

Minutes of Environmental Management Commission
March 9, 2017 Meeting

The North Carolina Environmental Management Commission met on Thursday, March, 2017 at 9:00 a.m. in the ground floor hearing room in the Archdale Building, Raleigh, NC.

Meeting Called to Order: J. D. Solomon, Chairman

The meeting was called to order at 9:01 a.m. with Chairman Solomon presiding. He provided the notice required by N.C.G.S. §138A-15(e). No conflicts of interest or appearances of conflicts of interests were identified at this time.

Present: 13 - John D. Solomon, Chairman, Vice-Chair Kevin Martin, David Anderson, Gerard Carroll, Charlie Carter, Tommy Craven, Charles Elam, E.O. Ferrell, Bill Puette, Dr. Larry Raymond, Dr. Bob Rubin, Steve Tedder, Julie Wilsey

Others Present: Commission Counsel Jennie Hauser

Absent: Commissioner Butch Smith

I. Approval of Minutes

Chairman Solomon asked for approval of the minutes from the Commission's November 10, 2016 meeting. (**Commissioner Raymond** made a motion to approve the minutes and **Commissioner Carroll** seconded the motion, and the motion passed unanimously.)

Chairman Solomon indicated that item number 2 under Preliminary Matters would be heard at the next meeting. He introduced Secretary Michael Regan, of the Department of Environmental Quality to the Commission and thanked him for attending the meeting. As part of his introduction, Chairman Solomon indicated that in their

interactions in the last couple of months, Secretary Regan has been very proactive and pragmatic in finding solutions, and that the Secretary is a native North Carolinian. Everyone extended an applause of welcome to Secretary Regan.

Michael S. Regan, Secretary of Environmental Quality

The Secretary thanked the Mr. Chairman for the kind words, and indicated he has probably spent more time with Chairman Solomon than any chairman since being in the job. It had been a pleasure getting to know him and getting to know the EMC through him. One of the things that the Chairman has shared is the dedication and the time spent and the diligence in terms of evaluating very real and tough complex issues. The Secretary extended his thanks to the EMC members public servants giving back to the great State of North Carolina, that he truly loves. The Secretary introduced a few senior staff members beginning with retired Colonel John Nicholson, Chief Deputy Secretary. John is a retired Marine and has built and led teams all over the world. It is great to have John's experience on the team at DEQ. Another pleasure to introduce was Sheila Holman, serving as Assistant Secretary for the Environment. Sheila is someone that he had admired from afar for a number of years indicating many may know Sheila whether it be with her great work at EPA or her work at DEQ. He next introduced the DEQ General Counsel, Mr. Bill Lane. Bill came to DEQ from Kilpatrick, Townsend and Stockton in Raleigh where he has represented both business and government on very complex issues ranging from air quality to waste management and water quality. Mary Penny Kelley joins the leadership team as the Senior Advisor for policy and innovation. One of the things that the Secretary takes pride in is innovation and thinking about policy interpretation. The last introduction was Andy Miller, the Director of Legislative Affairs. Folks on both sides of the aisle described Andy as a guy who can work to get things done. He felt very fortunate as the Secretary of DEQ, coming into a job where the issues are very complex that he has a very strong team working with him and hopes that DEQ and the EMC can do a lot of work together. The Secretary indicated the leadership team has taken on a few items as priority in addition to that we are all trying to solve together.

The Secretary's vision is to:

- Truly appreciate and evaluate all the expertise at DEQ
- Make sure that the EMC has access to the expertise as a Commission, or as a general stakeholder group
- Work to increase transparency in stakeholder engagement
- Be very transparent in the way it goes about its business and be deliberative in terms of financial solutions, which requires involvement
- Have formal involvement as a Commission but also informal involvement just in having dialog on information exchange
- Engage one of our most important stakeholders, and that's the Legislature

The Secretary gave just one takeaway. That is, the department is prepared to engage on some very complex issues. It is prepared to support this Commission and prepared to go at all these issues as a team. "We are all in it together and I truly believe that we all love North Carolina. I appreciate your time."

