

## Department of Environmental Quality Divisions' Comments

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

**Legislation that has been enacted since the September EMC Meeting that impacts DEMLR programs:**

- **House Bill 56 – Amend Environmental Laws:**
  - The Coastal Stormwater Program Variance was removed from the bill
  - Life of Site/Lease Mining Permit with New \$400 Annual Operating Fee and Increased Blanket Bond Cap of \$1 Million
  - **UPDATE: Veto overridden on October 4, 2017 – Session Law 2017-209 enacted October 4, 2017**
- **Senate Bill 16 – Business & Agency Regulatory Reform Act of 2017**
  - Clarifies Stormwater Laws that apply to redevelopment of preexisting development, including when increased stormwater controls can be required.
  - Amends the Threshold for Coastal Stormwater Requirements for Residential Projects by clarifying that the thresholds for permits outlined in SL 2008-211 must be reflected in EMC stormwater rules.
  - Requires that the Environmental Review Commission study DEQ's Erosion and Sedimentation Control (E&SC) Program and locally delegated E&SC programs for efficiency and streamlining opportunities, with a report to the 2018 Regular Session of the General Assembly.
  - Requires that the Legislative Research Commission study flood control and prevention measures in the Lower Neuse River Basin, with a report to the 2018 Regular Session of the General Assembly.
  - **UPDATE: Veto overridden on October 5, 2017 – Session Law 2017-211 enacted October 5, 2017**

**Mike Abraczinskas, Director of Division of Air Quality**

**DAQ announces public comment period and public hearing for Atlantic Coast Pipeline Compressor Station draft air quality permit**

- On October 10, 2017, DAQ opened a public comment period for a minor source air quality permit for the proposed Northampton Compressor Station, which would serve the Atlantic Coast Pipeline project. The compressor station would consist of three natural gas-driven compressor units and associated air emission control equipment, intake air and moisture removal filters, gas coolers, exhaust and noise silencers, tanks,

heaters, and emergency generators. The comment period runs until November 20, 2017. Additionally, DAQ will hold a public hearing on the draft permit on November 15, 2017 at 6pm in Garysburg, NC. The draft permit, application and related information are available on our website at [www.ncair.org](http://www.ncair.org).

### **Awaiting EPA decision on ozone designations**

- Designations for the 2015 National Air Quality Standards (NAAQS) for ozone were due from EPA on October 1, 2017. However, EPA has not yet made designations. North Carolina currently meets the 2015 ozone standard statewide. In fact, based on preliminary 2017 data, North Carolina had the fewest ozone exceedance days (4) statewide it has ever recorded.

### **Michael E. Scott, Director of Division of Waste Management**

- There are several pieces of legislation from this year's long session that became session laws since the last EMC meeting. Senate bill 16 (Session Law 2017-211) and House Bill 56 (Session Law 2017-209) both include some components that impact DWM programs. Some of these components include landfill life of site permitting aspects and financial assurance requirements for risk based remedies. House Bill 576 (Allow Aerosolization of Leachate) was ratified but did not become a session law.
- DWM staff continue to coordinate with DWR, DAQ and local partners regarding the Chemours plant in Bladen County. Gen X has been found above the provisional health goal of 140ppt in 40 private wells thus far (10/25). Chemours is expanding the private well sampling radius to one (1) mile from the facility boundary which includes another 450 parcels.
- DWM continues to work diligently with DWR and DEMLR on seeking a partial program approval from EPA to administer a coal combustion residuals program. Proposed rules will be submitted to the EMC for consideration in early 2018.
- DWM continues to address sites across the state where groundwater contamination proposes an indoor air quality risk. The specific concern with TCE and short term impacts was relayed to the Scientific Advisory Board as an area of review for 2018.

### **Jay Zimmerman, Director of Division of Water Resources**

#### **Updates**

The Water Quality Committee heard an update on the rule re-adoption (will discuss any follow up as needed for an update).

Update on EPA R4 303(d) discussion with EPA – DWR is moving forward with vision for the 2018 list.

#### **Chemours**

Continue to sample and evaluate wastewater discharge from the facility. EPA Athens

laboratory is providing analysis for current sampling efforts. Discussing test methods to look at discharge from a total fluorine perspective. Developing a workshop to discuss future sampling studies in the river basin and emerging contaminants as a whole.

### **Duke Energy**

- DEQ sent Technical Direction and Action Item Letters for all 14 coal ash facilities. These letters summarize the agreed upon additional work to address data gaps in various reports. The letters also provide a framework for any technical direction necessary to fulfill DEQ or CAMA requirements.
- On September 13, 2017, DEQ sent Duke Energy a technical direction letter for addressing other primary and secondary sources of contamination at the coal ash facilities.

### **Significant approvals**

- On October 11, 2017, DEQ approved Duke Energy's installations of whole-house filtration systems at all facilities except Belews Creek, Mayo, and Roxboro. Challenges from legal representatives for residents near these sites are questioning if public water can be made available. DEQ continues to research, but costs to install public water supply lines to connect these homes seem to be cost prohibitive.
- On October 10, 2017, DEQ approved updated Interim Monitoring Plans for all 14 coal ash facilities.

### **Pending due dates (next 6 months)**

- The first set of revised CSAs (Belews Creek, Mayo, and Roxboro) were received from Duke Energy on October 31, 2017. The second set of CSAs (Allen, Cliffside, and Marshall) are due by January 31, 2018.