

**ENVIRONMENTAL MANAGEMENT COMMISSION  
WATER QUALITY COMMITTEE MEETING SUMMARY**

**March 8, 2017**

**Archdale Building-Ground Floor Hearing Room**

**BRIEF**

The Water Quality Committee (WQC) of the Environmental Management Commission (EMC) at their March 8, 2017 meeting:

- approved the draft summary of the January 11, 2017 WQC meeting.
- approved the 2016 Annual Report on Water Supply Watershed Ordinance Approvals, Universal Stormwater Management Program Ordinance Approvals and Phase II Program.
- was updated on Water Quality Program Rules in 15A NCAC 02B, 02H, 02T, and 02U.
- was given an overview on the Watauga River Basin Resources Plan.
- was given an overview on the estimates for the location and amount of nutrients produced by the swine, poultry and cattle industries in North Carolina.
- was updated on the status of the periodic review process for the Dam Safety Rules 15A NCAC 02K.
- was given a presentation on the status of green stormwater infrastructure for North Carolina.

**WQC Members in Attendance:**

Ms. Julie Wilsey, WQC Chairwoman  
Mr. Steve Tedder, WQC Vice Chair  
Mr. John D. Solomon  
Dr. Lawrence W. Raymond  
Mr. Thomas Craven  
Mr. Kevin Martin  
Dr. Albert Rubin

**Others Present:**

Mr. William “Bill” Puette, EMC  
Mr. Charles “Boots” Elam  
Ms. Jennie Hauser, Attorney General Office  
Ms. Shelia Holman, Department of Environmental Quality Assistant Secretary  
Mr. Jay Zimmerman, Division of Water Resources Director

## **I. Preliminary Matters**

None of the WQC members recused him or herself from making a decision on any of the action items on the March 8, 2017 WQC agenda.

## **II. Agenda Items**

### **1. 2016 Annual Report on Water Supply Watershed Ordinance Approvals, Universal Stormwater Management Program Ordinance Approvals, and Phase II Program**

#### **Description**

The 2016 Annual Report on Water Supply Watershed Ordinance Approvals, Universal Stormwater Management Program Ordinance Approvals, and Phase II Program was provided without any presentation. The WQC did not comment nor ask any questions concerning this report.

### **2. Update on Water Quality Program Rules in 15A NCAC 02B, 02H, 02T, and 02U (375)**

#### **Description**

Jeff Manning, on behalf of DWR, presented an update on the status of the water quality program rules. The water quality program rules underwent the S.L. 2013-413 (HB74) rule review during 2014 that resulted in the majority of the rules needing to be readopted through the state's rulemaking process. During 2015, DWR hosted a set of stakeholder meetings, presented each rule draft in detail to stakeholders, and incorporated stakeholder input into the rule drafts. Then, the Department of Environmental Quality (DEQ) administration reviewed the rule drafts during 2016. Due to the need for the rules to be readopted by October 2019, the new administration proposes that the Water Quality Committee (WQC) and the Environmental Management Commission (EMC) consider readopting the rules in stages. Mr. Manning stated that the DWR will conduct a public stakeholder meeting to update stakeholders on all four rule subchapters' drafts during April 2017. He also stated that DWR will return to the WQC with Subchapter 02T, 02H Sections .0800, and 02U rules in May 2017 for approval of the language to do regulatory impact analysis (RIA) and fiscal note documents. Once the RIA/fiscal note is completed, DWR will proceed to the full EMC, prospectively in July 2017, with 02T, 02H Sections .0800 and 02U to proceed to public comment and hearing stage. Later, in September 2017, the language of Subchapters 02B rules and remaining 02H rules will come to the WQC for approval of the rule language to do the RIA/fiscal note documents. Once the RIA/fiscal note is completed on those, DWR will proceed to the full EMC to proceed to the public comment and hearing stage.

#### **Discussion**

EMC Chairman Solomon reminded staff to review the statutory authority for each rule and recommended that staff send the rules to the Rules Review Commission (RRC) for review. Mr. Tedder commented that all four rule subchapters should be posted to the website because they are interrelated. Some of the members of the WQC expressed concern about how stakeholder

input is referenced in the rule drafts. Mr. Manning explained that the rules will include comment boxes to explain the purpose of the changes, the intended effect of the changes, and whether the change was in response to a stakeholder input. Moreover, he said that after the stakeholder meeting (2015) DWR had additional conversations with individual stakeholders which resulted only in a better understanding on their part of the proposed rule drafts. Mr. Tedder reminded staff that in November 2014 the draft rules were on the website and on the WQC agenda with a notice to be heard and then subsequently pulled and asked is there a lot that changed from that time to what we (WQC) are going to see the next time they are posted on the website. Mr. Manning acknowledged that the process has taken a long time and for this reason comment boxes have been included in the rule drafts. Mr. Manning also said that in 2016 the rules were reviewed by the DEQ and that there have not been any wholesale changes to rules from the DEQ. Mr. Martin asked to see any changes from what was posted to now.

Mr. Tedder asked if a manure hauler keep records (of their land application activity) and keeps them on site. Ms. Christine Lawson, the state's Animal Feeding Operations Program Manager said yes they are required to keep records. She went on say that whenever the program becomes aware of a complaint - for instance about a deemed dry litter poultry operation - and a state - registered manure hauler is involved, the manure hauler will be asked to provide records. She also said the state would not utilize those records.

