



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

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ANNUAL REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION

Covering the period from January 1, 2019 to November 30, 2019

Per the requirements of General Statutes (G.S.) 143B-282(b), the Environmental Management Commission (EMC) is submitting this annual report covering the period from January 1, 2019 to November 30, 2019 on EMC's operations, activities, programs, and progress. This report is drawn from agendas and actions published by the Committee. For more information, visit the [NC Environmental Management Commission webpage](#).

I. Overview

2019 was a very busy year for the Commission. The EMC meets regularly every two months (January, March, May, July, September, and November). Major action items in 2019 included rulemakings for rule readoption, management of coal ash, and surface water reclassification. The North Carolina Department of Environmental Quality (DEQ) presented the EMC with an update on the 2018 303(d) Public Comments, 2020 303(d) Listing and Delisting Methodology, and the 2018-2020 North Carolina Coastal Habitat Protection Implementation Plan. The EMC hosted information items on Methyl Bromide Log Fumigation rulemaking, proposed Coal Combustion Residuals rules, Governor Roy Cooper's Executive Order No. 80 on North Carolina's Commitment to Address Climate Change and a Clean Energy Economy, the draft Clean Energy Plan, the final Chemours Consent Order, 2018 303(d) Public Comments, and Regulatory Impact Analysis. The EMC approved reports and plans, including reports on Local Government Implementation of Certain Water Quality Laws to fulfill Session Law (S.L.) 2018-114 requirements, the 2019 Environmental Management Commission and Department of Environmental Quality (DEQ) Basinwide Water Management Plans Annual Report, Annual Progress Reports on the Neuse and Tar Pamlico River Basin Agricultural Rules, and the City of Raleigh Groundwater Variance Report. Specific action items are outlined below.

II. EMC Rulemaking Actions

January 10, 2019 EMC Meeting

Approved hearing officer's report, regulatory impact analysis, and readoption of Water Supply Watershed Rules 15A NCAC 02B .0620 - .0624 [Agenda Item 19-01]

The EMC approved the readoption of Water Supply Watershed rules 15A NCAC 02B .0620, .0621, .0622, .0623, and .0624. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the revisions to these rules and the regulatory impact analysis and was approved by the EMC.

Approved proceeding to public notice and hearing with the fiscal note and proposed amendments and readoption for Nutrient Strategy Rules 15A NCAC 02B .0229 through .0258 and proposed adoption of Nutrient Strategy Rules 15A NCAC 02B .0701 and .0730 [Agenda Item 19-02]

The EMC approved proceeding to public hearing and comment on the readoption of proposed amendments for Nutrient Strategy Rules for the Neuse and Tar-Pamlico River basins (15A NCAC 02B .0229 through .0258 and Proposed 15A NCAC 02B .0701 and .0703) as part of the rule readoption process set forth in S.L. 2013-413. As required by G.S. 150B 21.4, a fiscal note was prepared for these rules proposals.

Approved hearing officer's report and issuance of Water Quality Special Order by Consent (S18-006) to address seeps from coal ash basins and the cooling pond at Duke Energy's H.F. Lee Plant in Wayne County, NC [Agenda Item 19-03]

The EMC approved Special Order of Consent S18-006 to address seeps from coal ash basins at Duke Energy's H.F. Lee Plant in Wayne County, NC.

March 14, 2019 EMC Meeting

Approved hearing officer's report, regulatory impact analysis, and readoption of amendments to 15A NCAC 02L .0400 Rules (Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks) and 15A NCAC 02L .0500 Rules (Risk-Based Assessment and Corrective Action for Petroleum Releases from Aboveground Storage Tanks and Sources) [Agenda Item 19-05]

The EMC approved the readoption of proposed amendments to rules in 15A NCAC 02L .0400 for Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks and rules in 15A NCAC 02L .0500 for Risk-Based Assessment and Corrective Action for Petroleum Aboveground Storage Tanks and Sources. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the revisions to these rule sections and associated regulatory impact analysis and was approved by the EMC.