Chairman Solomon asked the Commission if they had any questions or comments. He invited the Secretary to come back to any Commission meetings that he could attend, and the Commission really, appreciated him being there today.

Secretary Regan stated that he would be back. While he trusts his team, and knows that they are capable, experiencing things firsthand was the best way to go about it.

II. Action Items

- **17-11 Request for Adoption of the Hearing Officer's Recommendations on Proposed Amendments to the Underground Storage Tank Rules in 15A NCAC 02N and 15A NCAC 020**

Ruth Strauss, DWM/Underground Storage Tank Section, stated that the rules under consideration are 15A NCAC 02N and 15A NCAC 020. The changes are necessary to

incorporate amendments to the federal UST regulations (40 CFR parts 280 and 281) into the State's rules. Rule changes are needed to incorporate revisions made to the federal underground storage tank regulations (40 CFR Parts 280 and 281). Ms. Strauss discussed the federal revisions. A public hearing was held on November 16, 2016, and the 60-day comment period was November 1, 2016 to January 3, 2017. During the comment period, one comment letter was received from the NC Petroleum and Convenience Marketers. The Division addressed three comments in the letter in which Ms. Strauss described and discussed. Based on consideration of the comments, the Division does not recommend any additional amendments to the proposed rules. Ms. Strauss stated the Fiscal Note for the rule changes was approved by OSBM on October 6, 2016. She also presented a timeline regarding the rulemaking and noted that, if the EMC approves the, Division is prepared to present to the RRC in April and, if the RRC approves, the effective date of the rules will be June 1, 2017.

Commissioner Carter asked why Division planned to present to the RRC in April, rather than March? Ms. Strauss answered that she did not think there would be enough time for final reviews before the RRC's March date. He mentioned options for financial assurance that were previously incorporated by reference and wanted to know if those options will now be included by text? Ms. Strauss responded yes.

- Motion(s)

A motion was made by **Commissioner Tedder** to proceed to RRC with staff recommendations and **Commissioner Wilsey** seconded. The motion passed unanimously.

- **17-12 Request Approval of Hearing Officer's Report and Adoption of Proposed Amendments to Rule 15A NCAC 13B .0840: Sampling and Analysis**

Jessica Montie, DWM/Solid Waste Section, stated the rule under consideration is 15A NCAC 13B .0840 (Sampling and Analysis) and that the changes to this rule that are being requested are to reduce frequency of soil sampling, at septage land application sites,

from once per year to once every two years to reduce the burden on the regulated community. Additional changes were made for correction or clarification. The fiscal note was approved by OSBM on July 26, 2016 and presented to the EMC at the November 2016 meeting. A public hearing was held on January 13, 2017 and the 60-day comment period was December 15, 2016 to February 13, 2017. No comments were received during the public comment period or hearing. Therefore, no changes were made to the amendment from the published version. Ms. Montie stated that, if approved, they are prepared to present at the RRC meeting on April 20, 2017. If RRC approves the rule, the earliest effective date will be May 1, 2017. The Division requests that the EMC approve the Hearing Officer's report and adopt the proposed amendments to rule 15A NCAC 13B .0840 (Sampling and Analysis). There was no further discussion.

- Motion(s)

Commissioner Raymond made a motion that the EMC adopt the proposed amendments and the fiscal note. **Commissioner Carroll** seconded. The motion passed unanimously.

- 17-13 Request Approval of 30-day Waiver to Proceed to Public Comment and Hearing for Proposed Temporary Rulemaking for the Hazardous Waste Generator Improvements Rule

Craig Bromby, NCDEQ Deputy General Counsel explained the temporary rule process, and the reason the Division's request of this process for this rule. The basis of the request for the temporary rule is if new EPA rules go into effect in May 2017, they would remove some authority delegated to the Division. Passing our temporary rule would mean those changes would not go into effect, thereby, keeping the status quo. He further explained the necessity of the temporary rule and how it relates specifically to the current administrative code and adoption by reference. He also clarified that the regulatory obligation, under the temporary rule, would not change. Mr. Bromby then noted that the

temporary rule request does not meet the criteria in 150B 21.1 for temporary rulemaking. In addition, Mr. Bromby stated that, if passed, the Division will post the rule language in a readable and easily understood format online.

