

## Department of Environmental Quality Divisions' Comments

May 10, 2018

### Toby Vinson, Interim Director of Division of Energy, Mineral & Land Resources

#### Summary of actions taken in the Stormwater and Dam Safety Programs since February 2018:

- **Dam Safety Rules:**
  - **02K .0212 – Additional Design Requirements** - At the March EMC meeting, the Commission gave the staff approval to initiate the rulemaking process for a dam safety rule that needed revision to correct an out-of-date statutory reference. The date for the public hearing has been set for May 22, 2018 at 3:00 pm in the Ground Floor Hearing Room of the Archdale Building. The staff does not expect any controversy and the Commission gave approval for a staff member to serve as hearing officer.
  - **02K .0224 – Coal Combustion Residual Rule** - DEMLR staff along with those from DWM and DWR have had separate meetings with stakeholders and with Commissioners to go over the proposed Dam Safety Rule and comments addressing coal combustion residuals (CCR). The staff received, and has incorporated, several suggestions for improvements to the draft rule. Those draft rules (15A NCAC 02K .0224) went to the Groundwater and Waste Management Committee with a recommendation that it be sent to the full EMC in July with a request to initiate the official rule-making process. The purpose of the proposed rule change is to bring the Commission's requirements for impoundments of coal combustion residuals up to the federal regulation requirements.
- **Stormwater Rules:**
  - **02B .0620 through .0624 – Water Supply Watershed** – Public hearings have been scheduled for the re-adoption of the Water Supply Watershed rules. The public comment period is May 1 – July 2, 2018. We will be holding hearings in Raleigh on May 23 and in Kernersville on June 7.
  - DEMLR plans to bring the Water Supply Watershed rules back to the November 2018 EMC meeting for approval.
- **Stormwater Program Updates:**
  - We have two new stormwater staff members: Corey Anen and Alaina Morman. Corey will be focused on the stormwater design manual and other aspects of the post-construction stormwater program. Alaina will be focused on our industrial stormwater program and compliance assistance for all programs. Also, Bradley Bennett is back with us part-time on contract.
  - We have recently made numerous improvements to our on-line stormwater permitting map, which allows developers to enter the address of their projects and determine which stormwater program(s) apply.

- We are continually expanding our use of Laserfiche On-line forms to make our permitting process more efficient for our permittees and our staff as well. Also, permittees now have the option of choosing e-payment for stormwater permit fees. In addition, we now keep digital records of all files for all of our industrial permittees and the post-construction permittees that receive approvals through the Central Office.

## **Mike Abraczinskas, Director of Division of Air Quality**

### Volkswagen Mitigation Trust update

DAQ released a draft mitigation plan for public comment on March 19, 2018. The comment period closed on May 3, 2018. DAQ held 5 stakeholder meetings / listening sessions across the state to get feedback from interested parties. Over 125 people attended those meetings and the information gleaned from both the meetings and written comments will help guide the development of the final plan going forward.

An overview of the draft plan:

- Phase 1 – 2018-2020. \$30.68 million; public-sector projects only. 32% in rural counties, 68% in urban/suburban counties.
- Proposed allocations:
  - School bus replacement program: 35% or ~\$10.7 million
  - Transit bus replacement program: 20% or ~\$6.1 million
  - Clean heavy-duty on-road equipment program: 10% or ~3.0 million
  - Clean heavy-duty off-road equipment program: 15% or ~4.6 million
  - Light duty Zero Emission Vehicle (ZEV) supply equipment or infrastructure program: 15% or ~4.6 million.
  - Administrative costs: 5% or ~\$1.5 million

For details of the draft plan, please visit: <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-and-air-quality/volkswagen-settlement>.

Next steps:

- [Submit the final phase 1 plan to the trustee – Summer 2018](#)
- [Release a Request For Proposals – Fall 2018](#)
- [Proposal evaluations – Winter 2018](#)
- [Phase 1 project awards – Spring 2019](#)

### Air Awareness Week – April 30-May 4

Air Quality Awareness Week was April 30 – May 4. DAQ participated in a number of programs and events to celebrate our great accomplishments of improving air quality in NC, but also to promote air quality awareness and inspire people to take steps to reduce air pollution. For a summary of each day's activities, please visit the DEQ Facebook or Twitter pages.

<https://www.facebook.com/ncdeq>

<https://twitter.com/NCDEQ>

### Vehicle Emissions Inspection and Maintenance Report submitted to General Assembly March 1

At the March 2018 EMC meeting, we provided an update on a study report that was due to the

General Assembly on March 1, 2018 pursuant to Section 12(b) of Session Law 2017-211.

DEQ's portion of the report contains two primary recommendations related to the vehicle emissions inspection program:

- Change the frequency of vehicle emissions inspections from annual to biennial.
- Implement biennial vehicle emissions inspections starting in 2021.

The full/final report can be found here:

[https://files.nc.gov/ncdeq/Air%20Quality/news/leg/Vehicle\\_Safety\\_and\\_Emissions\\_Inspection\\_Frequency\\_Study\\_with\\_Cover\\_Page.pdf](https://files.nc.gov/ncdeq/Air%20Quality/news/leg/Vehicle_Safety_and_Emissions_Inspection_Frequency_Study_with_Cover_Page.pdf)

### **Michael E. Scott, Director of Division of Waste Management**

- DWM staff continue to coordinate with DWR, DAQ and local partners regarding the Chemours plant in Bladen County. Gen X has been found above the provisional health goal of 140ppt in over 200 private wells thus far. A total of 837 private wells have been tested to date. Chemours has expanded the private well sampling radius to approximately 5.5 miles from the facility boundary with specific sampling areas focused to the North, Northeast and Southwestern areas around the plant. DEQ has completed fish tissue testing at a privately-owned lake just north of the facility and will share those results when they are available. DEQ continues to coordinate with DHHS and NCDA & CS on the possible need to test other media around the Chemours plant.
- DWM continues to work diligently with DWR and DEMLR on the draft coal combustion residuals rules that were submitted to the Groundwater and Waste Management Committee.
- The Division did provide an overview of the DWM pre-regulatory landfill program to The Joint Legislative Oversight Committee on Agriculture, Natural, and Economic Resources last month. Session law 2017-57 included some changes for the pre-regulatory landfill program regarding owners of these sites. Section 13.4 of the session law allows for the development of temporary or permanent rules to implement this section. The Division will update the EMC on the possible need for temporary or permanent rules as they relate to this new legislation.
- DWM has also started stakeholder discussions regarding the UST program rules and the implementation of new Federal rule requirements and the readoption process for these rules.

**Linda Culpepper, Director of Division of Water Resources**

- Emerging compounds - DWR is continuing ambient monitoring to include PFAS compounds at different locations, as well as evaluating current practices for chemical disclosure in the permitting process.
- Everything is proceeding as scheduled for developing the 2018 303(d) list. Following the March EMC meeting, staff have met with several stakeholders to answer their questions on changes to the methodology.  
Staff will return to the WQC in July to provide an update.
- Patrick Beggs and I will be joining Francine Durso from the Division of Water Resources and other North Carolina delegates at the One Water conference being held in Minnesota July 10-12<sup>th</sup>.
- In recognition of Earth Day 2018, DWR hosted its annual stream clean-up event on April 20 at Chavis Park in Raleigh. Nearly 40 division employees participated, removing about 25 large bags of garbage and items such as bicycles, tires, spools of barbed wire and a stolen pay phone all found in Walnut Creek and the surrounding area of the park.