

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

November 19, 2020
9:00 a.m.

EMC Agenda

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 September 10, 2020 (*attached*)

II. Action Items

1. **20-28 Request Approval of Proposed Rule Revisions and Regulatory Impact Analysis for the Repeal of 15A NCAC 13B Rules .1701 - .1710 and Adoption of Rule .1703 “Requirements for Existing Structural Fills” to Proceed to Public Comment**
(DWM) Ed Mussler

POWERPOINT PRESENTATION

[Attachment A - 13B .1700 Proposed Rule Text](#)
[Attachment B - 13B .1700 Regulatory Impact Analysis](#)

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2. **20-29 Request to Adopt Rule Revisions and Approve the Fiscal Notes and Hearing Officer’s Report for 15A NCAC 13B “Solid Waste Management” Sections .0100 through .0600 (except .0531 - .0547), and Repeal Rules .0204, .0501, .0502, .0701 - .0706, and .1301**
(DWM) Ed Mussler

POWERPOINT PRESENTATION

[Attachment A - 13B .0100 - .0700 and .1300 Rule Text](#)
[Attachment B - 13B .0400 Fiscal Note](#)
[Attachment C - 13B .0100 - .0300 and .0500 - .0600 Fiscal Note](#)

3. [20-30](#) Request Approval of the Hearing Officer's Report, the Regulatory Impact Analyses, and Adoption of Rule Revisions to 15A NCAC 02I and 02J

(DEQ) General Counsel Bill Lane

[POWERPOINT PRESENTATION](#)

[Attachment A - Hearing Officer's Report](#)
[Attachment B - 15A NCAC 02I proposed rules](#)
[Attachment C - 15A NCAC 02J proposed rules](#)
[Attachment D - Comment #1 Newlin](#)
[Attachment E - Comment #2 Longest](#)
[Attachment F - Regulatory Impact Analysis 02I](#)
[Attachment G - Regulatory Impact Analysis 02J](#)

4. [20-31](#) Request Approval of Proposed Rule Amendments, Regulatory Impact Analysis to Proceed to Public Comment and Hearing on 15A NCAC 02L .0202 Groundwater Quality Standards

(DWR) Bridget Flaherty Shelton

[POWERPOINT PRESENTATION](#)

[Attachment A - 15A NCAC 02L .0202 Groundwater Quality Standards with Proposed Amendments](#)
[Attachment B - Approved Rule Impact Analysis 15A NCAC 02L .0202](#)
[Attachment C - Proposed Groundwater Quality Standards Supporting Documents](#)
[Attachment D - SSAB Statement on DWR's Proposed PFOA and PFOS Groundwater Standard](#)
[Attachment E - ITRC PFAS Fact Sheet: PFOA and PFOS Regulations, Guidance and Advisory Values](#)
[Attachment F - DWM and DWR Site Information Table](#)

(REMOVED FROM THE AGENDA)

5. [20-32](#) Request For Approval of 30-day Waiver and to Proceed to Public Notice and Public Hearing for Proposed Temporary Rules 15A NCAC 02H .1301 (Revision) and 15A NCAC 02H .1400 (.1401 through .1405)

(DWR) Sue Homewood

[POWERPOINT PRESENTATION](#)

[Attachment A - Temporary Rules 15A NCAC 02H .1400 \(.1401 through .1405\)](#)
[Attachment B - Temporary Rules 15A NCAC 02H .1301 \(revision\)](#)
[Attachment C - Navigable Waters Protection Rule published in the Federal Register](#)

6. **20-33 Request Approval of Hearing Officer’s Report, Regulatory Impact Analysis, and Adoption of Rule 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 and 15A NCAC 02O Impact Analysis](#)

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

7. **20-34 Eagle Transport Petition for Declaratory Ruling**

(EMC) Counsel Phillip Reynolds

POWERPOINT PRESENTATION

Attachment A - Petition for Declaratory Ruling (Eagle Transport)

Attachment B - Petitioner's Additional Pre-hearing Statement - Eagle Transport Corporation v. NC DEQ

Attachment C - 15A NCAC 2I .0600 Declaratory Ruling

Attachment D - 2020-10-23 DEQ Response to Eagle Transport Petition

Attachment E – Memorandum in Support of Petition for Declaratory with Exhibits

8. **20-35 Edge of Auburn Settlement Agreement Amendment**

(EMC) Counsel Phillip Reynolds

III. Information Items

1. **20-IF-08 Update on the 2021 CHPP Amendment Process – Adjusted Timeline and CHPP Steering Committee Meeting Review**

(DWR) Jimmy Johnson

POWERPOINT PRESENTATION

Attachment A - CHPP Meeting Minutes

Attachment B - CRC MFC CHPP Update Memo 10-28-20

2. **20-IF-09 Update to the Solar, Wind and Battery End-of-Life Management Stakeholder Process**

(DWM) Ellen Lorscheider

POWERPOINT PRESENTATION

IV. Concluding Remarks

By Directors (*Comments*)

By Committee Chairs

By Commission Members

By Counsel

By Chairman

Adjournment 11-19-2020