

General Assembly of North Carolina

Environmental Review Commission

State Legislative Building
Raleigh, North Carolina

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22 September 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 October 9 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 9 October meeting of the Commission will be developed at the staff 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 may include 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) Issues related to disclosure of coastal hazards. (S.L. 2008-181, Sec. 6.6)
- 5) Methods for implementing a State level permitting system and siting requirements for commercial scale wind energy systems. (S.L. 2008-181, Sec. 6.5)
- 6) The desirability of abolishing existing environmental regulatory programs and replacing them with a new, full time Environmental Management Commission modeled on the Utilities Commission. (S.L. 2008-181, Sec. 6.4)
- 7) The protection of conservation land from eminent domain. (S.L. 2008-181, Sec. 6.8)
- 8) A ban on toxic brominated fire retardants (in consultation with the Child Fatality Task Force). (S.L. 2008-181, Sec. 6.10)
- 9) Issues related to the use of plastic bags. (S.L. 2008-181, Sec. 6.9)
- 10) Issues related to a recycling program for fluorescent lamps. (S.L. 2008-181, Sec. 6.11)
- 11) 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)
- 12) A date certain for the phase-out of hog lagoons. (S.L. 2008-181, Sec. 6.7)
- 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) 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 in 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:

- 15) Quarterly report on the activities of the Environmental Management Commission (G.S. 143B-282(b)) *(15 July), including:*
 - Progress in developing and implementing wastewater collection system permit program.
 - 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.

- 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.
 - Progress in developing engineering standards to allow regional interconnection of municipal and domestic wastewater collection systems.
- 16) Annual report on the Environmental Management Commission's progress in developing and implementing nutrient management strategies for certain water supply reservoirs. (S.L. 2005-190, Sec. 4, as amended by S.L. 2006-259, Sec. 31 (c))
 - 17) Annual report on the One-Stop Permit Assistance Program on the number of environmental permits that took more than 90 days to issue or deny, types of permits, reasons for extended processing time, and how the time used to issue or deny the permits compared with projected time provided to the applicant by DENR and the findings and recommendations on the success of the express permit and certification review program (G.S. 143B-279.15) *(1 March)*
 - 18) Interim Report on the findings and recommendations of the Legislative Commission on Global Climate Change (S.L. 2006-79) *(15 January 2007)*
 - 19) Report by the Utilities Commission on whether rate structures, policies, and measures, including decoupling in other places should be implemented in North Carolina (S.L. 2007-397, Sec. 4(c)) *(1 September 2008)*

Air Quality:

- 20) Annual report on implementation of S.L. 2002-4 (Clean Smokestacks Act) (S.L. 2002-4, Sec. 14) *(1 June)*
- 21) Report on the pilot program to retrofit certain school buses in nonattainment areas (S.L. 2007-465, Sec. 4(b)) *(1 September 2008)*
- 22) 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)*

Coastal Management:

- 23) Annual report on the progress in developing and implementing the Coastal Habitat Protection Plans and reports on the completion or substantial revision of each draft Coastal Habitat Protection Plan (G.S. 143B-279.8(e) and G.S. 143B-279.8(f)) *(1 September)*

Hazardous Waste Management:

- 24) 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)*

Land Resources:

- 25) Annual report on the cost of implementing the Mining Act of 1971 (G.S. 74-54.1(c)) *(1 September)*

Parks and Recreation / Land Conservation:

- 26) North Carolina Natural Heritage Trust Fund Award Report, Fiscal Year 2005-2006 (G.S. 113-77.9(e)) *(Semi-annually, within 30 days of each revision)*

Water Quality:

- 27) Report on the progress in developing and implementing a new fee structure for the nutrient offset program (S.L. 2007-438, Sec. 3) *(1 September 2008)*
- 28) Semiannual report on the pilot program for inspection of animal waste management systems including a comparison of the costs of conducting operations reviews and inspections under the pilot program with the costs of conducting operations and inspections under G.S. 143-215.10D and G.S. 143-215.10F *(15 April)*
- 29) 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)*
- 30) Annual report on the implementation of the Pay for Performance Program (S.L. 2001-442, as amended by S.L. 2003-340, Sec. 2) *(1 September)*

Water Quantity:

- 31) Annual report on the progress of water supply planning (G.S. 143-355(n)) *(1 September)*

PLANNING MEETING:

To facilitate development of the agenda for the 9 October 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 Monday 29 September 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 October 2008 through 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., include a lunch break, and 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 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.

<u>Commission Meeting</u>	<u>Location</u>	<u>Staff Planning Meeting</u>	<u>Location</u>
Thursday 9 October 2008	544 LOB	Monday 29 September 2008	605 LOB
Wed./Thur. 5 and 6 November 2008	544 LOB	Monday 29 September 2008	605 LOB
Tuesday 25 November 2008	544 LOB	Wednesday 12 November 2008	605 LOB
Thursday 11 December 2008	544 LOB	Tuesday 2 December 2008	605 LOB
Thursday 15 January 2009	643 LOB	Tuesday 6 January 2009	605 LOB
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.