Chairman Solomon asked if the Department feels like we need to move forward with this temporary rule item? Mr. Bromby stated that the Department feels it is needed to prevent the loss of parts of the Program.

Commissioner Carter asked why not adopt a rule blocking the federal register notice from November 28, 2016? Mr. Bromby replied that there might be issues bringing such a rule before the RRC.

Chairman Solomon commented that he understood why the Department had brought this request forward and then called Julie Woosley, DWM Hazardous Waste Section Chief, to come forward to give her presentation.

Julie Woosley, DWM/Hazardous Waste Section addressed **Commissioner Carter's** question by stating that there is a concern that adopting a rule blocking the Federal Register notice from November 28, 2016 could lead to a lack of clarity amongst the regulating public. Ms. Woosley provided and noted:

- an overview of the different components of the federal regulations and requirements, the hazardous waste generator improvement rule
- an overview of the regulation to include public outreach and effective dates of the rule and types of hazardous waste that will be affected.
- additional information regarding regulatory requirements
- explained the proposed rule.
- different rulemaking requirements for the proposed EPA rule to include that rulemaking must be complete within two years of adoption and must be as stringent as federal requirements

- concern for the petition related to whether minor violations resulting in large penalties

Commissioner Carter asked if a stay of the rule has been considered? Ms. Woosley noted reasons already mentioned by Mr. Bromby regarding the need for a temporary rule. She offered two options with regards to a timeline for the rulemaking schedule and stated that Option 1 was the preferred choice.

Chairman Solomon asked if the temporary rulemaking court says this isn't necessary, will that stop the Department's request? Ms. Woosley answered that the motion for the rule can be clarified to include changes at the federal level that would pull back to the temporary rule. **Chairman Solomon** added a request to move forward while concurrently working on the permanent rule. Ms. Woosley described a summary of the proposed temporary rules.

Chairman Solomon asked Mr. Bromby whether he had any legal thoughts regarding the proposed temporary law. Mr. Bromby responded that it is the position of the Department to move forward on the temporary rule.

- Motion(s)

Commissioner Tedder made a motion that that the EMC approve the temporary rule. **Chairman Solomon** recognized the motion but asked **Commissioner Tedder** to clarify that the motion was to approve the 30-day waiver for the temporary rule. **Commissioner Rubin** seconded the motion.

Chairman Solomon asked for clarification. **Commissioner Puette** stated his preference for Option 1. **Commissioner Carroll** asked when would temporary rule go into effect? Ms. Woosley responded that the temporary rule would go into effect on the same day as the federal rule. **Commissioner Carroll** clarified that the effective date is the same for the temporary rule and the federal rule. Jennifer Everett, DEQ Rulemaking Coordinator stated that they are required to note an effective date when the temporary rule goes before the RRC.

Commissioner Carroll stated that we don't want the temporary rule if the federal rule is not in effect. Jennifer Everette responded that, by May 11th, we will be able to reassess the status of the federal rule. The Commissioners discussed the Option 2, but Ms. Woosley indicated that the preference for Option 1 was based on needing sufficient time for stakeholder feedback, public outreach and to address other aspects of the rulemaking process. There was some additional discussion and **Chairman Solomon** asked **Commissioner Tedder** for clarification on the motion.

