

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT COMMISSION

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

November 14, 2019  
9:00 a.m.

**Dr. Stan Meiburg, 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**

1. Call to Order

North Carolina General Statute § 163A-159(e) mandates that at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under this Subchapter. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

2. Approval of minutes from September 12, 2019 ([attached](#))

**II. Action Items**

**(Agenda Items 19-29 and 19-30 HAVE BEEN REMOVED FROM THE AGENDA.)**

**1. 19-29 Request Approval of Proposed Rule Revisions, Regulatory Impact Analysis, and to Proceed to Public Hearing on 15A NCAC 13B Rules .0531 - .0545, and .0547 for Construction and Demolition Debris Landfill Facilities and .1601 - .1627, .1629 - .1637, and .1680 for Requirements for Municipal Solid Waste Landfill Facilities**  
(DWM) Ed Mussler

**POWERPOINT PRESENTATION**

Attachment A - 15A NCAC 13B C&D Landfill Rule Text  
Attachment B - 15A NCAC 13B MSW Landfill Rule Text  
Attachment C - 15A NCAC 13B C&D and MSW Landfill Regulatory Impact Analysis (**TBD**)

---

**2. 19-30 Request Approval of Regulatory Impact Analysis and to Proceed to Public Hearing on Proposed Rule Revisions to 15A NCAC 13B Rules .0546, .1105, .1111, .1628, and Proposed Adoption of Section .1800 “Financial Assurance Requirements for Solid Waste Management Facilities”**  
(DWM) Ed Mussler

**POWERPOINT PRESENTATION**

Attachment A - 15A NCAC 13B .1800 Rule Text  
Attachment B - 15A NCAC 13B .1800 Regulatory Impact Analysis

- 
3. **19-31 Request Approval of Proposed Rule Revisions, Regulatory Impact Analysis, and to Proceed to Public Hearing on Amendments to 15A NCAC 13A .0101**  
(DWM) Jennifer Patterson

**POWERPOINT PRESENTATION**

[Attachment A – 15A NCAC 13A .0101 Proposed Rule Text](#)  
[Attachment B – Regulatory Impact Analysis](#)

- 
4. **19-32 Request Approval of Proposed Rule Revisions, Regulatory Impact Analysis, and to Proceed to Public Hearing on Amendments to 15A NCAC 13A .0111**  
(DWM) Jennifer Patterson

**POWERPOINT PRESENTATION**

[Attachment A – 15A NCAC 13A .0111 Proposed Rule Text](#)  
[Attachment B – Regulatory Impact Analysis](#)

- 
5. **19-33 Request Approval of Proposed Rule Revisions, Regulatory Impact Analysis, and to Proceed to Public Hearing on Periodic Rule Readoption and Amendments for 15A NCAC 02N Underground Storage Tanks and 15A NCAC 02O Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks**  
(DWM) Ruth Strauss

**POWERPOINT PRESENTATION**

[Attachment A - 15A NCAC 02N Rule Text](#)  
[Attachment B - 15A NCAC 02O Rule Text](#)  
[Attachment C - 15A NCAC 02N & 02O Impact Analysis](#)

- 
6. **19-34 Request Approval of 2020 303(d) Listing and Delisting Methodology**  
(DWR) Pam Behm

**POWERPOINT PRESENTATION**

[Attachment A - Draft 2020 303\(d\) Listing and Delisting Methodology](#)  
[Attachment B - Division of Water Resources 2018 303\(d\) Review – Response to Public Comments](#)  
[Attachment C - Environmental Protection Agency’s \(EPA\) Decision on North Carolina 2018 303\(d\) Approval Package](#)

**7. 19-35 Petition for Declaratory Ruling by AVX Corporation regarding the Applicability of N.C.G.S. § 130A-310.9 and its implementing rules, 15A NCAC 13C .0300 et seq.**

(DEQ Counsel) Hill Davis

( Counsel, Parker Poe Adams & Bernstein) Steven Weber

**POWERPOINT PRESENTATION**

[Attachment A: Petition for Declaratory Ruling](#)

**Index of Exhibits**

[Attachment B: Summary Judgement Order](#)

[Attachment C: Richard Royer Report: November 2018](#)

[Attachment D: Data Gap Report](#)

[Attachment E: Site Cleanup Questionnaire](#)

[Attachment F: Notice of Regulatory Requirements](#)

[Attachment G: Excerpts from AVX Third Amended Complaint with Additional Supporting Evidence](#)

[Attachment H: Excerpts from Dan Shields deposition](#)

[Attachment I: Notice of Eligibility](#)

[Attachment J: Shields Order](#)

[Attachment K: Wood Order](#)

[Attachment L: Excerpts from Kim Caulk deposition](#)

[Attachment M: Excerpts from Karen Douglas deposition](#)

[Attachment N: Excerpts from Joseph Kane deposition](#)

[Attachment O: Dam Shields e-mail to Corning](#)

[Attachment P: Karen Douglas e-mails to Consultant](#)

[Attachment Q: Corning NOV](#)

[Attachment R: Draft Ruling](#)

[AVX Corporation's Reply to DEQ Response](#)

[DEQ Response](#)

[Attachment A: Exhibit A](#)

[Attachment B: Exhibit B](#)

[Attachment C: Exhibit C](#)

[Attachment D: Exhibit D](#)

**CORNING**

[Corning Incorporated's Motion to Leave](#)

[Corning Incorporated's Response to AVX's Petition \(21 Exhibits included\)](#)



### III. Information Item

#### 1. [19-IF-09](#) Annual Progress Reports on the Neuse and Tar-Pamlico Agricultural Rules

(DWR) Jim Hawhee

#### **POWERPOINT PRESENTATION**

[Attachment A – Neuse CY2018 Annual Report](#)

[Attachment B – Tar-Pamlico CY2018 Annual Report](#)

---

#### 2. [19-IF-10](#) City of Raleigh Groundwater Variance Report

(DWR) Rick Bolich

#### **POWERPOINT PRESENTATION**

### IV. Concluding Remarks

By Directors (*Comments*)

By Committee Chairs

By Commission Members

By Counsel

By Chairman

Adjournment 11-14-19