GROUNDWATER AND WASTE MANAGEMENT COMMITTEE

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

**July 12, 2017**

**1:00pm-2:00 pm**

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 May 10, 2017. (Attached)

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

1. Request Approval to Proceed to the Environmental Management Commission for Public Comment and Hearing for Amendments and Readoption of 15A NCAC 13A. **(Jenny Patterson, DWM)**

 **Explanation:** The Division of Waste Management seeks approval to proceed to the Environmental Management Commission for public notice and hearing for proposed amendments to 15A NCAC 13A – Hazardous Waste Management. The rules are proposed for readoption pursuant to G.S. 150B-21.3A. In addition, permanent rulemaking amendments are proposed to replace the Hazardous Waste Generator Improvement temporary rules.

 If approved by the EMC in September, staff will proceed with public notice and hearing for 15A NCAC 13A.

**Attachments:** Proposed Rules 15A NCAC 13A

*PowerPoint* Presentation

**Recommendation:** For the GWWMC to allow the Division of Waste Management to proceed to the EMC on September 14, 2017 for public comment and hearing on proposed amendments and readoption for 15A NCAC 13A – Hazardous Waste Management Rules.

2. Request a Recommendation for the 30-Day Waiver to Proceed to the Environmental Management Commission for Public Comment and Hearing on Proposed Temporary Rule Amendments in 15A NCAC 2L Section .0400 as Required by SL 2017-57. **(Jared Edwards, DWM-UST)**

**Explanation:** Session Law 2017-57 Section 13.19 requires the Environmental Management Commission to adopt temporary rules implementing Section 14.16B of Session Law 2015-241. Session Law 2015-241 modifies the Department’s handling of petroleum releases from Noncommercial Underground Storage Tanks (USTs) following the sunset of the Noncommercial Leaking Underground Storage Trust Fund (SL 2015-241 Section 14.16A). The deadline to adopt the temporary rules in SL 2017-57 is October 1, 2017. This request is for a recommendation for the 30-Day waiver to proceed to the EMC with public notice and hearing following temporary rulemaking procedures in order to meet the legislative deadline.

The proposed temporary rule amendments to 15A NCAC 2L Section .0404, .0405, .0406, .0408, and .0409 are consistent with the requirements in SL 2015-241. The temporary rules will enable the Department to evaluate the risk posed by the release of petroleum from noncommercial USTs as either high risk or low risk based on factors commonly related to noncommercial tank contents and use, prior to requiring any remedial response.

If approved by the EMC in July, staff will proceed with public notice and hearing under temporary rulemaking procedures.

**Attachments**: A - 15A NCAC 02L.0404 .0405 .0406 .0408 and .0409

 B – SB257 Section 13.19

 C - SL2015-241 Section 14.16B

 *PowerPoint* Presentation

**Recommendation:** That the GWWMC recommend the 30-day waiver to proceed to the EMC meeting on July 13, 2017 with the proposed temporary rule amendments to 15A NCAC 02L .0404, .0405, .0406, .0408, and .0409 for public notice and hearing.

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

**Adjournment** 7-12-17