Approved proceeding to public hearing with the regulatory impact analysis and proposed amendments and readoption for air quality rules in 15A NCAC 02D Sections .0600, .2100, .2300, and .2600 [Agenda Item 19-06]

The EMC approved proposed amendments for several air quality rules within Sections .0600, .2100, .2300, and .2600 of the 15A NCAC 02D regulations and to proceed to public hearing and comment on the readoption of these rule sections as part of the rule review process contained in S.L. 2013-413. As required by G.S. 150B 21.4, a regulatory impact analysis was prepared for the proposed amendments.

Approved petition for rulemaking from Mountain True, Defenders of Wildlife, and the North Carolina Wildlife Federation to add the Unique Wetland supplemental classification to Sandy Bottom wetlands in Buncombe County, NC (French Broad River Basin)
[Agenda Item 19-07]

The EMC approved a petition for rulemaking from Mountain True, Defenders of Wildlife, and the North Carolina Wildlife Federation to add the UWL classification to the Sandy Bottom Wetlands in the French Broad River Basin in Buncombe County, NC.

Approved hearing officer's report, regulatory impact analyses, and the adoption, readoption, and repeal for Water Quality Permitting Rules in multiple sections of 15A NCAC 02B and 02H
[Agenda Item 19-08]

The EMC approved the adoption, readoption, and repeal of the Water Quality Permitting rules as specified in Appendix E of the hearing officer's report on these rules. The Water Quality Permitting rules addressed in the hearing officer's report are: Effluent Limitations (02B .0400), Surface Water Monitoring: Reporting (02B .0500), Point Source Discharges to Surface Waters (02H .0100), Coastal Waste Treatment Disposal (02H .0400), Water Quality Certification (02H .0500), Local Pretreatment Programs (02H .0900), Special Orders (02H .1200), Discharges to Isolated Wetlands and Waters (02H .1300), Goose Creek Water Quality Management Plan (02B .0601 to .0604), Randleman Lake Water Supply Plan (02B .0720 to .0722), and Riparian Buffer Protection rules (02B .0605 to .0608, .0610 to .0614, .0714 to .0715, .0724, and .0734 -.0735). The adoption, readoption, and repeal of the rules was done in accordance with S.L. 2013-413. The EMC also approved the regulatory impact analyses and the hearing officer's report for the rules.

May 9, 2019 EMC Meeting

Approved proceeding to public hearing with the regulatory impact analysis and proposed amendments and readoption for 15A NCAC 13B .1200 Medical Waste Management Rules
[Agenda Item 19-09]

The EMC approved proposed amendments to 15A NCAC 13B Section .1200 Medical Waste Management rules and to proceed to public hearing and comment on the readoption of these rules as part of the rule review process contained in S.L. 2013-413. A regulatory impact analysis was prepared for the proposed amendments as required by G.S. 150B-21.4.

Approved proceeding to public hearing with the regulatory impact analysis and proposed amendments and readoption for 15A NCAC 13B .1400 Solid Waste Compost Facility Rules
[Agenda Item 19-10]

The EMC approved proposed amendments to 15A NCAC 13B Section .1400 Solid Waste Compost Facility rules and to proceed to public hearing and comment on the readoption of these rules as part of the rule review process contained in S.L. 2013-413. A regulatory impact analysis was prepared for the proposed amendments as required by G.S. 150B-21.4.

Approved hearing officers' report, regulatory impact analysis, fiscal note, and readoption of several Well Construction Standards Rules in 15A NCAC 02C Sections .0100, .0200, and .0300
[Agenda Item 19-11]

The EMC approved the readoption of Well Construction Standards rules in 15A NCAC 02C Sections .0100, .0200, and .0300 as revised. The rules were readopted in accordance with S.L. 2013-413. The EMC also approved the regulatory impact analysis, fiscal note and the hearing officers' report for these rules.

**Approved to repeal Groundwater Remediation Systems Rule 15A NCAC 02T .1600
[Agenda Item 19-12]**

The EMC approved the repeal of 15A NCAC 02T .1600, the Groundwater Remediation Systems rule, since the requirements in this rule are included in the 15A NCAC 02C .0225 Groundwater Remediation Wells and Systems rule.

