NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

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

March 8, 2018
9:00 a.m.

General Statute § 138A-15 mandates that the Chairman inquires as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.

J.D. Solomon, Chairman, Presiding

**I. Preliminary Matters**

1.    Call to Order
2.    Approval of minutes from Commission meeting on January 11, 2017 ([attached](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/EMC_FinalDraft_Minutes_14Sept2017v3.docx))
3. Approval of minutes from Steering Committee meeting on January 10, 2018 (attached)
4. Rivers and Environmental-Infrastructure Nexus initiatives

**II. Action Items**

**1.** [**18-15**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC_2017/17-38_Description_EMC_H74_Group1_Hearing_Officer%27s_Report.docx) **Request to Proceed to Public Comment and Hearing on Readoption and Proposed Amendments to Water Supply Watershed Protection Rules 15A NCAC 02B .0620 through .0624 and Regulatory Impact Analysis**
(DEMLR) Julie Ventaloro
 **POWERPOINT PRESENTATION**

Attachment A – 15A NCAC 02B .0620-.0624 *(Action)*

Attachment B – Regulatory Impact Analysis Section 15A NCAC 02B .0600 *(Action)*

Attachment C – Key for WS rule changes *(Information)*

Attachment D – List of proposed WS rule changes *(Information)*

Attachment E – 15A NCAC 02B .0620-.0624 w/ commentary *(Information)*

**2.** [**18-**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/POWERPTS/17-40_JBurleson_Group_3_%20Rules_%20Readoption_%20Request_Hearing%20-%20Burleson.pptx)**16    Request** **to Proceed to Public Notice and Hearings with Proposed Rule Re-adoptions, Triennial Review Amendments and Draft Fiscal Note for 15A NCAC 02B .0100, .0200 and .0300**
(DWR) Jeff Manning

**POWERPOINT PRESENTATION**

Attachment A – 15A NCAC 02B 0100 Proposed Draft
Attachment B - 15A NCAC 02B 0200 Proposed Draft

Attachment C - 15A NCAC 02B 0300 Proposed Draft

**3.      18-17** **Request Approval to Proceed to Public Notice and Hearing with Proposed Rule Re-adoptions and Amendments to Water Quality Permitting Rules and Associated Regulatory Impact Analyses**(DWR) Karen Higgins/Mike Templeton/Deborah Gore

**POWERPOINT PRESENTATION**

Attachment A – Water Quality Permitting Section – Regulatory Impact Analyses
Attachment B - Water Quality Permitting Section – 02B Rules
Attachment C - Water Quality Permitting Section – 02H Rules

**4. 18-18 Request Approval to Proceed to Public Notice and Hearing with Proposed Amendments to 15A NCAC 02K .0212 of the Dam Safety Rules and Fiscal Impact Analysis**(DEMLR) Boyd DeVane

Attachment A - Proposed Rule Changes 02K .012 (12/19/17)
Attachment B - Fiscal Impact Analysis 02K .012 Final

**5. 18-19 Request Approval to Proceed to Public Comment with the Initial Determinations for the Water Resources Programs Rules (15A NCAC 02G)**(DWR) Linwood Peele

**POWERPOINT PRESENTATION**

Attachment A – 15A NCAC 02G (Excel Sheet)

**6. 18-20 Request Approval of 2018 EMC 303(d) Listing and Delisting Methodology
(DWR) Pam Behm**
**POWERPOINT PRESENTATION**

Attachment A - [EPA Decision to Add 72 Waterbody-Pollutant Combinations to North Carolina's 2016 Section 303(d) List](https://19january2017snapshot.epa.gov/publicnotices/epa-decision-add-72-waterbody-pollutant-combinations-north-carolinas-2016-section-303d_.html)

Attachment B - [2016 303(d) Methodology](https://files.nc.gov/ncdeq/Water%20Quality/Planning/TMDL/303d/2016/2016%20Listing%20Methodology%20approved%20by%20EMC%20May%202015.pdf)

Attachment C - 2018 303(d) Methodology with Proposed Clarification

Attachment D – Draft Estimated Impact Analysis

**7** [**18-**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/17-39_Description_EMC_2015_Ozone_NAAQS_Hearing_Officer%27s_Report.pdf)**21    Request to Proceed to Public Notice with Proposed Reclassification of Lake Enka in Buncombe County (French Broad River Basin) to Class B**
(DWR) Elizabeth Kountis

**POWERPOINT PRESENTATION**

[Attachment A](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/Attachments/17-39_Attachment%20A%20-%202017-08-03%20Ozone%20NAAQS%20HR.pdf) – Enka Lake Memo

Attachment B – Enka Lake Map
Attachment C – Enka Lake Rule
Attachment D – Enka Lake Regulatory Impact Analysis

