

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. Wednesday 23 January 2008

Room 544 Legislative Office Building
Raleigh, North Carolina

GEORGE F. GIVENS
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JENNIFER R. F. MUNDT
COMMISSION ANALYST

MARIAH B. MATHESON
COMMISSION ASSISTANT

JESSICA BENNETT
COMMISSION CLERK

1. Call to order
Representative Pryor A. Gibson, Presiding
2. Introductory remarks by Cochairs (*5 minutes*)
Representative Pryor A. Gibson
Representative Lucy T. Allen
Senator Charles W. Albertson
Senator Daniel G. Clodfelter
3. Report to the Commission and explanation of agenda items (*10 minutes*)
George F. Givens, Commission Counsel
4. Quarterly report by the Environmental Management Commission (EMC) as to its operations, activities, programs, and progress for the period 1 October 2007 through 31 December 2007 (G.S. 143B-282(b)) (*1 hour*)
Charles H. "Pete" Peterson, Vice Chairman
Environmental Management Commission

Report on the coastal stormwater rule (15A NCAC 02H .1005, Stormwater Requirements: Coastal Counties, as adopted by the EMC on 10 January 2008) (*10 minutes*)
Thomas A. Reeder, Chief
Wetlands and Stormwater Branch, Surface Water Quality Section,
Division of Water Quality, Department of Environment and Natural Resources (DENR)

Report on the in-lieu fee program for stream and wetland impacts mitigation administered by the Ecosystem Enhancement Program (Reference: 15A NCAC 2R.0402, Schedule of Fees); Interim policy (29 October 2007) (*10 minutes*)

Charles H. "Pete" Peterson, Vice Chairman
Environmental Management Commission

Manly S. Wilder, Assistant Secretary for Natural Resources
DENR

Report on the proposed rules concerning the Water Supply Nutrient Strategy for the B. Everett Jordan Reservoir (proposed 15A NCAC 02B .0262-.0272 and .0311) (*10 minutes*)

Alan Clark, Chief
Planning Section, Division of Water Quality, DENR

5. 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,
Department of Environment and Natural Resources (DENR)

6. Annual report on the Dry-Cleaning Solvent Cleanup Act of 1997 (G.S. 143-215.104U) (*10 minutes*)

Jonathan A. Powers, Head
Special Remediation Branch, Superfund Section
Division of Waste Management, DENR

7. Solid waste management (*1 hour 30 minutes*)

Presentation of the findings of the annual solid waste management report (G.S. 130A-309.12(c), G.S. 130A-309.06(c)(6), G.S. 130A-309.06(c)(8), G.S. 130A-309.06(c)(9), G.S. 130A-309.06(c)(10), G.S. 130A-309.06(c)(11), G.S. 130A-309.06(c)(12), G.S. 130A-309.06(c)(13), G.S. 130A-309.63(e), G.S. 130A-309.85, G.S. 136-28.8(g), G.S. 143-58.2(f)) (*20 minutes*)

Paul S. Crissman, Chief
Solid Waste Section
Division of Waste Management, DENR

Report on the implementation of the Solid Waste Management Act of 2007 (S.L. 2007-550 (Senate Bill 1492), as amended by S.L. 2007-543 (Senate Bill 6)) (*15 minutes*)

Paul S. Crissman, Chief
Solid Waste Section
Division of Waste Management, DENR

Status report on reimbursement of application costs as provided by S.L. 2007-543, Sec. 3 (Senate Bill 6) (*10 minutes*)

Paul S. Crissman, Chief

Solid Waste Section
Division of Waste Management, DENR

Discussion of the *Waste Industries USA, Inc. and Black Bear Disposal, LLC. v. State of North Carolina and North Carolina Department of Environment and Natural Resources* Complaint and Request for Declaratory Relief (File No. 07CV019407) (10 minutes)

Mark A. Davis, Special Deputy Attorney General
Special Litigation Section, North Carolina Department of Justice

Status of recycling and recycling markets in North Carolina (20 minutes)

Scott B. Mouw, Chief
Community and Business Assistance Section
Division of Pollution Prevention and Environmental Assistance, DENR

Presentation of the annual report on the recycling efforts of public schools in the State (15 minutes)

Dr. Benjamin J. Matthews, Director
Division of School Support, Department of Public Instruction

8. Status of the litigation between North Carolina and South Carolina over the allocation of surface water resources in the Catawba River (*State of South Carolina v. State of North Carolina* (File No. 138, Original)) (15 minutes)

James C. Gulick, Senior Deputy Attorney General
Environmental Division, North Carolina Department of Justice

9. Commission discussion and announcements

10. Adjourn

SCHEDULE OF FUTURE MEETINGS:

Below is a schedule of meetings of the Commission for January 2008 through May 2008. This schedule is tentative and subject to adjustment. In particular, the March meeting may take place over two days at a location outside Raleigh in order to focus on parks and recreation matters.

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>
Thursday 14 February 2008	544 LOB	Tuesday 5 February 2008	605 LOB
Tuesday 18 March 2008	TBD	Friday 7 March 2008	605 LOB
Thursday 10 April 2008	544 LOB	Friday 28 March 2008	605 LOB
Friday 9 May 2008	544 LOB	Tuesday 29 April 2008	605 LOB
Wednesday 14 May 2008	544 LOB		

MEETINGS OF INTERESTED PARTIES:

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

Underground Storage Tank Working Group

2:00 p.m. Monday 18 February 2008 - 605 Legislative Office Building

Public Meetings on the Scope, Direction, and Conduct of the Study of Allocation of Water Resources (Water Allocation Study (WAS))

Public Meeting

Wednesday 23 January 2008
4:00 p.m. to 7:00 p.m.

Location

Room 544, Legislative Office Building
North Carolina General Assembly
300 North Salisbury Street
Raleigh, North Carolina 27603

Thursday 24 January 2008
4:00 p.m. to 7:00 p.m.

New Hanover County Public Library
201 Chestnut Street
Wilmington, North Carolina 28401

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

Public Meeting

TBD

Location

TBD in North-western, North Carolina

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>