

General Assembly of North Carolina

Environmental Review Commission State Legislative Building Raleigh, North Carolina

CO-CHAIRS

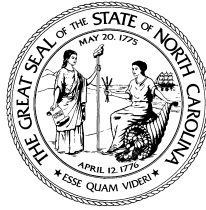
SENATOR CHARLES W. ALBERTSON
SENATOR DANIEL G. CLODFELTER

REPRESENTATIVE LUCY T. ALLEN
REPRESENTATIVE PRYOR A. GIBSON

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



AGENDA

10:30 a.m. Thursday 22 January 2009
Room 544 Legislative Office Building
Raleigh, North Carolina

GEORGE F. GIVENS
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ASSISTANT COMMISSION COUNSEL

JENNIFER R. F. MUNDT
COMMISSION ANALYST

MARIAH B. MATHESON
COMMISSION ASSISTANT

JESSICA BENNETT
COMMISSION CLERK

1. Call to order
Senator Charles W. Albertson, Presiding
2. Introductory remarks by Cochairs (*5 minutes*)
Senator Charles W. Albertson
Representative Lucy T. Allen
Senator Daniel G. Clodfelter
Representative Pryor A. Gibson
3. Report to the Commission and explanation of agenda items (*10 minutes*)
George F. Givens, Commission Counsel

Approval of the minutes for the 18 December 2008 meeting of the Commission

4. Report from the Secretary of Environment and Natural Resources (*10 minutes*)
Dee A. Freeman, Secretary
Department of Environment and Natural Resources (DENR)

Air Quality Reports

5. Status of the litigation between North Carolina and the Tennessee Valley Authority (*State of North Carolina v. Tennessee Valley Authority* (Case No. 1:2006cv00020)) (*10 minutes*)
James C. Gulick, Senior Deputy Attorney General
Environmental Division, North Carolina Department of Justice

6. Discussion of the Clean Air Interstate Rule (*10 minutes*)
James C. Gulick, Senior Deputy Attorney General
Environmental Division, North Carolina Department of Justice
7. 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) (*10 minutes*)
James C. Gulick, Senior Deputy Attorney General
Environmental Division, North Carolina Department of Justice
8. Discussion of the Vehicle Safety and Emissions Inspection Program (*10 minutes*)
Keith Overcash, Director
DAQ, DENR

Water Allocation Study

9. Presentation of the Final Report of the Water Allocation Study (S.L. 2007-518, Sec. 1.(a) as amended by S.L. 2008-10) and issues related to increasing water supply and reservoir construction (S.L. 2008-143, Sec. 6) (*60 minutes*)

Richard B. Whisnant, Principal Investigator
Associate Professor of Public Law and Government
University of North Carolina Institute of Government

William E. Holman, Principal Investigator
Visiting Senior Fellow
Nicholas Institute for Environmental Policy Solutions
Duke University

LUNCH BREAK 12:30 P.M. TO 1:30 P.M.

Coal Ash Storage and Disposal

10. Report on regulation and management of coal ash storage and disposal in the State (*10 minutes*)
Edward S. Finley, Jr., Chairman
Utilities Commission

Robin W. Smith, Assistant Secretary for Environment
DENR

Parks, Recreation, and Land Conservation Reports

11. Annual report on the Parks and Recreation Trust Fund, Fiscal Year 2007-2008 (G.S. 113-44.15(c)) (*20 minutes*)
Lewis R. Ledford, Director
Division of Parks and Recreation, DENR
12. Annual report on awards from the North Carolina Natural Heritage Trust Fund, Fiscal Year 2007-2008 (G.S. 113-77.9(e)) (*10 minutes*)
Lisa D. Riegel, Executive Director
North Carolina Natural Heritage Trust Funds
Department of Environment and Natural Resources (DENR)
13. Annual report on the progress towards attaining the State's goal of protecting one million acres of farmland, open space, and conservation lands (G.S. 113A-241(c)) (*30 minutes*)

Annual report on the implementation of the Conservation Easements Program and inventory of all conservation easements held by DENR (G.S. 113A-235(c))
Linda P. Pearsall, Director
Natural Heritage Program
Office of Conservation & Community Affairs, DENR
14. Annual report on the implementation of the Clean Water Management Trust Fund (G.S. 113A-257) (*15 minutes*)
Richard E. Rogers, Jr., Executive Director
Clean Water Management Trust Fund
15. Annual report on the activities of the North Carolina Development and Farmland Preservation Trust Fund Committee (G.S. 106-744(i)) (*15 minutes*)
D. Dewitt Hardee, Environmental Program Manager
Department of Agriculture and Consumer Services
16. Update on Land for Tomorrow (*5 minutes*)
David W. Knight, Executive Committee Member
Land for Tomorrow

17. Commission discussion and announcements

18. Adjourn

FUTURE MEETINGS:

The Commission may meet while the General Assembly is in session (G.S. 120-70.44). When the Commission meets while the General Assembly is in session, notice will be given at a session of the Senate and House of Representatives as provided by G.S. 143-318.12(b) and will be distributed by email to the email notice distribution list, if possible. Notice will not be provided by first-class mail. The Commission will resume a schedule of regular monthly meetings following adjournment of the 2009 Session of the General Assembly.

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>