**Revised November 9, 2016**

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING AGENDA**

**November 9, 2016**

**Archdale Building-Ground Floor Hearing Room**

**1:00 PM – 3:30 PM**

General Statute § 138A-15 mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Environmental Management Commission’s Water Quality Committee. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

**Julie Wilsey, WQC Chair, Presiding**

**I. Preliminary Matters**

**1. Approval of September 7, 2016 Water Quality Committee meeting summary**

**II. Agenda Items**

**1. Request Approval to Send the Commission and Department Basinwide Water Quality Management Plans Annual Environmental Review Commission Report per GS 143-215.8B (d) to the Environmental Management Commission – (Action Item) (Ian McMillian, DWR)**

General Statute 143-215.8B (d) requires the Environmental Management Commission (EMC) and the Department of Environmental Quality to report on or before October 1st of each year to the Environmental Review Commission (ERC) on the progress in developing and implementing basinwide water quality management plans. The report includes information on the completion and approval of the Tar-Pamlico River basin water quality management plan by the Environmental Management Commission in July 2015. The report also includes a list of water resource plans currently under development by the Basin Planning Branch with the assistance of many other resource agency staff. As a requirement of the statute to include an overall pollutant summary for surface waters of the state, a summary graph of the draft 2016 Integrated Report is included. Division of Water Resources (DWR) staff will request the Water Quality Committee’s (WQC) approval to send the annual report to the EMC meeting tomorrow for approval to submit the report to the ERC. (Attachments enclosed: Water Quality 2016 Basin Planning Status to the ERC and PowerPoint Presentation)

**2. Request for an After-the-Fact Major Variance from the Neuse Riparian Area Protection Rule by Belinda Keever for a pool and deck partially constructed at 8005 Falling Leaf Court in Raleigh, NC – (Action Item) (Jennifer Burdette, DWR)**

A request has been received for the WQC to grant an after-the-fact Major Variance from the Neuse Riparian Area Protection Rule to Belinda Keeverfor a pool and partially constructed deck in Zone 1 and Zone 2 of the buffer at 8005 Falling Leaf Court in Raleigh, NC. The applicant is proposing mitigation to offset the buffer impacts. Based on the information submitted, DWR supports this request for a Major Variance from the Neuse Riparian Area Protection Rule because all of the requirements in 15A NCAC 02B .0233 have been met. (Attachments enclosed: Variance Application, DWR Findings of Fact, and PowerPoint Presentation)

**3. Request to Proceed to the Environmental Management Commission for Approval to Convene the Falls & Jordan Nutrient Rulemaking Stakeholder Group Required Under S.L. 2016-94 – (Action Item) (John Huisman, DWR)**

Session Law 2016-94 calls for an evaluation of the Falls and Jordan nutrient management strategies and separates these rules from the rest of the rules readoption process by establishing their own rulemaking timelines. It also requires several other studies by the Department of Environmental Quality and for the Environmental Management Commission to convene a rulemaking stakeholder group to provide input to the EMC regarding revisions to the nutrient management strategies. DWR staff have developed a stakeholder list comprised of lake users and affected parties in consultation with members of the EMC and are requesting to proceed to the EMC for approval to convene the group with a kickoff meeting via conference call in December 2016. (Attachments enclosed: S.L. 2016-94 Nutrient Strategies Language, S.L. 2016-94 Rulemaking Stakeholder Group, and PowerPoint Presentation)

**4. Annual Progress Reports on the Neuse, Tar-Pamlico and Falls Lake Agriculture Rules –**

**(Information Item) (Jim Hawhee, DWR)**

The Tar-Pamlico, Neuse, and Falls Agriculture Rules (15A NCAC 2B .0238, .0256, and .0280 respectively) require their Basin or Watershed Oversight Committees to report to DWR and the EMC regarding annual implementation progress. In addition to submitting these three routine reports, DWR also submits a one-time report concluding that agriculture has achieved reasonable progress towards their Stage I reduction goals under the Falls strategy. The reports estimate cumulative nitrogen loss reductions from crop agriculture of 53% (Tar-Pamlico), 58% (Neuse), and 70% (Falls) from baseline through 2015. A 36% reduction in nitrogen loss from pasture-based livestock operations is also reported in the Falls Lake watershed. Finally, an evaluation of qualitative indicators shows no increased risk of phosphorus loss in either the Tar-Pamlico or Falls watershed. (Attachments enclosed: Tar-Pamlico CY2015 Annual Report, Neuse CY2015 Annual Report, Falls Lake CY2015 Annual Report, Falls Agriculture (State I) Report, and PowerPoint Presentation)

**5. Report on Local Government Buffer Ordinance Applications per H44 (S.L. 2015-246., sec. 13.1) - (Information Item) (Craig Bromby, Deputy General Counsel)**

Based on the language of G.S. 143-214.23A(b), it is the position of the Department that there is no basis for the EMC to act upon studies submitted by the local governments. The local governments submitting studies are the Town of Cary and the Town of Carrboro and the Counties of Orange and Wake. Both Cary and Carrboro have EMC-approved Phase II NPDES permits which incorporate stormwater plans as enforceable pieces of those permits, and both the Towns and Orange and Wake Counties have EMC-approved local ordinances that impose buffer requirements. (Attachments enclosed: Applications -Orange and Wake Counties and the Towns of Carrboro and Cary, Letters to Orange, Wake, Carrboro, and Cary NPDES Permits Riparian Buffers (As of November 9, 2016), Letter to EMC for NPDES Permits Riparian Buffers (As of November 9, 2016) and No Action Letters)

**6. Overview of reissuance of 401 Water Quality General Certifications** - **(Information Item) (Sue Homewood, DWR)**

DWR staff will provide an overview of the process to reissue the 401 Water Quality General Certifications. The Nationwide Permits issued by the US Army Corps of Engineers expire on March 18, 2017. The USACE is currently in the process of reissuance of the Nationwide Permits. The DWR 401 Water Quality Certifications require reissuance to correspond with the new Nationwide Permits. A public notice of the draft water quality certifications will be issued in December 2016. (Attachments enclosed: Water Quality Certification No. 3883 (Revised) and PowerPoint Presentation)

**III. Closing Comments – WQC Chair, Julie Wilsey**