- Motion(s) – for Clarification

Commissioner Tedder responded that his motion was to proceed to public comment and hearing with the temporary rule using Option 1. **Chairman Solomon** clarified the motion further to add an option regarding reference to federal rule status and the ability to withdraw. **Commissioner Tedder** agreed with **Chairman Solomon's** addition to the motion. **Commissioner Rubin** seconded the motion. **Commissioner Carroll** wanted clarification as to the effective date of the temporary rule. **Commissioner Tedder** commented that the date would be May 30th, the same date as the effective date of the federal rule.

- **17-14 Request for Approval of the 30-day Waiver on Rule Revisions and Regulatory Impact Analysis to PM2.5 Increment Baseline for the Prevention of Significant Deterioration Rule (541) and for Approval to Proceed to Public Hearing on Rule Revisions for the Prevention of Significant Deterioration Rule**

Counsel Jennie Hauser stated that for this agenda item the Commission would need to consider whether or not they wanted to waive the 30-day rule before they discussed the agenda item, which was for a change to the regulatory impact analysis to PM2.5.

- Motion(s) – for the 30-day waiver

Commissioner Carroll made a motion to approval a 30-day waiver and

Ferrell seconded the motion. The motion passed unanimously.

Mr. Patrick Knowlson, Division of Air Quality, requested to proceed to public hearing on the amendment to the prevention of significant deterioration rule. He explained that the EMC passed an amendment to this rule on July 11, 2013, and that on September 14, 2016, EPA published its disapproval of parts of the State Implementation Plan (SIP) submittal. The SIP did not include federally required provisions needed to implement the PM_{2.5} increments. The excluded provisions include definitions for major source baseline date, minor source baseline date and baseline area. He explained the SIP disapproval triggers a requirement for EPA to promulgate a Federal Implementation Plan (FIP) within 2 years of the date of the disapproval. He explained that the rule was being revised to change the incorporation date and that the regulatory impact analysis (RIA) was developed by using the approved RIA analysis presented to the EMC in its November 2012 meeting.

Chairman Solomon stated that it looks like the EMC went down a path on PM_{2.5} that didn't work out. So now we're trying to get the rule back in line with federal standards.

Commissioner Carter agreed that Chairman Solomon described the situation accurately.

- Motion(s) – Public Hearing

Commissioner Carter made a motion to approve proceeding to public hearing on the proposed amendments and regulatory impact analysis, and that the Chairman appoint a hearing officer. **Commissioner Ferrell** seconded the motion. The motion passed unanimously.

Chairman Solomon asked if there was a hearing officer for this hearing.

Commissioner Carter responded that he volunteered to be the hearing officer.

- **17-15 Request Approval of the Round 4 Jordan Lake Water Supply Allocation Recommendations as provided for in G.S. 143-354(a)(11)**

Don Rayno, Division of Water Resources (DWR), presented recommendations for approval of Round 4 in Jordan Lake water supply allocations based on authority given in 2010 from the EMC. The allocation request percentages for the water supply portion were depicted as the yellow portion (water supply) in the graph on slide 3 of the presentation. The conservation storage pool should be looked at as two separate reservoirs rather than one because 2/3 of the storage from the green portion in the chart is dedicated to supplying flows downstream. Multiple requests from various counties for allocation increases were received. DWR evaluated all requests and determined which increase requests were justified, and reported the findings in the presentation given before the EMC.

Counsel Jenny Hauser stated that this action is a quasi-judicial issue. She gave a brief summary of the requirements, including to identify if any of the Commissioner's had a conflict of interest in this matter. No EMC member voiced any conflicts.

Commissioner Martin asked why Fayetteville's request was not accepted. Mr. Rayno responded that DWR's long range analysis, which included looking at data from the past 81 years, Fayetteville would be expected to meet their projected water demands through 2060 without an allocation from Jordan Lake. This is due to the adequate water flow conditions that have existed. **Commissioner Carroll** asked if there were any provisions to periodically review the forecast and actual demand within the 30-year time-period, and to make adjustment as necessary. Mr. Rayno indicated this would be allowed. Tom Fransen, DWR Planning Section Chief, interjected that there are already provisions in the rules that every 5 years, staff can report back to the EMC, and update on the allocation status for Jordan Lake. We've not given one

recently because we have been in the allocation process. At that time the staff or you could see that somebody's not using their allocation, request it to be changed. Historically, the Commission has taken away one allocation because the allocation holder did was not paying. In one of the previous rounds, the Orange Water and Sewer Authority's (OWASA) original allocation was 10 mgd and it was determined that was no longer appropriate and the Commission reduced it from the 10 mgd to 5mgd. The process is in place and you will be getting regular updates, and you have a history of having made those types of changes.