**Approved hearing officer's report, fiscal note, repeal of 15A NCAC 02H .0801, .0802 and .0810 and readoption of 15A NCAC 02H Section .0800 Laboratory Certification Rules
[Agenda Item 19-13]**

The EMC approved the repeal of rules 15A NCAC 02H .0801, .0802, and .0810, and the readoption of the 15A NCAC 02H .0800 Laboratory Certification rules. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the revisions to this section of rules and the fiscal note and was approved by the EMC.

**Approved hearing officer's report, regulatory impact analysis, repeal of 15A NCAC 02H .1102, and readoption of 15A NCAC 02H .1100 Biological Certification Rules
[Agenda Item 19-14]**

The EMC approved the readoption of all rules within 15A NCAC 02H .1100 (Biological Certification) except for rule 15A NCAC 02H .1102. The EMC approved to repeal this rule. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the revisions to this section of rules and the regulatory impact analysis and was approved by the EMC.

**Approved 30-day rule waiver and proceeding to public hearing on proposed adoption of the Control of Emissions from Log Fumigation Operations Rule 15A NCAC 02D .0546 and proposed amendment to the Toxic Air Pollutants Guidelines Rule 15A NCAC 02D .1104
[Agenda Item 19-15]**

The EMC approved to waive the 30-day rule in order to consider a request to proceed to public hearing on the proposed adoption of the Control of Emissions from Log Fumigation Operations Rule, 15A NCAC 02D .0546 and proposed amendment to the Toxic Air Pollutants Guidelines Rule, 15A NCAC 02D .1104. The EMC approved the request. As required by G.S. 150B 21.4, a fiscal note was prepared for the rule proposals.

[July 11, 2019 EMC Meeting](#)

**Approved 30-day rule waiver and technical revisions to Water Supply Watershed Protection Rules 15A NCAC 02B .0621 and 15A NCAC 02B .0624
[Agenda Item 19-17]**

The EMC approved to waive the 30-day rule in order to consider requests for technical revisions to Water Supply Watershed Protection rules 15A NCAC 02B .0621 and 15A NCAC 02B .0624 during the July 11, 2019 EMC meeting. On March 1, 2019 rule 15A NCAC 02B .0621 and .0624 went into effect, and since then, the EMC learned that some of the rules referenced in 15A NCAC 02B .0621 would be changed as part of the Rules Review and Readoption process (S.L. 2013-413). In addition, one reference in 15A NCAC 02B .0624 needed to be corrected. The EMC approved the two technical revisions for these rules.

**Approved hearing officer's report on the readoption of air quality rules 15A NCAC 02D .0540, .1800 - .1808, .1900 - .1907 and regulatory impact analysis
[Agenda Item 19-18]**

The EMC approved the readoption of air quality rules in 15A NCAC 02D .0540, .1800 - .1808, .1900 - .1907 and a proposed amendment to Rule 15A NCAC 02D .1905. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the changes to the rules and the regulatory impact analysis and was approved by the EMC.

Approved hearing officer's report on proposed amendments to Surface Water Quality Classifications and Standards Regulations: 15A NCAC 02B Sections .0100, .0200, and .0300
[Agenda Item 19-19]

The EMC approved the proposed amendments to the Surface Water Classifications and Standards rules in 15A NCAC 02B Sections .0100, .0200, and .0300. These rules were readopted in accordance with S.L. 2013-413. The EMC approved the hearing officer's report with the proposed amendments and the supporting fiscal note

Approved petition for rulemaking to repeal the Swamp classification from a portion of the Lower Cape Fear River
[Agenda Item 19-20]

The EMC granted a petition for rulemaking with respect to the Swamp reclassification of a portion of the Lower Cape Fear River in response to a disapproval of this classification by the U.S. Environmental Protection Agency (EPA) and agreed to remove the associated EPA disapproved portion of the management strategy in 15A NCAC 02B .0227. The EMC directed the Department of Environmental Quality's Division of Water Resources (DWR) to develop a management strategy for the Lower Cape Fear.

September 12, 2019 EMC Meeting

Approved hearing officer's report on the readoption of proposed amendments for 15A NCAC 13B .1400 Solid Waste Compost Facility Rules and regulatory impact analysis
[Agenda Item 19-23]

The EMC approved the readoption of the Solid Waste Compost Facilities rules (15A NCAC 13B .1401 - .1409) and the adoption of a new rule, .1410, that pertains to closure requirements. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the changes to the rules and the regulatory impact analysis and was approved by the EMC.

