**Revised 9/7/2017**

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING AGENDA**

**September 13, 2017**

**Archdale Building-Ground Floor Hearing Room**

**1:00 PM - 3:00 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 (WQC). If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

**Dr. Albert Rubin, Chair, Presiding**

**I. Preliminary Matters**

**1. Approval of July 12, 2017 Water Quality Committee meeting summary**

**II. Agenda Items**

**1. Request Approval to Proceed to the Environmental Management Commission with Proposed Amendment to Sub-Item (2)(ii) of 15A NCAC 02H .0109 (Coastal Stormwater Rule)** **- (Action Item) (Annette Lucas, Division of Energy, Mineral, and Land Resources)**

The Division of Energy, Mineral, and Land Resources is requesting permission to proceed to the Environmental Management Commission (EMC) with a rulemaking to amend the newly adopted Coastal Stormwater Rule 15A NCAC 02H .1019. This amendment is needed to make the applicability criteria for residential developments consistent with Session Law. (Attachments enclosed: Coastal Stormwater Rule Correction – July 18, 2017 and PowerPoint Presentation)

**2. Request Approval for an After-the-Fact Major Variance from the Neuse Riparian Area Protection Rule by Mr. Ayaz Pathan for a garage, pool house, and patio addition to a single-family residence at 111 Devonbrook Lane, Cary, NC – (Action Item) (Jennifer Burdette, Division of Water Resources)**

A request has been received for the WQC to grant an after-the-fact Major Variance from the Neuse Riparian Area Protection Rule to Mr. Ayaz Pathan for a pool house, patio, garage and driveway constructed at an existing home within Zone 1 and Zone 2 of the buffer at 111 Devonbrook Lane in Cary, NC. The applicant proposes mitigation to offset the buffer impacts and a rain garden to treat existing impervious area. Based on the information submitted, the Division of Water Resources (DWR) supports this request for an after-the-fact Major Variance from the Neuse Riparian Area Protection Rule because all the requirements in 15A NCC 02B .0233 have been met. (Attachments enclosed: Neuse River Basin Variance Application, DWR Finding of Fact, and PowerPoint Presentation)

**3. Request Approval to Proceed to the Environmental Management Commission with Water Quality Program Rules in 15A NCAC 02B and 02H – (Action Item) (Jeff Manning, DWR)**

The 15A NCAC 02B and 02H rules underwent SL2013-413 Rule Review in 2014 which required the rules to be readopted. The rules went through a series of stakeholder meetings for input in 2015, were redrafted and received DEQ review during 2016. The WQC received an update on these rules in March 2017 that these rules would be coming to the WQC in September 2017 for a request to proceed forward to EMC and public notice and hearing. In April 2017 the rule drafts were posted online, additional stakeholder information sessions were held to provide an opportunity for interested parties to receive an update on the latest versions of the rules. The rule drafts have been available online since April 2017. Since April, some rules, primarily those that cover definitions, buffers, and nutrient management strategy areas have received further refinement. All current proposed versions of the rules are located in the "Rule Readoption" spreadsheet located at http://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/dwr-classifications-standards/rule-readoption-process user note: Once in the Excel table, use the tabs in the Lower Left corner to navigate to the 2B and 2H subchapters of rules). Included in the spreadsheet are the Regulatory Impact Analyses, where available. Where there is no regulatory impact analysis available, staff anticipates the regulatory impact analyses for the remaining rules to require a fiscal note, which will be completed following the WQC’s approval of the draft rules. The WQC will be asked to approve the rule drafts in 2B & 2H (with some exceptions noted in the powerpoint) in order for the rules to proceed to the full EMC for approval to go to public hearing and notice. (Attachments enclosed: Proposed 2B and 2H rule drafts and PowerPoint Presentation)

**4. Challenges with Detection and Evaluation of Low Level Organic Compounds – (Information Item) (Dr. Detlef Knappe, North Carolina State University, Dr. Daniel Vallero, Duke University, and Linda Culpepper, DWR Deputy Director)**

PowerPoint Presentations – Organic Analysis and Emerging Chemicals: Decision Making Under Uncertainty

**III. Closing Comments – WQC Chair, Dr. Albert Rubin**