NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

512 N. Salisbury Street
Archdale Building - Ground Floor Hearing Room
Raleigh, North Carolina

September 13, 2018
9:00 a.m.

General Statute § 138A-15 mandates that the Chairman inquires as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.

J.D. Solomon, Chairman, Presiding

**I. Preliminary Matters**

1.     Call to Order
2. Approval of minutes from Commission meeting on July 12, 2018 ([attached](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/EMC_FinalDraft_Minutes_14Sept2017v3.docx))
3. Approval of minutes from Special Called Commission meeting on August 15, 2018 (attached)

**II. Action Items**

1. **18-45 Request Approval of Hearing Officer’s Report and Issuance of Water Quality Special Order by Consent (SOC) S17-010 to Address Seeps from Coal Ash Basins at Duke Energy Progress’ Asheville Plant**(Hearing Officer) Commissioner Gillespie/(DWR) Jeff Poupart

Explanation of Changes to SOC S17-010 – Revised SOC
Revised SOC S17-010
Attachment A – Hearing Officer’s Report

Attachment B – SOC Application
Attachment C – Engineering Evaluations
Attachment D – Draft SOC
Attachment E – Public Notice of the SOC and Public Meeting
Attachment F – Affidavits from Salisbury Post and Winston-Salem Journal
Attachment G – Sign-in Sheet for Non-Speaking Attendees
Attachment H – Sign-in Sheet for Speaking Attendees
Attachment I – Written Comments Submitted by the Southern Environmental Law Center
Attachment J – Written Comments Submitted by Clean Water for North Carolina
Attachment K – Emailed Comments Submitted by Marie Garlock
Attachment L – Emailed Comments Submitted by Caroline Armijo
Attachment M – Emailed Comments Submitted by Marvin Dalton
Attachment N – EPA Memo June 7, 2010 (see p. 11)
Attachment O – EPA Letter to DEQ Aug. 19, 2016
Attachment P – DEQ Press Release Regarding Extension of Public Notice Period

Attachment Q – S17-010 Upfront Penalty Calculation
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**2.** [**18-4**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC_2017/17-38_Description_EMC_H74_Group1_Hearing_Officer%27s_Report.docx)**6    Request Approval of the Final Determinations for Submission to the Rules Review Commission for the Periodic Review of Existing Rules Reports for 15A NCAC 02I and 02J**
(DEQ) General Counsel Bill Lane

**POWERPOINT PRESENTATION**

Attachment A - 15A NCAC 02I Draft Final Determinations
Attachment B - 15A NCAC 02J Draft Final Determinations
Attachment C - WASCO - Comments Re: 15A NCAC 02I
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**3.** [**18-**](https://files.nc.gov/ncdeq/Environmental%20Management%20Commission/EMC%20Meetings/2017/7-Nov2017/POWERPTS/17-40_JBurleson_Group_3_%20Rules_%20Readoption_%20Request_Hearing%20-%20Burleson.pptx)**47     Request Approval of Hearing Officer's Report, Regulatory Impact Analysis, and Adoption of Amendments to 15A NCAC 13B Section .1100 Scrap Tire Management**

(DWM) Jessica Montie

**POWERPOINT PRESENTATION**

Attachment A - Rule Text 13B .1101 - .1110

Attachment B - Regulatory Impact Analysis 13B .1101 - .1110

Attachment C - Hearing Officer’s Report 13B .1101 - .1110

**4.     18-48 Request Approval of the 2018 Watauga River Basin Water Resources Plan**(DWR) Michelle Raquet

**POWERPOINT PRESENTATION**

Attachment A – 2018 Executive Summary Watauga River Basin

Attachment B – Watauga River Basin Webpage 2018

Attachment C - Story Map Link

**5. 18-49 Request Approval to Send the 2018 Annual Report on Basinwide Water Management Planning by the Department of Environmental Quality and the Environmental Management Commission to the Environmental Review Commission (ERC)**

(DWR) Nora Deamer

**POWERPOINT PRESENTATION**

Attachment A – (Draft) 2018 Annual ERC Basin Management Planning Report
 (new information noted in orange)

**6. 18-50 Request Approval of the Central Coastal Plain Capacity Use Area Assessment Report**

(DWR) Nat Wilson

**POWERPOINT PRESENTATION**

Attachment A- CCP 2018 Assessment 20180720

**7. 18-51 Request to Approve Recommendation to Appoint Members to the Water Pollution Control System Operators Certification Commission**

(DWR) Steve Reid

Attachment A - Biographical Information for Suggested Appointments to WPCSOCC
Attachment B – Appointment Approval Letter

**8. 18-52 Revised Rule Language For 15A NCAC 02C Due to Session Law 2018-65**

(DWR) Debra Watts, and Wilson Mize, DHHS)

**POWERPOINT PRESENTATION**

Attachment A – 15A NCAC 02C .0100 Rules (changes highlighted)
Attachment B - Regulatory Impact Analysis (changes highlighted)

**9. 18-53 Request Approval of Hearing Officer's Report, Regulatory Impact Analysis and Readoption of Dam Safety Rule 15A NCAC 2K .0212**

**(DEMLR) Boyd DeVane**

**POWERPOINT PRESENTATION**

Attachment A – Hearing Officer’s Report

Attachment B – Final Rule 15A NCAC 02K .0212

Attachment C – Fiscal Impact Analysis

**10. 18-54 Request Waiver of 30-day Rule and Approval to Proceed to Public Hearing on Proposed Temporary Rule Adoption on Log Fumigation, 15A NCAC 02D .0546 (548)**

(DAQ) Michael Abraczinskas/Michael Pjetraj/Patrick Knowlson

(DEQ) Dr. Sandy Mort

**POWERPOINT PRESENTATION** (Michael Abraczinskas/Michael Pjetraj/Dr. Sandy Mort)

**POWERPOINT PRESENTATION** (Patrick Knowlson)

Attachment A – Temporary Rule 15A NCAC 02D .0546

Attachment B – Acceptable Ambient Level (AAL) Recommendation for Methyl Bromide

Attachment C - Questions and Answers on Log Fumigation and Methyl Bromide

**11. 18-55 Montgomery County et al. v. NCDEQ/NCEMC (OAH Case No. 17 EHR 04670) (Closed Session)**

Counsel Phillip Reynolds

**12. 18-56 Discussion of the Use of Local Newspapers, such as the Montgomery Herald for Montgomery County, for Publishing Notice of Future IBT Public Notices**

**III. Information Items**

1. **18-06 Dam Safety Update on Prioritization of Coal Combustion Residuals Surface Impoundments at Allen, Buck, Belews, Cliffside, Marshall, Mayo and Roxboro Steam Stations**(DEMLR) Andrew Brooks

**POWEROINT PRESENTATION**

**IV. Concluding Remarks**

By Directors (Directors' Comments)
By Committee Chairs
By Commission Members
By Counsel
By Chairman

Adjournment 09-13-18