Approved hearing officer's report on the readoption of proposed amendments for 15A NCAC 13B .1200 Medical Waste Management Rules and regulatory and fiscal impact analysis
[Agenda Item 19-24]

The EMC approved the readoption of the Medical Waste Management rules 15A NCAC 13B .1201-.1204 and repeal rules 15A NCAC 13B .1205 - .1207. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the proposed rule changes and the regulatory and fiscal impact analysis and was approved by the EMC.

Approved hearing officers' report on the proposed amendments to the Neuse and Tar Pamlico River Basin Nutrient Strategies 15A NCAC 02B .0229 through .0258 and Proposed 15A NCAC 02B .0701 and 0730
[Agenda 19-26]

The EMC approved the readoption of the Neuse and Tar Pamlico River Basin Nutrient Strategy rules (proposed amendments for 15A NCAC .0229 through .0258 and the proposed new rules 15A NCAC 02B .0701 and 15A NCAC 02B .0730). Rule 15A NCAC 02B .0730 provides that 50% additional credits will be required in point to nonpoint source trades to address the uncertainty factor. These rules were readopted in accordance with S.L. 2013-413. The hearing officers' report contains the proposed amendments and the fiscal note and was approved by the EMC.

Approved hearing officer's report on air quality rules 15A NCAC 02D .0601-.0615, .2100 - .2104, .2300 - .2311, .2600 - .2621 and fiscal analysis
[Agenda Item 19-27]

The EMC approved the readoption of several air quality rules in 15A NCAC 02D Sections .0600, .2100, .2300, and .2600. These rules were readopted in accordance with S.L. 2013-413. The hearing officer's report contains the proposed rule amendments and the regulatory impact analysis and was approved by the EMC.

Approved proceeding to public notice and comment on proposed amendment to 15A NCAC 02B .0304 for the proposed reclassification of the Sandy Bottom Wetlands in Buncombe County (French Broad River Basin) from Class WL to Class WL UWL and regulatory impact analysis
[Agenda Item 19-28]

The EMC approved the proposed amendment and regulatory impact analysis to proceed to public notice and comment on the amendment to French Broad River Basin Rule 15A NCAC 02B .0304. The purpose of the proposed amendment is to reclassify the Sandy Bottom Wetlands from Class WL (freshwater wetland classification) to Class WL UWL (Unique Wetland classification).

November 14, 2019 EMC Meeting

Approved proceeding to public hearing on proposed amendments and regulatory impact analysis for 15A NCAC 13A .0101
[Agenda Item 19-31]

The EMC approved the proposed amendments to 15A NCAC 13A .0101 and the associated regulatory impact analysis and to proceed to public hearing and comment on the rule amendments as proposed. This action enables North Carolina to adopt provisions of the federal Electronic Hazardous Waste Manifest System (e-Manifest) User Rule. The regulatory impact analysis was prepared for the proposed amendments as required by G.S. 150B-21.4.

Approved proceeding to public hearing on proposed amendments and regulatory impact analysis for 15A NCAC 13A .0111
[Agenda Item 19-32]

The EMC approved the proposed amendments to 15A NCAC 13A .0111 and the associated regulatory impact analysis and to proceed to public hearing and comment on the rule amendments as proposed. This action enables North Carolina to adopt provisions of the federal Management Standards for Hazardous Waste Pharmaceuticals Rule. The regulatory impact analysis was prepared for the proposed amendments as required by G.S. 150B-21.4.

Approved proceeding to public hearing on proposed amendments and regulatory impact analysis for 15A NCAC 02N Underground Storage Tanks and 15A NCAC 02O Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks
[Agenda Item 19-33]

The EMC approved the proposed rule amendments and the associated regulatory impact analysis and to proceed to public hearing on amendments to 15A NCAC 02N Underground Storage Tanks rules and 15A NCAC 02O Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks rules.

