

General Assembly of North Carolina

Environmental Review Commission

State Legislative Building
Raleigh, North Carolina

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23 December 2008

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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
Meetings of Interested Parties (605 Working Groups)
Additional Information

COMMISSION MEETING:

The Environmental Review Commission (Commission) will meet at 9:30 a.m. Thursday 15 January 2009 in Room 643 of the Legislative 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 18 December meeting of the Commission will be developed at the public staff planning meeting described below. Commission staff may publish a revised notice/draft agenda following the public staff planning meeting if circumstances permit.

STUDIES Listed below are topics that the Commission has been specifically authorized or directed by the General Assembly to study during the current legislative interim. (The specific legislative authorization or directive is set out in parentheses.) The list also includes other study topics and issues. (The general powers and duties of the Commission are set out in Article 12D of Chapter 120 of the General Statutes.) The Commission Counsel will, as circumstances permit, discuss the plans for and progress of the study of these topics, including the formation of "605" working groups, at the public staff planning meeting described below.

- 1) 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))

as amended by S.L. 2008-10) Issues related to increasing water supply and reservoir construction. (S.L. 2008-143, Sec. 6)

- 2) 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)) Determine whether the definition of "river basin" set out in G.S. 143-215.22G should be revised. (S.L. 2007-518, Sec. 1.(b) as amended by S.L. 2008-125, Sec. 2)
- 3) The costs and benefits of the adoption of the California motor vehicle emissions standards in this State. (S.L. 2008-181, Sec. 6.2)
- 4) The feasibility of implementing a stormwater management program without requiring the issuance of a State permit prior to construction. (S.L. 2008-181, Sec. 6.3)
- 5) The desirability of abolishing the existing environmental regulatory commissions and replacing them with a new, full time environmental regulatory commission modeled on the Utilities Commission. (S.L. 2008-181, Sec. 6.4)
- 6) Methods for implementing a State level permitting system and siting requirements for commercial scale wind energy systems. (S.L. 2008-181, Sec. 6.5)
- 7) Issues related to disclosure of coastal hazards. (S.L. 2008-181, Sec. 6.6)
- 8) A date certain for the phase-out of hog lagoons. (S.L. 2008-181, Sec. 6.7)
- 9) The protection of conservation land from eminent domain. (S.L. 2008-181, Sec. 6.8)
- 10) Issues related to the use of plastic bags. (S.L. 2008-181, Sec. 6.9)
- 11) A ban on toxic brominated fire retardants (in consultation with the Child Fatality Task Force). (S.L. 2008-181, Sec. 6.10)
- 12) Issues related to a recycling program for fluorescent lamps. (S.L. 2008-181, Sec. 6.11)
- 13) The impacts on the State of the potential issuance of a new 50-year license by the Federal Energy Regulatory Commission to Alcoa Power Generating, Inc. (S.L. 2008-137, Secs. 1 and 2)
- 14) Alternative methods of disposing of treated wastewater.
- 15) Other topics carried over from, or not undertaken, in previous interims and other matters that have been referred to the Commission.

REPORTS Listed below are periodic and other reports that are due to be received by the Commission as of the meeting of the Commission described in this Notice (whether or not the report has been received). Reports received by the Commission may be scheduled for presentation at the meeting of the Commission described in this Notice, held for presentation at a future meeting of the Commission, or distributed to members and staff of the Commission as "read-only reports." All reports are included in the records of the Commission and, to the extent possible, are posted on the Commission's website. (Where appropriate and available, citations to the legislation that authorizes or requires the report is set out in parentheses.) (*Report due dates are set out italics in parentheses.*) The Commission Counsel and staff will solicit recommendations as to whether and when a report should be scheduled for presentation to the Commission or designated "read-only" and, in most cases, will make an initial determination at the public staff planning meeting described below.

General/Miscellaneous:

- 16) Annual report on the implementation of the Swine Farm Methane Capture Pilot Program (S.L. 2007-523, Sec. 4(g)) *(1 January)*
- 17) Quarterly report on the activities of the Environmental Management Commission (G.S. 143B-282(b)) *(15 January)*, including:
 - Progress in developing and implementing wastewater collection system permit program (G.S. 143-215.9B)
 - Extent to which facilities seeking new or modified discharge permits are funded with public funds; their impact on water quality; whether there are cost-effective alternative technologies that would achieve greater water quality benefit (G.S. 143-215.1(h))
 - Findings on identification and adoption of control criteria necessary to prevent excess nutrient loading in drinking water supply reservoirs; adoption of nutrient management strategy and permanent rules (S.L. 2005-190, Sec. 2(b), Sec. 3(e), and Sec. 3(f))
 - Progress in developing engineering standards to allow regional interconnection of municipal and domestic wastewater collection systems (S.L. 1999-329, Sec. 11.1)
- 18) 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)*

Air Quality:

- 19) Annual report on the desirability of requiring and the feasibility of obtaining reductions in emissions of NO_x and SO₂ beyond those required by the Clean Smokestacks Act (S.L. 2002-4, Sec. 11) *(1 September)*

Hazardous Waste Management:

