

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

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

July 9, 2020
9:00 a.m.

The Environmental Management Commission (EMC) meeting audio and presentations will be broadcast via the state web conferencing link posted on the Environmental Management Commission (EMC) website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>

Dr. Stan Meiburg, Chairman, Presiding

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 May 7, 2020 ([attached](#))

II. Action Items

1. **20-19 Request Approval of Hearing Officer's Report on Session Law 2013-413 (H74) Readoption of Group 6 Rules, 15A NCAC 02D .0403, .0500, .0900, .1400, .1700 and .2615 and Repeal of .0615, and Final Approval of Fiscal Note (549)**
(DAQ) Joelle Burlison

POWERPOINT PRESENTATION

[Attachment A – Hearing Officer's Report](#)
[Attachment B – Fiscal Note](#)



THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

2. 20-20 Request Approval of Hearing Officers' Report on Adoption of Control of Emissions from Log Fumigation Operations, 15A NCAC 02D .0546 and Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 and Final Approval of Fiscal Note (548)

(DAQ) Michael Pjetraj

POWERPOINT PRESENTATION

Attachment A – Hearing Officers' Report

A1 – Hearing Officers' Report Chapters I-IV (pp 1-132)

A2 – Hearing Officers' Report Chapter V, Comment Period 1 (pp 133-1961)

A3 – Hearing Officers' Report Chapter V, Comment Period 2 (pp 1962-4384)

A4 – Hearing Officers' Report Chapters VI-VII (pp 4385-4550)

3. 20-21 Request Approval of Proposed Rule Amendments, Regulatory Impact Analysis to Proceed to Public Comment and Hearing on 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](#)

5. 20-22 Request Approval of the Proposed Amendment to 15A NCAC 02B .0304 to Reclassify the Freshwater Sandy Bottom Wetlands in Buncombe County, NC as Class WL (Wetlands) UWL (Unique Wetlands)

WQC Chair Pat Harris & (DWR) Adriene Weaver

POWERPOINT PRESENTATION

[Attachment A - Report on the Proceedings \(ROP\) for Proposed WL UWL Reclassification of Sandy Bottom Wetlands \(pp A1-9\)](#)

Attachments

[A-1 Rulemaking Petition \(pp A1-1 thru A1-137\)](#)

[A-2 Determination of Completeness Letter for Rulemaking Petition \(pp A2-1 thru A2-3\)](#)

[A-3 Additional Supporting Materials from Petitioners - \(pp A3-1 thru A1-12\)](#)

[A-4 EMC Meeting Minutes \(March 14, 2019\) \(p. A4-1\)](#)

[A-5 Revised Rule Amendment Approved by EMC \(September 12, 2019\) \(pp A5-1 thru A5-4\)](#)

[A-6 EMC Meeting Minutes \(September 12, 2019\) \(p. A6-1\)](#)

[A-7 EMC Certification of Adherence to NCGS 150B-19.1 \(p. A7-1\)](#)

- [A-8 NC Register Notice of Text for Proposed Rulemaking and Public Hearing \(pp. A8-1 thru A8-6\)](#)
 - [A-9 Hearing Officer Appointment Letter \(p. A9-1\)](#)
 - [A-10 Hearing & Comment Period Announcement \(pp A10-1 thru A10-2\)](#)
 - [A-11 NC Department of Environmental Quality Press Release \(p. A11-1\)](#)
 - [A-13 Public Hearing Presentation \(pp A13-1 thru A13-4\)](#)
 - [A-14 List of Public Hearing Attendees \(p. A14-1\)](#)
 - [A-15 Copies of Written Comments Received \(pp A15-1 thru A15-26\)](#)
 - [A-16 Text of Proposed Amendment to 15A NCAC 02B .0304 for Adoption \(pp A16-1 thru A16-4\)](#)
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6. 20-23 Request Approval of Hearing Officer’s Report, Fiscal Note, and Adoption of Rule Revisions for 15A NCAC 13B Rules .0531 - .0545 and Section .1600 (except Rule .1628) Requirements for Construction and Demolition Landfill Facilities and Municipal Solid Waste Landfill Facilities, and Repeal of Rule .0547

(DWM) Ed Mussler

POWERPOINT PRESENTATION

[Attachment A - C&DLF Rule Text](#) and [Attachment B - MSWLF Rule Text](#)

[Attachment C - Fiscal Note](#)

[Attachment D - Hearing Officer’s Report](#)

7. 20-24 Request Request Approval of Proposed Rule Revisions and Fiscal Notes for 15A NCAC 13B Sections .0100 through .0600 (except .0531 - .0547) and Repeal of Sections .0700 and .1300 to Proceed to Public Comment

(DWM) Jessica Montie & Ed Mussler

POWERPOINT PRESENTATION

[Attachment A – 13B Proposed Rule Revisions](#)

[Attachment B – 13B .0400 Fiscal Note](#)

[Attachment C – 13B .0100 - .0300, .0500 - .0600 Fiscal Note](#)

III. Information Item

1. 20-IF-04 Request for Rulemaking on Agreements with Third Parties in Connection with Permit Actions by the Department of Environmental Quality

Stan Meiburg, Chair

[Attachment A](#) - May 22, 2020 Email from Commissioner Donald Van der Vaart to Members of the Environmental Management Commission

2. [20-IF-05](#) Fee Structure Revision for North Carolina's Title V Operating Permit Program (551)
(DAQ) Mike Abraczinskas and Brendan Davey

POWERPOINT PRESENTATION

IV. Concluding Remarks

By Directors ([Comments](#))
By Committee Chairs
By Commission Members
By Counsel
By Chairman

Adjournment 07-09-2020