Dr. Raymond asked how the laboratory certification fee will be structured. Dana Satterwhite, the state's Laboratory Certification Program Manager responded by saying that the proposed base fee for commercial laboratories is \$3,500 per year and the cost for each parameter (inorganic, organic, metal) laboratories are certified for is \$85 and depending on the number of parameters they are certified for, if the cost adds up to more than the base fee then laboratories pay the actual cost and if cost adds up to less than the base fee then the laboratories pay the base fee.

#### **Motion**

Not Applicable

### **3. Overview of the Watauga River Basin Water Resources Plan**

#### **Description**

Michelle Raquet, on behalf of DWR, provided an overview of the draft 2017 Watauga River Basin Plan. The overview covered an outline of what is included in the water resources plan as well as a new presentation style through ArcGIS Online (Story Map).

#### **Discussion**

DWR staff was complemented on the new format for presenting basinwide water quality and water quantity information for Watauga River Basin. Mr. Tedder had two questions for Ms. Raquet 1) is the phrase "all point and non-point sources of pollutants jointly share the responsibility for reducing pollutants in the state's waters" is in statute and 2) is there link to pull up point source information for example permit volume/limits or DMRs. She answered yes to

both of his questions. Dr. Rubin asked if there is similar information on non-discharge facility for the Watauga basin through DWR and DHHS. Ms. Raquet said that the information is available through DWR. Dr. Rubin also requested that large (over 3,000 gallons per day) community septic systems be indicated on the maps if there were any.

**Motion**

Not Applicable

**4. A Comparison of PAN and P<sub>2</sub>O<sub>5</sub> produced from Poultry, Swine and Cattle Operations in North Carolina**

**Description**

Heather Patt, on behalf of DWR, provided an overview of National Agricultural Statistics data that DWR summarized to form estimates of the location and amount of nutrients produced by swine, cattle and poultry operations statewide. Duplin and Sampson counties have the highest swine population, Iredell County has the highest cattle population, Duplin, Union, Sampson and Wilkes counties have largest poultry inventories. Yadkin-Pee Dee and Cape Fear River Basins have the most nutrients produced by poultry. Neuse, Pasquotank and Tar-Pamlico River basins are the only basins with a decrease in poultry inventory. Poultry operation produce the greatest amount of nutrients compared to swine and cattle. Poultry produced three times more plant available nitrogen pounds and six times more phosphorus (P<sub>2</sub>O<sub>5</sub>) pounds than swine, statewide in 2014. Unknown utilization and transport of nutrients in to air and groundwater leads to challenges when trying to assess basinwide issues.

**Discussion**

Dr. Raymond asked why the secrecy of poultry operations in North Carolina. Ms. Patt responded with possible safety concern or otherwise unknown. Mr. Tedder asked how much poultry is permitted. Ms. Patt said four percent of the poultry facilities. Mr. Martin expressed disappointment with the nutrient studies (not this study) due to a lot of extrapolation and a lack of real data and don't acknowledge natural sources of nutrients. For curiosity's sake, he asked what the natural sources are. Ms. Patt commented that we need to support our surface water and air quality monitoring and establish groundwater monitoring. EMC Chair Solomon thanked Ms. Patt for bringing the topic before them (WQC), but (said) he prefers numbers over percentages. He also said that he is not convinced that industry needs to be regulated harder, but might need better engineering. Mr. Elam mentioned that one county (in the report) shows no poultry, but has a large number of poultry and asked for information about the facility and monitoring to be included in the report. Ms. Patt responded that the one facility is known because it had a non-discharge permit with the Division and the facility was discussed in the Tar-Pamlico Basin Plan, but was removed when the facility complained.

**Motion**

Not Applicable

## **5. Update on Periodic Review Process for the Dam Safety Rules 15A NCAC 02K**

### **Description**

Boyd Devane, Division of Energy, Mineral, and Land Quality (DEMLR), provided an update on the status of the Periodic Rule Review process for the Dam Safety rules in 15A NCAC 02K. The rule review follows the procedure mandated by S.L. 2013-413 (HB 74) and is incorporated in the Administrative Procedure Act. The 60-day public comment period for the initial staff determinations of the rules in Subchapter 02K has been completed. There were no “objections” to the EMC proposed determinations although one comment regarding an outdated reference was received. The proposed “Report” that included the Commission’s “final determinations” and a summary of the one comment received was provided to the Committee. The request for EMC approval of the official “Report” to be submitted to the Rules Review Commission will be on the May EMC agenda.

### **Discussion**

None

### **Motion**

Not Applicable

## **6. Stormwater as a Resource: How Green Stormwater Infrastructure Turns Multiple Problems into Multiple Benefits**

### **Description**

Peter Raabe with the American Rivers Program gave a presentation on the problems solved by green stormwater infrastructure and the benefits it provides. As an introduction to the presentation he mentioned that North Carolina’s new stormwater rules resulted in both the streamlining of the permitting system and added flexibility to the designs of the state’s stormwater control measures (or SCM’s). The take home points of his discussion were that 1) the new stormwater rules open opportunities to use green stormwater infrastructure or infrastructure that replicates natural processes to manage stormwater, 2) North Carolina’s innovative techniques have been shown to be effective at reducing flooding, improving water quality by removing nutrients and toxins, and restoring base flows in small streams, and 3) these practices when used at scale benefit the state’s natural resources but also have been shown to improve property value, reduce health costs, reduce heat island effect, improve energy efficiency and more.

### **Discussion**

EMC Chairman Solomon asked is the answer enforcement or hydrology to address stormwater impacts. Mr. Raabe said that enforcement, education and engagement all play a role in addressing stormwater management. He encouraged the regulatory community to promote engagement to deal with stormwater.

**Motion**

Not Applicable

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

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