

Department of Environmental Quality Divisions' Comments

September 10, 2020

Mike Abraczinskas, Director of Division of Air Quality

- DAQ Operations Update

DAQ continues to operate very effectively with most staff teleworking. Overall, workload remains very high, but productivity is also high. The ambient monitoring program is operating normally, and our air quality lab remains open and continues processing samples. From a compliance perspective, DAQ has been performing a mix of partial/virtual compliance evaluations and at sites where appropriate social distancing can be achieved, full compliance evaluations are being conducted. We are responding to all citizen complaints and in-person investigations are occurring to the extent we can perform those safely. Permitting productivity metrics are up since DAQ transitioned to a telework mode. From a budget perspective, the AQC & EMC have heard presentations about the Division's Title V revenues. As a reminder, DAQ is 100% grant and receipt funded and receives no general fund appropriations. The COVID-19 pandemic resulted in a reduction in receipts from revenue streams such as fuel tax receipts and vehicle emission inspection fees. Up until COVID-19 started, those dips in receipts were unexpected, and thus the Division is now having to take appropriate measures to reduce spending.

- Public Engagement during the Pandemic

As you know, the public participation process is a critical piece to our rule-making and permitting programs. Thus, the COVID-19 pandemic has presented a challenge in how the Division & Department conducts that business. A shift to virtual public hearings has been successful. DAQ has conducted 2 rule public hearings virtually, (thanks to Commissioners Davis, Arata, and Carter) and a permit public hearing virtually. DAQ also participated in the Department's virtual Public information session on PFAS/GenX at Chemours' Fayetteville Works facility. While DAQ is improving the use of these digital platforms for these purposes, a remaining challenge includes the public's access to technology including internet connections in rural areas. Recognizing this, the Division has been expanding the ways that folks can participate. We have added phone lines for the public to call into a public hearing and provide comment. We have also established and advertised phone lines attached to voice mail boxes as an additional way for the public to provide comments. This is above and beyond the traditional means available for commenting via letters and emails.

- Volkswagen Settlement awards announced

On July 29, 2020, DAQ announced awards totally ~\$30 million under Phase 1 of the VW environmental mitigation trust to replace 111 school buses, 16 transit buses, 2 off-road vehicles, 45 on-road vehicles, and install 33 DC fast electric vehicle charging stations across this state. The projects awarded will reduce 31.8 tons of NOx annually, which is the equivalent of removing ~51,000 passenger cars from the road. For more information, see <https://deq.nc.gov/vwsettlement>.

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Michael E. Scott, Director of Division of Waste Management

Rule Hearings Scheduled:

- A virtual public hearing was held on September 1, 2020 for 15A NCAC 02N and 02O regarding Underground Storage Tanks, with Department staff serving as the Hearing Officer.
- Two virtual public hearings will be held on September 22 and 24, 2020 for 15A NCAC 13B 0100 - .0700, and .1300 regarding Solid Waste Management, with Commissioner Keen serving as the Hearing Officer.

RRC Update:

- The Division is working on the technical changes to 15A NCAC 13B .0531-.0547 and Section .1600 for C&D and MSW Landfills, which are scheduled to be presented at the September 17, 2020 RRC meeting.
- DWM staff out of the UST program have been responding to the Colonial Pipeline fuel release in Huntersville, NC. Division staff have participated in a recent webinar with the community about the release and continue to monitor follow-up actions by Colonial Pipeline.
- The Brownfields program within the Division of Waste Management is closing in the issuance of the 600th agreement within North Carolina. The program continues to be in high demand across the state as redevelopment of properties is considered.
- DWM appreciates the continued coordination with the Groundwater and Waste Management Committee on the coal ash structural fill rules.
- DWM continues to work remotely for the most part as a Division and has been fortunate to onboard some new staff during this time.

Brian Wrenn, Interim Director of Division of Energy, Mineral & Land Resources

- Stormwater staff continue to work on renewing industrial general permits, NCG02 (Mining) and NCG19 (marinas) and development of a new general permit NCG25 (Construction activities not subject to the Sediment Pollution Control Act). The public comment period for these general permits ended August 14th and staff are currently in discussions with EPA on the proposed edits and comment responses. These permits are on track to be issued on October 1st.
- DEMLR staff received reports of an ash pile slough at the Mayo Steam Electric Generating Plant on September 1st. Raleigh Regional Office staff responded to the report and investigated using unmanned aerial vehicle (UAV) technology. The slough, which was the continuation of an earlier slough, occurred in the southeast corner of the active ash pond but did not affect the ash pond dam and no loss of coal ash residuals was observed. The

sloughing did impact a decommissioned flue gas desulfurization (FGD) pond. Breach channels had been installed in the FGD pond, and Duke confirmed that all FGD wastes had been removed during decommissioning.

- Development of DEQ's permit transformation process (PTP) for DEMLR's Stormwater Program continues with documentation of the current state process and development of the future state permit processes. We anticipate completion of this process for Stormwater by the end of 2020.

Danny Smith, Director of Division of Water Resources

- Chemours- Public Notice of Draft Permit

On July 17, 2020 DWR requested comments on a Draft NPDES permit for Chemours. Purpose of the permit is to intercept and remove PFAS Loading to the Cape Fear River in keeping with the Consent Order for Chemours. Since 2017 Chemours has been prohibited from discharging process wastewater. To be clear, this permit does not change this prohibition.

This system will treat surface water and groundwater. The treatment system will remove the PFAS from the water in order to keep it from reaching the Cape Fear River. Comment Period ended on August 17, 2020. Comments have been received and are currently under review by DWR staff.

- Foam

DWR's Fayetteville Regional Office staff received a report and complaint of some foam in surface waters located in Gray's Creek in Cumberland County. In response, staff from both Fayetteville Regional Office and the Water Sciences Section are conducting an investigation. The initial investigation included sampling ten locations throughout the Gray's Creek watershed. These samples have been collected and sample analysis are being conducted in an effort to determine/understand source(s), location, and foam product composition. These investigation efforts are ongoing.

- Isaias

August 3 - Isaias made landfall as a Category 1 hurricane in southeastern NC near Ocean Isle Beach with maximum sustained winds of 85 mph. -Brunswick County.

In response select DWR RO staff and CO staff contacted permittees to secure pre-event facility preparation status, followed up with permittee contacts and conducted site visits as appropriate. DWR staff also participated with the Emergency Operations Center and the State Emergency Response Team (SERT) to monitor incident conditions and coordinate responses. These operations were remote purposed in keeping with COVID 19 expectations.

- Cyndi Karoly, DEQ's Water Sciences Section Chief- Retirement

Cyndi Karoly WSS Chief retired on August 31, 2020. Cyndi started her 30-year career in

1990 with Department of Transportation and then moved to the Department of Environmental Quality, Division of Water Resources (DWR) in 1997 as an Environmental Specialist. For the last five years, Cyndi has served as the Water Sciences Section Chief, overseeing the Water Sciences Section. This work has been instrumental in assisting with the Department's ambient surface water monitoring program, sampling in response to hurricanes, and investigations of emerging contaminants of concern for North Carolina. I would like to congratulate Cyndi, on her achievement, and offer her our many thanks for outstanding services to North Carolina.