The Chairman asked for a motion after more discussion continued between the staff and the Commissioners.

- Motion(s)

Commissioner Tedder motioned to approve the request as brought forth to the EMC, with an addition be made to the Round 4 Jordan Lake Water Supply Allocation recommendation document dated December 2016 to include Appendix B, pages 108-114, from the Cape Fear River Surface Water Supply Evaluation document to explain why Fayetteville's request was denied. **Commissioner Dr. Raymond** seconded the motion. The motion passed unanimously.

17-16 Request for Approval of Letter to EPA Region 4 In Follow-up to EPA Decision on 2016 303(d) List

Chairman Solomon stated that the proposed letter was a summary letter consolidating information from the document the EMC approved in January and submitted to EPA, which he believed **Commissioner Puette** asked that the EMC send directly to the Regional Administrator whenever he or she was named.

Commissioner Carter asked if that was relating to Information Item #2 on the agenda. **Chairman Solomon** responded yes, that Jeff Manning would discuss the topic in more detail. He stated that several of the Commissioners indicated that he

had the authorization to write the summary. To be totally transparent and involve everybody in the process, he basically cut and pasted the key paragraphs from the EMC's letter. The Chairman asked **Commissioners Wilsey, Martin and Tedder** to review the draft because they had worked with Mr. Manning on the first letter. They edited what was sent to the Commission members and indicated that members would see the proposed letter was a cut and paste of four short paragraphs out of the six-page document. The Chairman requested the full Commission review the draft and approve it with a motion and a second before the EMC sent it to the Regional Administrator.

Vice Chairman Martin commented that someone had asked him if this was a replacement of what they did before. **Chairman Solomon** indicated it is not a replacement, and that the letter under consideration is directed to the EPA Regional Administrator so that the EMC is not depending on EPA to filter it up to them. The point being to be 100% certain the administrator has it in his/her hands. The Commission had felt the only way to do that was to direct the Chairman to send the proposed letter.

Commissioner Carroll asked if the Regional Administrator had been named. **Chairman Solomon** stated that the Regional Administrator's name was not currently known, but the letter would not be sent until the Regional Administrator was named and in place. **Chairman Solomon** asked for a motion.

- Motion(s)

Commissioner Wilsey made a motion that the Commission approve the letter for the EPA Region 4 and that the Chairman can send it when the new administrator is named. **Commissioner Anderson** seconded the motion. The motion passed unanimously.

III. Information Items

17-10 Update on Status 15A NCAC 13B .2000 Rules for Coal Combustion Residuals

Ellen Lorscheider, DWM/Solid Waste Section Chief, stated that in November of 2016 the Division went before the Groundwater and Waste Management Committee and asked that they proceed to the EMC with two versions of a rule based very closely on the federal coal combustion residuals rule. Ms. Lorscheider stated in December 2016 the Water Infrastructure Improvements for the Nation Act (WIIN) passed. She discussed the details of the WIN act (Section 2301). She indicated the next steps for DEQ programs. Ms. Lorscheider stated that the Department will continue to discuss the proposed CCR rule internally as well as with stakeholders and the EPA to establish a path going forward. Next update will be on May 11, 2017.

Chairman Solomon stated that EMC will continue to have these information meetings and we should strive to present a holistic program, not bits and pieces of rules. **Commissioner Carter** asked if the draft rules, presented in January, are now on hold pending review of the options presented by Ms. Lorscheider and she responded yes.

Questions and comments between the Commissioners and Ms. Lorscheider continued and she assured the Commissioners that anything pertaining to regulation changes would come back to the Groundwater Committee and the EMC. Ms. Holman, Assistant Secretary for the Environment, clarified that what will be presented in May is further assessment of the three options, and to share Department recommendations, to help the EMC advise the Department going forward.

Chairman Solomon closed by emphasizing how important it is to keep this active in front of the EMC. **Commissioner Rubin** added that he wished to thank everyone for their effort, all those who have spent so much time working on this.

17-11 Comments from the EMC to US EPA Regarding EPA's December 8, 2016 Proposal to Add Waters to the State's April 1, 2016 Section 303(d) List

Mr. Jeff Manning, DWR, indicated that the EMC and the division has the desire to identify impaired waters and unimpaired waters based on good cause and accurate data. Staff hopes that the EMC letter and the division letter to end up with concurrence from EPA that the listing method is appropriate, in that they use category 5 to show impaired waters and use category 3 for the unknown status waters. The importance for the state to have this concurrence is because it allows DWR to strategize sampling efforts, to focus priorities, and focus on developing the next 303(d) list in good faith with EPA. All of that takes time and the next list is due in 2018. Mr. Manning described and discussed the three major areas of the division letter to EPA which is attached to the agenda as Attachment B. The three major areas of disagreement are the use of small datasets, the delisting process for conventional pollutants, and EPA's insistence on applying the "greater than 1 exceedance in 3 years" policy where the toxics, or metals, exceedances occur.

Chairman Solomon asked if both letters were submitted to EPA on February 17 as planned and Mr. Manning confirmed that they were. Mr. Manning presented details regarding these three major areas and indicated that staff had a conference call with EPA, but did not get a sense of a change in direction from EPA. Comments, remarks and suggestions were presented by the Commissioners regarding these letters, and that the action item presented earlier on the EMC's agenda would result in a letter going from the EMC to the EPA R4 Administrator to call attention to this topic.

IV. Concluding Remarks

- Director's Comments

Tracy Davis, Director of Division of Energy, Mineral & Land Resources

Director Davis presented legislative bill tracking updates on:

- House Bill 56 – Amend Environmental Laws.
- Senate Bill 107 – Exemptions for Dam Removal.

- Senate Bill 131 – Regulatory Reform Act of 2016

Mr. Davis described details DEMLR's role regarding these bill updates.

Chairman Solomon thanked DEMLR for leading the discussions on professional licenses issues. He felt DEMLR was making sure that appropriate licensees were being reflected. He supported the efforts because the actions impact public safety, health and welfare, and he appreciated Mr. Davis leading that charge.

Michael E. Scott, Director of Division of Waste Management

- The Division appreciates the continued dialogue with the Commission regarding the federal CCR Rule and on the Hazardous Waste Generator Rule.
- The Division has been conducting meetings for the stakeholder process for the periodic rule review for the following rule sets (Rule sets 15A NCAC 13A, 13B and 13C). We have been receiving substantive input and these meetings have proven to be productive.
- The Division continues to prepare information on several fronts regarding proposed legislation to include solid waste, pre-regulatory landfill sites and compost facilities.
- The Division continues to work with DWR on the ArcGis online application of the well permitting decision tool. This application resulted from previous legislation designed to prevent new well permits in areas of known contamination. The final component of this application will include rule development.

DWM, DWR and DEMLR staff met with UNCC staff from the coal ash and liquid management office (CALM). Industry representatives (engineering firms, consulting firms and contractors) also attended the two-day event to share knowledge related to coal ash management.

With regards to Disaster Recovery Act funding (DR16), specifically, the Underground Storage Tank section has seen a wide range of impacts and are actively working to

manage funds, the General Assembly dedicated, to get those funds to the impacted infrastructure and citizens of the state. There may be a Disaster Recovery Act, DR17, where additional fund requests are put forth.

Some resource requests have been made within the Governor's budget, to add staffing resources within the Underground Storage Tank Section. Also, a funding request was made to reimburse outstanding non-commercial UST claims that remained at the close of that program.

Michael Abraczinskas, Director of Division of Air Quality

Michael Pjetraj has been named the acting Deputy Director of DAQ. Michael has 24+ years of air quality experience including management of the Stationary Source Compliance Branch in DAQ's Central Office for the past 8 years, as well as experience working in a Regional Office and in the private sector. He also served as acting Deputy Director in 2010, and is a licensed Professional Engineer. As acting Deputy Director, Michael will provide administrative oversight of DAQ's four Central Office Sections and the DAQ Business Office, and support our daily technical, policy and operational challenges. The United States Environmental Protection Agency (USEPA) strengthened its primary and secondary National Ambient Air Quality Standards (NAAQS) for ground-level ozone on October 1, 2015. The USEPA recently determined that the 2008 primary and secondary ground-level ozone standard of 0.075 parts per million (ppm) is not adequate to protect public health and welfare from known or anticipated adverse effects. Based on its review of the air quality criteria for ozone and related photochemical oxidants and NAAQS, USEPA revised the primary and secondary ground-level ozone standard to 0.070 ppm pursuant to Clean Air Act (CAA) Sections 108 and 109. The ozone monitoring season has been expanded by one month to ensure compliance with the 2008 and 2015 ozone NAAQS, and to ensure citizens are alerted when ozone reaches levels of concern. The ozone season

for 2017 started March 1st. However, the indicators, forms, and averaging times (the annual fourth-highest daily maximum 8-hour concentration, averaged over 3 consecutive years) have been retained. The DAQ is integrating a new data acquisition system to efficiently manage and quality assure ozone monitoring data. The USEPA intends to provide final air quality designations by October 1, 2017. Based on the 2013 – 2015 certified ambient monitoring data, the design values for all ozone monitors in North Carolina are below the revised 2015 8-hour ozone NAAQS. Also, the low sulfur fuel standard (effective January 1, 2017) will assist with attaining the ozone standard since catalytic converters in vehicles will work more efficiently. Therefore, North Carolina is recommending that all counties in North Carolina be designated as “Attainment” for the revised 8-hour ozone standard.

The DAQ commented on two important interstate items. First, they’re providing comments for the USEPA’s proposal to deny the northeastern states Section 176A petition by April 13, 2017. The DAQ’s comments support the denial and will contain supporting material that NC has met the 2008 ozone standard “Good Neighbor” SIP provision. Second, the DAQ is providing comments on preliminary interstate ozone transport modeling for the 2015 ozone standard by April 6th. The concern is with USEPA’s technical analysis of 2023 future year emissions projections for electric generating units (EGU’s).

Jay Zimmerman, Director of Division of Water Resources

Mr. Zimmerman provided an overview of several topic areas:

- DWR and DWI have been working jointly on potential projects for funding related to hurricane relief efforts.
- The permitting section issued a letter to local governments in the Cape Fear River Basin outlining plans for future 1,4 dioxane testing.

- The NC Drought Management Advisory Council issued a consensus driven drought map that varied slightly from the US Drought Monitor maps. Tom Fransen provided an overview by showcasing both maps.
- DEQ approved the Permanent Alternate Water Plans for coal ash sites. DEQ also reviewed Closure Plans and approved a 60 day extension for a couple of coal ash plant sites.
- Closure Plan public meetings are being held in Asheville, Dan river, Riverbend and Sutton locations the week of March 13th.

For a more detailed description of director comments, please go to:

https://ncdenr.s3.amazonaws.com/s3fs-public/Environmental%20Management%20Commission/EMC%20Meetings/2017/2_March2017/Directors_Comments_09March2017.pdf

Chairman Solomon asked DEQ/Assistant Secretary for Environment, Sheila Holman if she had any comments.

Assistant Secretary Holman responded that she was happy to be there at the meeting and would be attending future meetings. She stated that it was important to hear from the division directors and their staff to navigate these issues, which at times are very complicated. Her commitment is that DEQ will continue to have an open process with the Commission, do the best to keep the EMC schedule updated and stay on schedule as much as possible, and work with the Commission the best that they can. Affirming Secretary Regan's remarks, Ms. Holman also thanked the Commission members for the time they spend with these very complicated issues. She thanked them for their service, and voiced her commitment to them in continuing to support the Commission moving forward.

- Committee Chairs

Air Quality Committee **Chairman Carter** stated they had nothing more than what

was presented to date.

Water Allocation Committee, **Vice-Chair Anderson** stated they had a good meeting but nothing more to add.

Water Quality Committee **Chairman Wilsey** stated they had all information items but it was just a breather before the beginning of the rules re-adoption process. Those not in attendance were encouraged to look at the agenda. There are 375 rules are coming to the Commission in the next 30 days, and those are the 2T, 2U, 2B and 2H rules. The process is started and they will break them into two different packages. Members were encouraged to start reading ahead. The information will be on the agenda spread sheet. The Committee also had information about the impacts of poultry, swine and cattle on water quality, towards what was call the quest to find the naturally occurring contaminants in the water because they had looked at everything else. They heard an update on the dam safety classification rules, which are headed towards the beginning of the rules readoption. They also had a presentation on green stormwater infrastructure which reemphasizes some of the new stormwater BMPs that were put into place in January and the impacts to the waters of the state. The Committee had a presentation on new technology to connect with stakeholders, and get information out in a better manner using new storyboards and story maps for basinwide resource planning. The first basin report using the technology is for the Watauga. It is a way to for people who like the technical side to read the technical reports, and those that are better educated via pictures, graphs and maps to have an enhanced experience.

Groundwater & Waste Management Committee **Chairman Puette** stated that they were able bring to the Commission the temporary rulemaking for hazardous waste generator improvements rule. He thanked staff, particularly Counsel Craig Bromby, for their assistance and insight.

- Commission Members

Commissioner Tedder mentioned the Animal Waste Report that Heather Patt wrote is worth picking up and reading. It is one of the better reports that he had seen in a long time, and very informative. Unfortunately, this is last meeting she will be attending, as she and her husband will be moving out west. He was also glad to see the improvements in the basinwide process that Julie mentioned. It was one of the better informational items to acquaint you what goes on within the basin. It's not a regulatory tool. The reports are one of the better informational items to understand situations going on in the basins.

Vice-Chairman Martin reminded the Committee Chairs that unless **Chairman Solomon** changes this process, once something moves out of a Committee to come to the Commission with the recommendation to go to public hearing, the Committee Chair should identify hearing officers. Therefore, once it is approved by the Commission, the Chair can pass the recommendation on to the Chairman, and the Committees don't lose momentum in their work.

- Counsel

Counsel Jennie Hauser indicated that a litigation summary was not provided because there was only one item to report and members should all be aware of it. They were sent a copy of the petition for judicial review that was filed in Cumberland County on behalf of the EMC and the Department. Ms. Hauser stated that she would keep the Commission apprised as the petition developed.

- Chairman

Chairman Solomon indicated someone spoke to him yesterday and commented that the Commission processed a lot of technical information in a very efficient way with everybody engaged. He thanked the Commission again for everything that they

do. He also thanked the staff for their support and for the good working relationship. The Chairman remarked that today's agenda was light but it is going to begin getting heavy. He indicated that they would have many different rules to process including rules in all the different Committees. The next few meetings will be very busy and members will have a lot of reading to do. He advised members to be looking for the information and the EMC will continue to make process as good as it can.

With no further business before the Commission, the Chairman adjourned the meeting at 12:20 p.m. on March 9, 2017.

Approved this day 11 of May 2017.



J. D. Solomon, Chairman of the EMC