- 20) Report of Superfund cost share fund expenditures for cleanup of sites on the National Priorities List (S.L. 1999-237(15.6)(b)) *(Floating, within 30 days of expenditure)*
- 21) Annual report on the North Carolina Hazardous Waste Management Plan (G.S. 130A-294(i)) *(1 October)*
- 22) Annual report on implementation of the Resident Inspectors Program at commercial hazardous waste facilities (G.S. 130A-295.02(m)) *(1 October)*
- 23) Annual report on the Inactive Hazardous Sites Program (G.S. 130A-310.10) *(1 October)*
- 24) Annual report on the Effectiveness of the Brownfields Property Reuse Act (G.S. 130A-310.40) *(1 October)*
- 25) Annual report on the mercury minimization plan prepared by DENR (G.S. 130A-310.57, Sec. 7) *(1 October)*
- 26) Report by the Office of the Governor on its efforts in seeking the advice of local governments to determine if the criteria considered to determine whether or to what extent to preempt local ordinances pursuant to 130A-293 should be further amended (S.L. 2007-107, Sec. 1.10(b)) *(1 March 2008)*
- 27) Report by the Regulation of Hazardous Materials Task Force on its study of issues related to the treatment, storage, and disposal of hazardous materials and review of all current fire code regulations related to the commercial treatment, storage, and disposal of hazardous materials to ensure the Code addresses the needs and safety of citizens (S.L. 2007-107, Sec. 4.1.(j)) *(1 April 2008)*

Solid Waste

- 28) Solid Waste Management Annual 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)) (15 January)

- 29) Annual Interagency Report on Litter Enforcement, Prevention, and Removal Efforts. (G.S. 147-12(b)) (1 March)

Parks and Recreation / Land Conservation:

- 30) North Carolina Natural Heritage Trust Fund Award Report, Fiscal Year 2007-2008 (G.S. 113-77.9(e)) (Semi-annually, within 30 days of each revision)
- 31) Annual report on implementation of the Conservation Easements Program and inventory of all conservation easements held by DENR (G.S. 113A-235(c)) (1 October)
- 32) Parks and Recreation Trust Fund Annual Report, Fiscal Year 2007-2008 (G.S. 113-44.15(c)) (1 October) **Received and held for distribution at a future meeting**
- 33) Annual report on progress towards attaining the State's goal of protecting one million acres of farmland, open space, and conservation lands (G.S. 113A-241(c)) (1 October) **Received and held for distribution at a future meeting**
- 34) Report on the feasibility and the desirability of acquiring land and establishing a State park for inclusion in the State Parks System on property surrounding Rutherford Trace in McDowell County (S.L. 2008-107, Sec. 12.12) (1 February 2009)
- 35) Annual report on North Carolina Development and Farmland Preservation Trust Fund Committee's activities (S.L. 2007-495, Sec. 23) (1 May)

Land Resources:

- 36) Annual report on implementation of the Sedimentation Pollution Control Act of 1973 (G.S. 113A-67) (1 October) **Distributed on 25 Nov 2008 as read-only. Oral presentation on 15 January 2009**

Water Quality:

- 37) 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)
- 38) Annual report on the Wastewater Discharge Elimination Program (S.L. 2001-452, Sec. 2.9) (15 October)
- 39) Annual report on Roanoke River Basin Bi-State Commission (S.L. 2007-495, Sec. 22) (1 October)
- 40) Annual report by the Yadkin-Pee Dee River Basin Advisory Commission (G.S. 77-117) (1 October)
- 41) Annual report on Catawba/Wateree River Basin Advisory Commission (G.S. 77-117) (1 October 2008)
- 42) Annual report on the implementation of stormwater rules and programs (G.S. 143-214.7(e)) (1 October)
- 43) Implementation of the Ecosystem Enhancement Program and use of the Ecosystem Enhancement Fund, including inventory of property and easements (G.S. 143-214.13) (1 November) **Received and held for distribution at a future meeting**

- 44) Annual report on the compliance/enforcement of water quality laws for facilities that discharge into surface waters. (G.S. 143-215.9A) (1 October) ***Distributed on 25 Nov 2008 as read-only subject to possible oral presentation at a future meeting***
- 45) Annual report on Basinwide Water Quality Management Plans. (G.S. 143-215.8B(d)) (1 October) ***Distributed on 25 Nov 2008 as read-only subject to possible oral presentation at a future meeting***
- 46) Annual report on permitting and inspecting animal waste management systems/Animal Waste Compliance Report. (G.S. 143-215.10M) (1 October) ***Distributed on 25 Nov 2008 as read-only subject to possible oral presentation at a future meeting***
- 47) Annual report on the Dry-Cleaning Solvent Cleanup Program. (G.S. 143-215.104U) (1 October)
- 48) Implementation of the Clean Water Management Trust Fund; projects and awarded grants. (G.S. 113A-257) (1 December)
- 49) Annual report on fish kills in the previous year (G.S. 143B-279.7 (c)) (1 December)
- 50) 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)
- 51) 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)

PLANNING MEETING:

To facilitate development of the agenda for the 15 January 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 Tuesday 6 January 2009 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 January 2009. **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. and may run until mid-afternoon. 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 2009 Regular Session is scheduled to begin at 12:00 noon on Wednesday 28 January 2009. 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.

Commission Meeting

Location

Staff Planning Meeting

Location

Thursday 22 January 2009

544 LOB

Tuesday 6 January 2009

605 LOB

MEETINGS OF INTERESTED PARTIES (605 WORKING GROUPS):

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

None at this time.

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.