**8.** [**18-**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/POWERPTS/17-42_SHall_I%26M%20-%20Final%20Nov%20EMC.pptx)**22   Request to Proceed to Public Comment regarding the Periodic Review of Existing Rules Reports for 15A NCAC 02I and 02J**

(DEQ General Counsel) Bill Lane
 **POWERPOINT PRESENTATION**

Attachment A – 15A NCAC 02I Report

Attachment B – 15A NCAC 02J Report (003)

**9.** [**18-**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC_2017/17-44_Description_EMC_genda%20Item.docx)**23   Request by WASCO LLC for Environmental Management Commission to Review Petition for Declaratory Ruling regarding the Applicability of 15A NCAC 13A .0113(a)**

(DEQ Counsel) Hill Davis
(Counsel, Troutman Sanders) Sean Sullivan

Attachment A – Petition for Declaratory Ruling (PDR)
Attachment B – WASCO Exhibits (1 thru 6 and 8 thru 22)
     Exhibit 7 (Documents include Petition for Rulemaking presented at February 7, GWWMC Special Called Meeting are found at this Link): <https://deq.nc.gov/february-7-2018-gwwm-committee>

Supplements to Declaratory Ruling Exhibit 21

 WASCO Cover Letter
 Hornbarrier – G Dunn Letter regarding RCRA Jurisdiction

DEQ
Attachment A - DEQ’sResponse to WASCO’s Petition for Declaratory Ruling
Attachment B – Exhibit B
Attachment C – Exhibit C1

 Exhibit C2
 Exhibit C3

Attachment D - Exhibit D

Attachment E - Exhibit E

Attachment F - Exhibit F

Attachment G - Exhibit G

Attachment H - Exhibit H

Attachment I - Exhibit I

Attachment J - Exhibit J

Attachment K - Exhibit K

**10.    18-24  Petition for Rulemaking to Amend 15A NCAC 13A .0102(b) for the Definition of "Operator"
(Groundwater and Waste Management Committee Chairman) Bill Puette**

Attachment A – WASCO Petition for Rulemaking
Attachment B - Exhibits for WASCO LLC Rulemaking Petition (Follow this link to view each of
 the 37 exhibits): https://deq.nc.gov/february-7-2018-gwwm-committee
Attachment C - WASCO Figures (Follow this link to view Figure 1 through Figure 3):
  https://deq.nc.gov/february-7-2018-gwwm-committee
Attachment D - Table 1 - DEQ's Changing Allegations (2010-2017) (showing date and asserted
 basis for "operator")
Attachment E - NCDEQ Recommendation and Exhibits

**11.** [**18-25**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/POWERPTS/AG17-45_ScottBullock_1500.pptx) **Petition for Rulemaking to Limit North Carolina's Carbon Dioxide Emissions to Protect a Stable Climate System and Preserve the Natural Resources of North Carolina**(Air Quality Committee Chairman) Stan Meiburg

Attachment A – Petition for Rulemaking
Attachment B – De Luca Comment Letter
Attachment C – De Luca Comment Letter Attachment
Attachment D – Concerned Citizens in Support of Petition

**12. 18-26  Request Approval of Hearing Officer’s Report and Issuance of Water Quality Special Order by Consent (SOC) S17-009 to address Non-engineered Seeps from Coal Ash Basins at Duke Energy’s Allen, Marshall and Rogers (Cliffside) Steam Stations.**

(Commissioner Gerard Carroll)

S17-009 Hearing Officer Report Cover Memo
S17-009 (Signed by Duke Energy)
S17-009 Hearing Officer's Report (3-1-2018)
Attachment A - Public Notice
Attachment B - Non-Speaking Attendees 2-13-2018
Attachment C - Speaking Attendees 2-13-2018
Attachment D - Written Comments from Hearing Speakers
Attachment E - Written Comments Sent Via USPS
Attachment F - Emailed (Non-Form Letter) Comments
Attachment G - Broad River Alliance Comments Re S17-009
Attachment H - SELC Comments on Behalf of Environmental Groups
Attachment I - SELC Comments on Marshall Permit and SOC

**13. 18-27 Cary-Apex 2015 IBT Certificate Modification**(EMC Counsel) Phillip Reynolds

Attachment A – Draft Proposed IBT Certificate re Consent Judgement
Attachment B -17 CVS 1888 Consent Judgment

**III.  Information Item**

1. **18-01 Update on the Secretaries’ Science Advisory Board**

(SAB Chairman Jamie Bartram)

**IV. Concluding Remarks**

By Directors (Directors' Comments)
By Committee Chairs
By Commission Members
By Counsel
By Chairman

Adjournment 03-08-18