

# **N.C. ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION**

Covering the period April 1, 2009 to June 30, 2009

This quarterly report is submitted to the Environmental Review Commission on the EMC operations, activities, programs, and progress pursuant to the requirements of G.S. 143B-282(b). This report is for the period of April 1, 2009 to June 30, 2009 and provides information on the actions of the EMC.

## **I: Nutrient Control Strategies Section 2. (b) and Section 4 of Session Law 2005-190**

### **Falls Lake - Section 2. (b) of Session Law 2005-190**

The EMC is required to report its progress in assessing and identifying nutrient control strategies and criteria necessary to prevent excess nutrient loading in the Falls Lake water supply reservoir. The following is an update on the progress.

Both the watershed model and lake nutrient response models have been calibrated and validated, incorporating comments from the Falls Reservoir Technical Advisory Committee (TAC).

DWQ held its 5th meeting with stakeholders on May 21, 2009 as part of the rule making process to develop a nutrient management strategy for Falls Lake. The objective of this meeting was to provide stakeholders with general modeling information as well as the watershed model results. DWQ held the 6<sup>th</sup> stakeholder meeting on June 18, 2009 to present the lake nutrient response model to the stakeholders as well as the nitrogen and phosphorus reduction curve that will be used to determine the nutrient reduction targets. Stakeholders were also provided with a new timeline detailing the rulemaking schedule required to achieve a July 1, 2010 EMC adoption of the nutrient management strategy as proposed in HB1099. The stakeholder process was originally scheduled to run through April 2010, but will now run through September 2009. The next stakeholder meeting is scheduled for July 16th.

### **Jordan Reservoir - Section 4 of Session Law 2005-190 (amended by SL 2006-259)**

The EMC is required to report its progress in developing and implementing nutrient management strategies for the B. Everett Jordan Reservoir. The following is an update on that progress.

All of the Jordan rules, approved by the RRC during the latter half of 2008, received sufficient objections to come before the 2009 session of the General Assembly. Of several bills filed to disapprove the rules, H239 became the one Jordan rules bill to make crossover. The Senate AENR Committee adopted a committee substitute on June 9<sup>th</sup>, the House concurred in those amendments on June 22<sup>nd</sup>, and the bill was ratified June 23<sup>rd</sup>. The bill affects only two of the RRC-approved set of rules. It disapproves the Existing Development Stormwater rule 15A NCAC 2B .0266 in favor of an alternative lake water quality-based conditional trigger for local government implementation of nutrient-reducing measures on developed lands, with reasonable cost and benefit limits on the extent of those measures. The Upper New Hope subwatershed may face additional measures if standards are not met in that arm of the lake by 2023. The bill would also shift the nitrogen compliance date for wastewater dischargers under rule 15A NCAC 2B .0270 from 2014 to 2016. Changes to the existing development stormwater requirements for NCDOT and other state and federal entities may be introduced into an active bill before end of session.

## **II: EMC Rulemaking Actions and Proposed Legislation**

- Approved the modification of the exemption of Combustion Sources in the Air Toxics Rules.
- Approved the reclassification of Horsepasture River in Jackson and Transylvania Counties (Savannah River Drainage Area) to Class Outstanding Resource Waters with a Special Management Strategy.
- Approved the request to take the Greenville Utility Commission IBT Petition to Public Hearing.
- Approved withdrawal of amendments to the Municipal Waste Combustor Rules (15A NCAC 02D .1205 and .1212).
- Postponed the vote on the proposed amendments to the Emissions Reporting Rule to add greenhouse gases (GHG's).

## **III: Other EMC Actions**

- Declined to make a declaratory ruling on an Open Burning Nuisance: 15A NCAC 2D .1901, .1902(11), .1903(b)(1)(E).
- Declined to make an interpretive ruling on the applicability of stormwater and buffer requirements under DWQ stormwater permits for the protection of the federally endangered Carolina heelsplitter aquatic mussel, on the basis that the agency already has the authority to apply such requirements.