Synthetic Minor permit for emissions less than 10 tons per year of a hazardous air pollutant (HAP) is the most common.

NC Public comment period: 30 days

EPA comment period: 45 days

*Department of Environmental Quality*

## Regulatory Requirements

- Classified as VOC, a HAP but not a NC air toxic pollutant
- EPA limited production and use because MeBr depletes the ozone layer
- EPA allows exemption for quarantine and pre-shipment fumigation use
- No state or federal rules/regulations specific to pre-shipment fumigation use of MeBr
- EPA has not established a maximum achievable control technology (MACT) requirement for this activity



# Natural Gas Pipelines

## Right now

FERC, Mountain Valley Pipeline discussions

- Recent public meetings
- Public Engagement push from DEQ to these events

Monitoring ACP lawsuits in WV, VA

## Policy/Permitting

- Federal FERC must evaluate several elements before State can permit the pipeline
- Once a pipeline is approved by FERC, the state is limited to the permitting process to constrain pipeline construction and operations through:
  - Erosion Control Plan Approval
  - NPDES Construction Stormwater Permit
  - 401 Certification
  - Air Quality Permit (if compressor station planned)

## Regulatory Requirements

- Sedimentation Pollution Control Act
- NC Administrative Code (multiple chapters including surface water, groundwater, air quality, sedimentation control)
- Federal Clean Water Act
- Federal Clean Air Act
- USACE 404 Permit
- Federal Clean Water Act/Safe Drinking Water Act



# Wood Pellet Manufacturing

Title V air emission permits

## Right now

Enviva Pellet sites are the primary focus.

- Ahoskie
- Northampton
- Sampson
- Hamlet (under construction)

DEQ.NC.gov includes a 'wood pellet industry' page containing all relevant permit documents for public access

## Policy/Permitting

- Title V Permit application and review
- Public comment period of 30 days
- EPA comment period of 45 days
- Timelines differ (ex. Sampson permit is on hold until Northampton is finalized)

## Regulatory Requirements

Title V permit

- Federal Clean Air Act Title V
- All Title V permits are administered by DAQ central office

Public hearings are not held unless Director deems significant public interest

## Right now

- General permitting process
- Equity tool in development, will be scaled statewide when complete
- Improved monitoring – air, surface water impacts

Stakeholder meetings, training events for permittees, public comment periods, and public hearings are part of the process around new/revised permits for hog operations

## Policy/Permitting

- State Permit for new, existing or expanding operations (general or individual)
- NPDES Wastewater Permit (general or individual)
- Waste Management Permit
- Manure Hauler Registration depending on activities

## Regulatory Requirements

- NC General Statutes 143-215.10B–143-215.10I; General Statute 143-215.10B
- NCAC 15A 02T .1307-.1308; NCAC 15A 02D .1808

## Right now

- Size of mine/potential impacts drive outreach to adjacent property owners regarding permit application/modification requests
- Public hearing if director believes there is significant public interest
- Decision on permit is made by division director

## Policy/Permitting

- Per SL 2017-209, existing and new mine permits are issued for the life of the site or lease term.
- Erosion and sediment control included in mining permit
- Stormwater permit (or included in mining permit)
- Periodic staff inspections

## Regulatory Requirements

- Mining Act of 1971
- Session Law 2017-209
- Sedimentation Pollution Control Act
- NC Administrative Code (multiple chapters including surface water, groundwater, sedimentation control, mining, air quality standards)
- Federal Clean Water Act

# Emerging Compounds

## Right now

Order regarding GenX enforcement actions in public comment period re: Chemours

- DEQ tests for compounds
  - If there is a standard, we act in alignment to that
  - If no standard is in place, we rely on DHHS, others for advisories on health, agriculture
- Lab/staffing limitations –working to maximize the resources we have to monitor and assess the chemicals in water/air/soil
- EPA is beginning to engage on unregulated compounds, asked to come to NC in August to engage public

## Policy/Permitting

- NPDES Wastewater Permit
- NPDES Industrial Stormwater Permit (not all cases)
- Air Quality Permit
- Waste Management Permit

Note: The permitting requirements and regulations enforced depend on the particular industry, industrial processes and location.

## Regulatory Requirements

- NC Administrative Code (multiple chapters including surface water, groundwater, air quality)
- Federal Clean Water Act
- Federal Clean Air Act
- Federal Clean Water Act/Safe Drinking Water Act
- Secretaries Science Advisory Board driving policy (SAB)



# Example

## Increasing Transparency through Deliberate Actions

This postcard was part of Coal Ash outreach

Communication and outreach improvements:

- Looking beyond the law.
- Targeted groups
- Interested parties
- Electronic and non-electronic communication
- Full-time Public Outreach Liaison

### Coal Ash Beneficiation Project Proposed Near your Community

Your community is along the traffic route of a nearby proposed coal ash recycle project. Duke Energy wants to construct and operate the facility south of its Buck Combined Cycle Facility in Salisbury, NC. Duke Energy is proposing to install and operate a fly ash processing facility consisting of a Staged Turbulent Air Reactor (STAR®) plant. The proposed facility is designed to annually process up to 400,000 tons of coal combustion fly ash with other ingredient materials to produce a high-quality class F fly ash (a low carbon material) for use in ready mix concrete or other commercial products. The low carbon material meets the American Society for Testing and Materials (ASTM) Standard C618-08.

A state-issued Title V Air Quality permit will be required to operate the STAR plant. The Air Quality permit will include all emission limitations applicable to the STAR operation and any necessary air pollution control equipment required to meet those emission limits. It will also include monitoring, recordkeeping and reporting requirements designed to assure compliance with the applicable emission limitations.

This postcard also serves as a Notice of Public Hearing and Opportunity for Public Comment. The Public hearing will be held at the **North Rowan High School Auditorium on April 10, 2018 at 7:00 p.m.** located at 300 N. Whitehead Avenue, Spencer, NC 28159. DEQ looks forward to seeing you there.

You are invited to review application documents, as well as submit written comments or present oral or written comments at the Public Hearing. Persons wishing to present oral comments at the hearing should prepare to present for 3 minutes or less.

The 30-day public comment period will run from March 14 through April 14, 2018.



For additional information, contact:

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***Your guidance is needed to identify the most effective ways to reach people.***