Petition for Declaratory Ruling by AVX Corporation regarding the Applicability of N.C.G.S. § 130A-310.9 and its implementing rules, 15A NCAC 13C .0300
[Agenda Item 19-35]

The EMC denied a Petition for Declaratory Ruling by AVX Corporation regarding the applicability of N.C.G.S. § 130A-310.9 and its implementing rules, 15A NCAC 13C .0300, based on rule 15A NCAC 02I .0603, Disposition of a Request.

III. Other EMC Activity

January 10, 2019 EMC Meeting

Approved technical correction to 15A NCAC 02T .1310(b)(2) without public notice pursuant to G.S. 150B-21.5(a)

[Agenda Item 19-04]

The EMC, under G.S. 150B-21.5(a), approved a technical correction to 15A NCAC 02T .1310(b)(2). This rule needed to be corrected to eliminate references to requirements that no longer exist and to reference the proper paragraph in the rule.

Overview of Governor Cooper's Executive Order No. 80: North Carolina's Committee to Address Climate Change and Transition to a Clean Energy Economy

[Agenda Item 19-IF-01]

On October 29, 2018, North Carolina's Governor Roy Cooper signed Executive Order No. 80 North Carolina's Committee to Address Climate Change and Transition to a Clean Energy Economy. This executive order establishes three goals that North Carolina will strive to accomplish by 2025 and requires cabinet agencies to assess local and regional impacts of climate change to North Carolina. The North Carolina Climate Change Interagency Council will be created with active representation from Department of Environmental Quality, Department of Transportation, Department of Commerce, and the Department of Administration. These cabinet agencies will work together to implement pathways to achieve the goals.

Proposed CCR Rules Update

[Agenda Item 19-IF-03]

Public hearings were held for the proposed Coal Combustion residuals (CCR) rules and most public comments were about excavation of coal ash, distances from waste to compliance boundaries and seismic zones, the seasonal high-water table, waste in floodplains, closure options for ash basins, and the need for Environmental Justice language and beneficial reuse language. In addition to topics heard at the hearings, comment letters were received, and some noted the definition of "substantial amendment" and qualified professionals.

[March 14, 2019 EMC Meeting](#)

Final Chemours Consent Order Overview

[Agenda Item 19-IF-04]

The EMC was provided an overview of the compounds that are at the center of DEQ's litigation against Chemours and the key provisions of the consent order.

2018 303(d) Public Comments

[Agenda Item 19-IF-06]

From November 14, 2018 to January 18, 2019 the public had the opportunity to review the draft 2018 303(d) list, draft delistings, draft new listings, and the 2018 303(d) Listing and Delisting Methodology, and the Integrated Report Category Assignment Procedure. The comments on the 303(d) list resulted in six total copper delistings and one new listing for turbidity.

Report on Local Government Implementation of Certain Water Quality Laws to fulfill the requirements of S.L. 2018-114

[Agenda Item 19-16]

The EMC is required by Section 14 of Session Law 2018-114 to review the delegated stormwater management programs implemented by local governments to determine 1) which local governments are enforcing stormwater regulations that exceed the requirements of State law, including requirements for inspection and maintenance of stormwater control and best managements and 2) which local governments have taken enforcement actions since August 1, 2015, based on requirements in Total Maximum Daily Load (TMDL) calculations or National Permit Discharge Elimination System (NPDES) permits that exceed the requirements of State law. The Report findings included the following:

- The Environmental Management Commission and DEQ staff oversee a number of stormwater management programs that are implemented by local governments, including: NPDES Municipal Separate Storm Sewer Program; Water Supply Watershed Program; Neuse and Tar-Pamlico NSW Programs; Randleman and Falls Lake Protection Programs; and Goose Creek Special Watershed Strategy. However, none of the local governments that implement a stormwater program under the requirements of one of the above programs are considered to be “delegated” consistent with the language in S.L. 2018-114. For a program to be delegated, a local government would have to request to implement a program as a representative of DEMLR.
- There are only four local governments in the state that are delegated to implement a stormwater program. All four of these local governments are counties that implement federal NPDES post-construction stormwater requirements in unincorporated areas that are typically regulated by the DEQ. These counties of Buncombe, Gaston, Guilford and Henderson. S.L. 2015-286 required that the four counties with delegated stormwater programs provided their ordinances for review by the DEQ. In addition, S.L. 2015-286 required that the four delegated counties update their ordinances to be consistent with state law.
- None of the above delegated counties have taken enforcement actions since August 1, 2015 based on the TMDL requirements and NPDES permits that exceed the requirements of State Law.

