

General Assembly of North Carolina

Environmental Review Commission State Legislative Building Raleigh, North Carolina

CO-CHAIRS

SENATOR CHARLES W. ALBERTSON
SENATOR DANIEL G. CLODFELTER

REPRESENTATIVE LUCY T. ALLEN
REPRESENTATIVE PRYOR A. GIBSON

GEORGE F. GIVENS

COMMISSION COUNSEL
545 LEGISLATIVE OFFICE BUILDING
300 NORTH SALISBURY STREET
RALEIGH, NORTH CAROLINA 27603
(919) 733-2578
FAX: (919) 715-5460

MEMBERS

SENATOR STAN W. BINGHAM
SENATOR KATIE G. DORSETT
SENATOR JAMES S. FORRESTER
SENATOR ELEANOR G. KINNAIRD
SENATOR A.B. SWINDELL
SENATOR DAVID F. WEINSTEIN

REPRESENTATIVE JAMES A. HARRELL
REPRESENTATIVE PRICEY HARRISON
REPRESENTATIVE CAROLYN H. JUSTICE
REPRESENTATIVE RUTH SAMUELSON
REPRESENTATIVE EDITH D. WARREN
REPRESENTATIVE LARRY W. WOMBLE



20 February 2008

SUSAN S. IDTINGS

ASSISTANT COMMISSION COUNSEL

JEFF W. HUDSON

ASSISTANT COMMISSION COUNSEL

JENNIFER L. MCGINNIS

ASSISTANT COMMISSION COUNSEL

JENNIFER R. F. MUNDT

COMMISSION ANALYST

MARIAH B. MATHESON

COMMISSION ASSISTANT

JESSICA BENNETT

COMMISSION CLERK

TO: Members of the Environmental Review Commission
Interested Parties

FROM: George F. Givens, Commission Counsel
Jessica Bennett, Commission Clerk

RE: **Notice of Commission Meeting**
Notice of Planning Meeting
Schedule of Future Meetings – Note change in dates for April meeting
Meetings of Interested Parties (605 Working Groups)
Additional Information

COMMISSION MEETING:

The Environmental Review Commission (Commission) will meet at 9:30 a.m. Tuesday 18 March 2008 in Room 544 of the Legislative Office Building in Raleigh.

At this meeting, the Commission will begin or continue studies for which the Commission is responsible, hear reports from State agencies, discuss topics to be considered at future meetings, and attend to other matters. Listed below are potential agenda topics for this meeting and for future meetings. More specific information regarding the agenda for the 14 February meeting of the Commission will be developed at the staff planning meeting discussed below. Commission Counsel may publish a revised notice/draft agenda following the staff planning meeting if circumstances permit.

STUDIES

- 1) Issues related to the franchise of solid waste management facilities by units of local government. (S.L. 2007-550, Sec. 18)
- 2) Issues related to the transportation of solid waste by rail or barge, including the extent to which regulation of the transportation of solid waste by rail or barge may be preempted by federal law. (S.L. 2007-550, Sec. 18)
- 3) Issues related to the use of pervious surfaces for vehicle parking areas, including associated costs, impact to the environment of stormwater runoff, and practices of other states with regard to stormwater best management practices. (S.L. 2007-323, Sec. 6.22.(b))
- 4) Allocation of surface water resources and their availability and maintenance in the State, including issues related to the transfer of water from one river basin to another, the withdrawal of

water for consumptive use, and the accuracy and tolerance of equipment used to measure the flow of water transferred from one river basin to another river basin. (S.L. 2007-518, Sec. 1.(a))

- 5) Preparation of a revised map entitled "Major River Basins and Sub-basins in North Carolina" as a recommended replacement for the map referenced in G.S. 143-215.22G. The revised map shall define the extent to which any river basin that encompasses any river that flows from another state into North Carolina or that flows from North Carolina into another state extends into an adjacent state. (S.L. 2007-518, Sec. 1.(b))
- 6) Other studies undertaken by the Commission.

REPORTS *(Report due dates are indicated in parentheses)*

General/Miscellaneous:

- 7) Quarterly report on the activities of the Environmental Management Commission (G.S. 143B-282(b)) *(15 April)*
- 8) Report on the Department of Administration plan to implement an energy conservation measures program and development or revisions of architectural or engineering standards consistent with an energy conservation measures program. (S.L. 2007-546, Sec. 2.1(c)) *(1 February 2008)*
- 9) Annual report by the Soil and Water Conservation Commission on the Community Conservation Assistance Program, including a summary of projects that received State funding pursuant to the Program, the results of the evaluation conducted, and a summary of the effectiveness of the Program. (G.S. 143-215.74M(e)) *(31 January)*

Hazardous Waste Management:

- 10) Report of Superfund cost share fund expenditures for cleanup of sites on the National Priorities List. (S.L. 1999-237(15.6)(b)) *(Within 30 days of expenditure)*
- 11) Report by the Department of Environment and Natural Resources on its study of the need for further regulation of hazardous waste transfer facilities, including whether to require the facilities to obtain a permit, pay permit fees, provide contingency plans, and demonstrate financial responsibility. (S.L. 2007-107) *(1 February 2008)*
- 12) Report by the Office of the Governor on its findings and recommendations on the criteria that the Secretary of Environment and Natural Resources considers in determining whether or to what extent to preempt local ordinances pursuant to G.S. 130A-293. (S.L. 2007-107, Sec. 1.10.(b)) *(1 March 2008)*

Parks and Recreation / Land Conservation:

** Note: All reports under this heading are being held for presentation at the April 2008 meeting of the Commission.*

Solid Waste Management:

- 13) Report by the Division of Waste Management and the Division of Pollution Prevention and Environmental Assistance on the development of a proposed recycling program for fluorescent lamps. (S.L. 2007-550, Sec. 17) *(1 March 2008)*

Water Quality:

- 14) Annual report on the status of leaking petroleum underground storage tanks, the State cleanup funds, and the Groundwater Protection Loan Fund. (G.S. 143-215.94M) *(1 September)*
- 15) Annual report on the implementation of the Clean Water Management Trust Fund; projects and awarded grants. (G.S. 113-145.6A(a) and S.L. 2002-148, Sec. 3) *(1 December)* **Held for presentation at the April 2008 meeting of the Commission.*
- 16) Annual report on the effectiveness of projects funded under the Agriculture Cost-Share Program for Nonpoint Source Pollution Control. (G.S. 143-215.74(e)) *(31 January)*
- 17) Annual report by the North Carolina Water Quality Workgroup (Rivernet) on the previous year's activities, findings, and recommendations (G.S. 143-215.8D) *(30 January)*

OTHER MATTERS

- 18) Update on the current drought.
- 19) Discussion of issues related to the use of flame retardants that contain polybrominated diphenylethers (PBDE).
- 20) Discussion of issues related to the implementation of a low emission vehicle program that is the functional equivalent of the low-emission vehicle program established under the laws of the State of California as set forth in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26t of the California Health and Safety Code as amended.
- 21) Discussion of possible amendments to S.L. 2007-546 (SB 668, Energy Conservation in State Buildings)
- 22) Report by the Utilities Commission on the implementation of S.L. 2007-397 (Promote Renewable Energy / Baseload Generation).

PLANNING MEETING:

To facilitate development of the agenda for the 18 March meeting of the Commission, to begin planning for subsequent meetings of the Commission, and to receive input from interested persons regarding the work of the Commission, the Commission Counsel will hold an informal planning meeting at **10:00 a.m. on Friday 7 March 2008 in Room 605 of the Legislative Office Building.** Persons who wish to participate in the development of the agenda for meetings of the Commission, or who are interested in any matter before the Commission, are invited to attend.

SCHEDULE OF FUTURE MEETINGS:

Below is a schedule of meetings of the Environmental Review Commission for April 2008 and May 2008. **This schedule is tentative and subject to adjustment.** For planning purposes, however, please reserve these dates. This schedule may be modified to allow for out-of-town business meetings or site visits and in the event that it becomes necessary to cancel a scheduled meeting due to hazardous weather conditions. Please note the following:

1. Meetings of the Commission normally begin at 9:30 a.m., may include a lunch break, and may run until mid-afternoon. Please plan on meeting from 9:30 a.m. until at least 3:30 p.m. Meetings of the Commission are open to the public.

2. Staff planning meetings normally begin at 10:00 a.m. and adjourn by noon. Staff planning meetings are informal and are open to the public. Commission members are not expected to attend these meetings.
3. The 2008 Regular Session is scheduled to begin at 12:00 noon on Tuesday 13 May 2008. The Commission may meet shortly after the beginning of the session to complete ongoing work and to consider any legislative proposals and recommendations and may meet at other times during the legislative session.

<u>Commission Meeting</u>	<u>Location</u>	<u>Staff Planning Meeting</u>	<u>Location</u>
Monday 7 April 2008	See below	Friday 28 March 2008	605 LOB
Tuesday 8 April 2008	See below		
Friday 9 May 2008	544 LOB	Tuesday 29 April 2008	605 LOB
Wednesday 14 May 2008	544 LOB		

The April meeting of the Commission will be held at Hammocks Beach State Park in Onslow County and may include additional site visits to other locations in the area. A specific itinerary will be included in the notice for the April meeting. Note that, since the 14 February meeting of the Commission, the dates for the April meeting have been changed to address scheduling conflicts.

MEETINGS OF INTERESTED PARTIES (605 WORKING GROUPS):

The Commission Counsel will hold meetings of interested parties on specific topics as indicated below:

Public meeting on the study of issues related to construction on artificial slopes

4:00 p.m. Monday 10 March 2008
Watauga County Commissioner's Board Room
814 West King Street
Boone, North Carolina 28607

Underground Storage Tank Working Group

10:30 a.m. Monday 17 March 2008 – 605 Legislative Office Building

ADDITIONAL INFORMATION:

If you have questions related to the Commission, please feel free to contact the Commission Counsel or other Commission staff at (919) 733-2578.