

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

**March 10, 2021
1:00 PM – 3:30 PM**

In the event the previously scheduled Environmental Management Commission (EMC or Commission) committee meeting adjourns prior to the estimated adjournment time, the Water Quality Committee (WQC or Committee) meeting may be called to order, by the WQC Chair, 15 minutes after the previous meeting adjourned.

The EMC meeting audio and presentations will be broadcast via the state web conferencing link posted on the EMC website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>

Items marked with an asterisk (*) will be presented orally at the WQC meeting only upon a request by a WQC member and can be approved where required as a group.

Marion Deerhake, Chair, Presiding

I. Preliminary Matters

1. Call to Order and Notice of NCGS 163A-159(e) WQC Chair Deerhake

North Carolina General Statute 163A-159(e) 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 EMC's Water Quality Committee. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

2. Approval of [draft January 13, 2021 Water Quality Committee meeting minutes](#)

II. Action Items

1. Request Approval to Proceed to the EMC with the Neuse/Tar-Pamlico New Development Stormwater Model Program for Existing Development Stormwater – (Trish D'Arconte, Division of Water Resources, Nonpoint Source Planning Branch)

The amended Neuse and Tar-Pamlico New Development Stormwater Rules (15A NCAC 02B .0711 and 15A NCAC 02B .0731 respectively), effective April 1, 2020, and requires Division of Water Resources (Division) staff to develop a new Model Program (Program) in consultation with local governments for Commission approval. The Program was developed in collaboration with the local governments and provides guidance and information templates to assist local governments in development of their own Local Programs to implement the new rules. By local government request, it provides an example for integrating local National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System plans with their Neuse or Tar-Pamlico Stormwater programs. Staff will provide an overview of the Model Program,

including an example Stormwater Management Plan and example Ordinance, and request WQC approval to proceed to the EMC with the Neuse and Tar Pamlico New Development Stormwater Management Model Program. As guidance, this Program does not require a 30-day waiver before presentation to the EMC. (Attachments enclosed: [Neuse and Tar-Pamlico Local program Development Guide](#), [Neuse and Tar-Pamlico Model Stormwater Ordinance for New Development](#), [Neuse and Tar-Pamlico Model Stormwater Management Template](#), and [PowerPoint presentation](#))

2. Request Approval to Proceed to the EMC with Proposed Temporary Rules 15A NCAC 02H .1400 (.1401 through .1405) (New) and 15A NCAC 02H .1301 (Revision); and Request for Recommendation to the EMC for a waiver of the 30-day rule – Sue Homewood, Division of Water Resources, 401 Permitting and Buffer Branch

On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army published the Navigable Waters Protection Rule in the Federal Register to finalize a revised definition of “waters of the United States” under the Clean Water Act (“Federal Rule”). The new Federal Rule became effective on June 22, 2020. As a result of the new Federal Rule, a subset of wetlands classified under State law are no longer subject to federal Clean Water Act jurisdiction. These classified wetlands remain protected by 15A NCAC 02B .0231 - Wetland Standards, but, as a result of the new Federal Rule, there is no permitting mechanism available to authorize impacts. To provide a regulatory mechanism to authorize impacts to wetlands that are no longer federally jurisdictional, and to provide regulatory certainty, the Division is proposing temporary rulemaking. The Division will request approval from the WQC to proceed to the EMC to initiate temporary rulemaking and will request that the WQC recommend that the EMC waive the 30-day rule on this item in order to expedite the rulemaking process. (Attachments enclosed: [Temporary Rules 15A NCAC 02H .1401-.1405](#) and [15A NCAC 02H .1301\(revision\)](#), [Navigable Waters Protection Rule published in the Federal Register](#), and [PowerPoint presentation](#))

III. March 11, 2021 EMC Agenda Items

* Request Approval of the Neuse/Tar-Pamlico New Development Stormwater Model Program - Trish D’Arconte, Division of Water Resources, Nonpoint Source Branch

* Request Approval of 2021 Chowan River Basin Water Resources Plan - Forest Shepherd, Division of Water Resources, Basinwide Planning Branch

* Request Approval to Proceed to Public Notice and Hearing with Proposed Surface Water Triennial Review amendments to select rules in 15A NCAC 02B .0200 and .0300 and Regulatory Impact Analysis - Chris Ventaloro, Division of Water Resources, Classifications, Standards and Rules Review Branch

* Request Approval of 30-day Waiver and to Proceed to Public Notice and Hearing for Proposed Temporary rules 15A NCAC 02H .1301 (Revision) and 15A NCAC 02H .1400 (.1401 through .1405) - Sue Homewood, Division of Water Resources, 401 Permitting and Buffer Branch

* Request Issuance of Water Quality Special Order of Consent S19-010 to address 1,4-Dioxane in the Effluent Discharge at City of Greensboro's T.Z. Osborne Wastewater Treatment Plant - Brianna Young & Jenny Graznak, Division of Water Resources, Water Quality Permitting Branch

IV. Information Items

1. Executive Order NO. 80: North Carolina's Commitment to Address Climate Change and Transition to a Clean Energy Economy

Staff from the North Carolina Department of Environmental Quality's Water Resources and Energy, Mineral and Land Resources divisions will summarize the findings of the EO 80 Climate Science Report, potential water quality impacts identified by staff, and a proposed approach to erosion and sediment control. (Attachments enclosed: PowerPoint presentations - Klaus Albertin, [DWR](#) and Brian Wrenn, [DEMLR](#))

2. Voluntary Approaches to Address Nonpoint Source Pollution – Julie Henshaw, Nonpoint Source Programs Section Chief

Staff from the North Carolina Department of Agriculture and Consumer Services, Division of Soil and Water Conservation will highlight the North Carolina Soil and Water Conservation Commission's Cost Share Programs, particularly the Agriculture Cost Share Program. These voluntary, incentive-based programs are implemented locally through Soil and Water Conservation Districts to protect and improve soil and water resources throughout the state. (Attachments enclosed: [PowerPoint presentation](#))

3. Future Committee Interests – WQC Chair Deerhake will seek the EMC Commissioners' input on WQC goals, future agenda topics, and long-term interests.

4. < Director's Remarks (Danny Smith, Division of Water Resources)

V. WQC Closing Comments

Adjournment: The next Water Quality Committee meeting is scheduled for May 12, 2021. The details of the meeting will be posted to the EMC website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>