

General Assembly of North Carolina

Environmental Review Commission

State Legislative Building
Raleigh, North Carolina

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SENATOR DANIEL G. CLODFELTER

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REPRESENTATIVE EDITH D. WARREN
REPRESENTATIVE LARRY W. WOMBLE



AGENDA

9:30 a.m. Tuesday 18 March 2008
Room 544 Legislative Office Building
Raleigh, North Carolina

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COMMISSION ANALYST

MARIAH B. MATHESON
COMMISSION ASSISTANT

JESSICA BENNETT
COMMISSION CLERK

1. Call to order
Representative Lucy T. Allen, presiding
2. Introductory remarks by Cochairs (*5 minutes*)
Representative Lucy T. Allen
Representative Pryor A. Gibson
Senator Charles W. Albertson
Senator Daniel G. Clodfelter
3. Report to the Commission and explanation of agenda items (*15 minutes*)
George F. Givens, Commission Counsel

Approval of the minutes of the 23 January 2008 and 14 February 2008 meetings of the Commission

4. Report on the management of low-level radioactive waste in North Carolina (*10 minutes*)
Walter "Lee" Cox, III, Manager
Radioactive Material Branch, Radiation Protection Section
Division of Environmental Health, Department of Environment and Natural Resources (DENR)
5. Update on pending litigation: *State of Alabama, State of Florida, State of Tennessee, Commonwealth of Virginia, and the Southeast Interstate Low-Level Radioactive Waste Management Commission v. State of North Carolina* [U.S. Supreme Court, No. 132, Original] (*10 minutes*)
John F. Maddrey, Assistant Solicitor General
Department of Justice

6. Report on the controlled releases from Falls Lake in Wake County (*15 minutes*)
Terry M. Brown, P.E., Water Control Manager
Wilmington District, United States Army Corps of Engineers
7. Update on current drought conditions in light of conservation efforts and recent rain events (*15 minutes*)
Thomas C. Fransen, Chief
River Basin Management Section, Division of Water Resources, DENR
8. Presentation of the Governor's recommendations to respond to the current and future droughts (*1 hour*)
Franklin E. Freeman, Senior Assistant for Governmental Affairs
Office of the Governor

William G. Ross, Jr., Secretary
DENR

Bryan E. Beatty, Secretary
Department of Crime Control and Public Safety

LUNCH BREAK (estimated for) 12:00 p.m. to 12:45 p.m.

9. Discussion of changes to the federal ozone standard and the implications for North Carolina (*15 minutes*)
Brock M. Nicholson, Deputy Director
Division of Air Quality, DENR
10. Report by the Utilities Commission on implementation of the Promote Renewable Energy/Baseload Generation (S.L. 2007-397), the Swine Farm Methane Capture Pilot Program (S.L. 2007-523, Sec. 4), and an update on the Save-a-Watt proposal by Duke Energy (*30 minutes*)
James Y. Kerr II, Commissioner
North Carolina Utilities Commission
11. Discussion of the implementation of energy conservation programs as directed by the Energy Conservation in State Buildings legislation (S.L. 2007-546, Sec. 2.1(c)) (*15 minutes*)
Leonard Hoey, Program Manager
State Energy Office, Department of Administration
12. Report on the development of a proposed recycling program for fluorescent lamps (*15 minutes*)
Scott B. Mouw, Chief
Community and Business Assistance Section
Division of Pollution Prevention and Environmental Assistance, DENR

13. Presentation of the results of the 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) (*15 minutes*)
Elizabeth W. Cannon, Chief
Hazardous Waste Section
Division of Waste Management, DENR
14. Annual report on the previous year's activities, findings, and recommendations of the North Carolina Water Quality Workgroup (RiverNet) (G.S. 143-215.8D) (*15 minutes*)
Dr. William J. Showers, Associate Professor and
RiverNet Program, Director
North Carolina State University
15. 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)) (*15 minutes*)
David B. Williams, Chief
Nonpoint Source Programs Section
Division of Soil and Water Conservation, DENR
16. Commission discussion and announcements
17. Adjourn

SCHEDULE OF FUTURE MEETINGS:

Below is a schedule of meetings of the Commission for April and May 2008. This schedule is tentative and subject to adjustment. To facilitate development of the agenda for meetings of the Commission and to receive input from interested persons regarding the future work of the Commission, the Commission Counsel holds informal public planning meetings for staff and interested parties. The schedule of these meetings is also set out below.

| <u>Commission Meeting</u> | <u>Location</u> | <u>Staff Planning Meeting</u> | <u>Location</u> |
|-----------------------------|-------------------|-------------------------------|-----------------|
| <i>Monday 7 April 2008</i> | <i>See below*</i> | Friday 28 March 2008 | 605 LOB |
| <i>Tuesday 8 April 2008</i> | <i>See below*</i> | | |
| 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 will include additional site visits to other locations in the area. A specific agenda and itinerary will be included in the notice for the April meeting.*

MEETINGS OF INTERESTED PARTIES:

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

Impervious Parking Surfaces Working Group

10:00 a.m. Monday 24 March 2008 – 605 Legislative Office Building

Underground Storage Tank Working Group

2:00 p.m. Monday 31 March 2008 – 605 Legislative Office Building

Public Meeting on the Study of Issues Related to Construction on Artificial Slopes

30 April 2008 – Southwestern North Carolina (Time and location TBD)

ADDITIONAL INFORMATION:

Persons having questions about the Commission meeting or other matters related to the Commission may contact Commission Counsel or other Commission staff at (919) 733-2578 or may visit the Commission's website at:

<http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=12>