North Carolina Coastal Habitat Protection Plan Update

[Agenda Item 19-IF-07]

The EMC was updated on the 2018-2020 North Carolina Coastal Habitat Protection Implementation Plan (CHPP Implementation Plan). The plan contains actions to implement recommendations approved by the Environmental Management Commission, the Coastal Resource Commission, and the Marine Fisheries Commission for the management of fish habitat and water quality.

[July 11, 2019 EMC Meeting](#)

Proposed Rule Amendments to Nutrient Strategy Rule 15A NCAC 02B .0229 through .0258 and Proposed 15A NCAC 02B .0701 and .0730

[Agenda Item 19-IF-07]

The EMC was updated on the status of the rule proposals for the Nutrient Strategy Rules for the Neuse and Tar-Pamlico River Basin (proposed amendments to 15A NCAC 02B .0229 through .0258 and proposed new rules 15A NCAC 02B .0701 and .0730). In January 2019 the EMC approved the draft rule amendments. Following this approval, two public hearings were held in March 2019 with a comment period ending on April 16, 2019. (The anticipated timeline for this rulemaking was provided, and as noted earlier in this report, final rules were adopted on September 12, 2019).

September 12, 2019 EMC Meeting

Approved reappointments of members to the Water Pollution Control System Operators Certification Commission

[Agenda Item 19-22]

The EMC approved the Department of Environmental Quality Secretary Michael S. Regan's recommendation to reappoint Ms. Marchell Adams David and Ms. Martha E. Groome to the Water Pollution Control System Operators Certification Commission.

Approved sending the 2019 Annual Report on Basinwide Water Management Planning by the Department of Environmental Quality and the Environmental Management Commission to the Environmental Review Commission (ERC)

[Agenda Item 19-25]

The 2019 Annual Basinwide Water Management Plan Report to the ERC includes reporting requirements per G.S. 143-215.8B (d) and 143-355 (p) and information related to developing and implementing basinwide water management plans and hydrologic models.

Briefing on Draft Clean Energy Plan

[Agenda Item 19-IF-08]

On October 29, 2018, North Carolina's Governor Roy Cooper signed Executive Order No. 80 North Carolina's Committee to Address Climate Change and Transition to a Clean Energy Economy. In the EO is a directive for the Department of Environmental Quality to develop a North Carolina Clean Energy Plan by October 1, 2019. As part of the plan, collaboration with businesses, industries, power providers, technology developers, North Carolina residents, local governments, and other interested stakeholders were requested to increase utilization of clean energy technology solutions. Recommendations from the stakeholder process were received during the public comment period for the plan. The recommendations were broken down into focus areas under five main strategies: (1) utility incentives and comprehensive system planning; those related to the commissions, legislation, and utilities; (2) customer access to clean energy and economic development; (3) equitable access and just transition, which addresses the needs and concerns of low income rate payers; (4) carbon reduction and resilience; and (5) beneficial electrification and energy efficiency, in relation to electric vehicles and reducing the use of fossil fuels. The final Clean Energy Plan will be released on September 2019.

November 14, 2019 EMC Meeting

Approved 2020 303(d) Listing and Delisting Methodology

[Agenda Item 19-34]

The EMC was provided information about the 303(d) process including the statutory authority for the EMC's to establishing the 303(d) list methodology, the history of the NC 303(d) List, and updates for the 2020 listing and delisting methodology. The EMC approved 2020 303(d) Listing and Delisting Methodology.

Annual Progress Reports on the Neuse and Tar-Pamlico Agricultural Rules

[Agenda Item 19-IF-09]

The EMC was provided an overview of the Neuse and Tar-Pamlico River Basin agricultural rules 15A NCAC02B .0238 and 15A NCAC 02B .0256, respectively. For each river basin the overview covered the effective date and goal of the rule, nutrient accounting tools to quantify nitrogen and phosphorus loss, and reporting on implementation progress by the Basinwide Oversight and Advisory Committees.

City of Raleigh Groundwater Variance Report [Agenda Item 19-IF-10]

The City of Raleigh received a conditional variance from 15A NCAC 02L .0106(j) and 15A NCAC 02L .0107(3)(A) on January 14, 2010. A condition of this variance requires DWR to report the results of an evaluation of the performance of the overall remediation strategy to the EMC every five years beginning in 2014. The second, of these five-year performance reports is due this year, and the Raleigh Regional Office is required to present this information to the EMC.

Nutrient Control Strategies Sections 2, 3, and 4 of S.L. 2005-190 (as amended by S.L. 2006-259, S.L. 2009-486, S.L. 2017-10, and S.L. 2018-5)

Nutrient Control Criteria - Section 2(b) of S.L. 2005-190

The EPA requires all states to develop and implement Nutrient Criteria Development Plans to protect surface waters from the impacts of excess nutrients. DWR and the EPA originally agreed on North Carolina's Nutrient Criteria Development Plan (NCDP) in June 2014. The NCDP was updated in 2019 to incorporate lessons learned, amend criteria development timelines, formally recognize the Criteria Implementation Committee's (CIC) existing role and expand the Albemarle Sound pilot area to include the Chowan River.

The state's Nutrient Criteria Development Plan established an external Scientific Advisory Council (SAC) to assist in the development of nutrient criteria. The SAC consists of 12 members representing complementary scientific backgrounds. The SAC is presently evaluating relevant information for the Albemarle Sound/Chowan River area while also finalizing its documentation of nutrient-related criteria recommendations for High Rock Lake. Meetings are held bimonthly.

The CIC was established to evaluate fiscal and social implications of nutrient criteria. The Criteria Implementation Committee convenes as needed, with three meetings held in 2019. The CIC is presently awaiting final High Rock Lake criteria recommendations from the SAC.

Information on the N.C. Nutrient Criteria Development Plan and advisory groups is available online at: <http://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/nutrient-criteria-development-plan>.

Falls Lake - Section 3 of S.L. 2005-190

The EMC is required to report its progress in adopting and implementing a nutrient control strategy to reduce excess nutrient loading to the Falls Lake water supply reservoir. Following an extensive stakeholder and rule-making process, the Falls Lake nutrient rules went into effect Jan. 15, 2011, and have been implemented accordingly since. Major reduction actions are being implemented over a 10-year first stage, with additional steps scheduled for a 15-year second stage. In July 2016, the General Assembly passed S.L. 2016-94, calling for an evaluation of the Falls and Jordan nutrient strategies, separating these rules from the rest of the periodic rules re-adoption process, and setting later rulemaking timelines. The legislation called on the University of North Carolina at Chapel Hill to study the Jordan and Falls strategies and report recommendations to guide further rulemaking to the ERC, EMC and DEQ. The EMC was charged with convening a stakeholder working group to consider the findings of the UNC studies and provide rulemaking input. Most recently, S.L. 2018-5 revised the due dates for the UNC Studies to December 2019 and December 2023 for Jordan and Falls respectively and extended the deadline for initiating Falls rules re-adoption to Dec 31, 2024.

During the December 2018 – November 2019 period, DWR staff:

- Established nutrient credits and practice documents for nutrient reducing practices including Street Sweeping, Storm Drain Cleaning, and Remedying Discharging Sand Filters, for use by local governments to meet the requirements of the Existing Development Stormwater rule.
- Continued to work with local governments to develop their Stage I Existing Development jurisdictional loads in anticipation of bringing a completed Existing Development Model program to the Environmental Management Commission in 2020.
- Collaborated with the Upper Neuse River Basin Association on the development and review of an alternative implementation approach for Stage I of the Existing Development Rule that will provide an

implementation option. This alternative approach is scheduled to be presented to the UNRBA's Board of Directors in January 2019.

- Held training for Falls local governments stormwater staff on implementing the Stormwater Nitrogen and Phosphorus tool (SNAP), a nutrient accounting tool for stormwater rule compliance.

Jordan Lake - Section 4 of S.L. 2005-190

Section 4 requires the EMC to report on progress toward developing and implementing a nutrient management strategy for reservoirs including Jordan Lake. After a several-year stakeholder process, the Jordan Lake rules went into effect in August 2009. