GROUNDWATER AND WASTE MANAGEMENT COMMITTEE

**512 N. Salisbury Street  
Archdale Building - Ground Floor Hearing Room  
Raleigh, North Carolina**

**May 10, 2017  
11:00 a.m. – 12:00 Noon**

Bill Puette, Chairman, Presiding

*In the event the previously scheduled committee meeting adjourns prior to the estimated adjournment time, the other committee meeting may be called to order, by the Chairman, fifteen minutes after the previous meeting adjourned.*

**I. Preliminary Matters:**

Call to Order and Notice of NCGS § 138A-15 ...………………………………………………….Chairman Puette

*General Statute § 138A-15 mandates that the Chairman inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.*

Approval of minutes from Groundwater and Waste Management Committee (GWWMC) meeting on March 8, 2017 (will be attached by 5/2/17).

**II.**  **Action Items:**

1. Request Approval to Proceed to Environmental Management Commission to Request Approval to send the Periodic Review of Existing Rules Report for 15A NCAC 02L to Public Comment in accordance with S.L. 2013-413 (HB 74). **Jeff Manning,** **DWR**

**Explanation**: The Division of Water Resources and the Division of Waste Management seek approval to proceed to the Environmental Management Commission (EMC) with the review of the 02L rules. The rules review follows the procedure mandated by S.L. 2013-413 (HB 74). Staff recommends the initial determination to be “necessary with substantive public interest” for 43 rules, recommends the initial determination to be “necessary without substantive public interest” for 21 rules, and recommends the initial determination to be “unnecessary” for two rules.

If approved by the EMC in July, staff will conduct a public comment period for the reports with these initial determinations.

**Attachments:** 15A NCAC 02L Report  
 *PowerPoint* Presentation

**Recommendation:** That the GWWMC approve to proceed to the EMC with the review of the subject rules.

2. Request Approval to Proceed to the Environmental Management Commission to Request Approval to send the Periodic Review of Existing Rules Report for 15A NCAC 02N, 15A NCAC 02O, and 15A NCAC 02P to Public Notice in accordance with S.L. 2013-413 (HB 74) **Andria Merritt, DWM**

**Explanation:** The Division of Waste Management seeks approval to proceed to the Environmental Management Commission (EMC) with the review of these rules. The rules review follows the procedure mandated by S.L. 2013-413 (HB 74). Staff recommends the initial determination to be “necessary with substantive public interest” for 42 rules in Subchapter 02N, 20 rules in Subchapter 02O, and 12 rules in Subchapter 02P. Staff recommends the initial determination to be “necessary without substantive public interest” for four rules in Subchapter 02N, three rules in Subchapter 02O, and two rules in Subchapter 02P. Staff recommends the initial determination to be “unnecessary” for one rule in Subchapter 02P.

If approved by the EMC in July, staff will conduct a public comment period on the report with these initial determinations.

**Attachments:** 15A NCAC 02N Report  
 15A NCAC 02O Report  
 15A NCAC 02P Report  
 *PowerPoint* Presentation

**Recommendation:** That the GWWMC approve to proceed to the EMC with the review of the subject rules.

3. Request Approval to Proceed to the Environmental Management Commission for Public Notice and Hearing for 15A NCAC 02T Section 1500. **Scott Bullock, UST**

**Explanation:** The Division of Waste Management seeks approval to proceed to the Environmental Management Commission for public notice and hearing for 15A NCAC 02T Section .1500 – Soil Remediation.  The rules are proposed for readoption pursuant to G.S. 150B-21.3A.  In addition, rulemaking amendments are proposed based on stakeholder input to only require soil remediation to “soil-to-groundwater” or residential standards, whichever is lower.

If approved by the EMC in July, staff will proceed with public notice and hearing for 15A NCAC 02T Section .1500.

**Attachments:** 15A NCAC 02T .1500

*PowerPoint presentation*

**Recommendation:** The GWWMC approve to proceed to the EMC with the review of the subject rules.

**III. Information Item:**

1. Update to evaluation of established Interim Maximum Allowable Concentrations (IMACs) under 15A NCAC 02L **Connie Brower, DWR**

**Explanation:** The Environmental Management Commission (EMC), under the regulations in 15A NCAC 02L .0202, is responsible for establishing Groundwater standards designed to protect public health. Interim Maximum Allowable Concentrations (IMACS) may be established by the Director of DWR when no applicable standard exists. Since the last revision to 15A NCAC 02L, a number of IMACs have been established by the Director, and are being reevaluated with the purpose of providing recommendations to the EMC for adoption as Groundwater Standards under the rule.  Staff will present an overview of the process of the reevaluation and provide the Groundwater Committee with an estimated timeline for future regulatory steps needed to adopt revised standards.

**Attachments:** *PowerPoint presentation*

**2.** Update of the Departmental Regulatory Programs for Coal Combustion Residual Landfills and Impoundments **Ellen Lorscheider, DWM**

**Explanation:** The Water Infrastructure Improvements for the Nation (WIIN) Act, passed by the US Congress in 2016, allows states to implement a delegated permit program for Coal Combustion Residual (CCR) units, if the program is as protective as the federal CCR rule.  This presentation will be an overview of the Divisions of Waste Management, Water Resources, and Energy, Mineral, and Land Resources program elements in order to solicit the Committee’s input regarding potential rule promulgation needed to address any gaps in existing rules and/or amend less protective rules in order to meet the WIIN Act requirements.

**IV. Closing Remarks**……………………………………………………………………...…..………..Chairman Puette

**Adjournment** 5-10-17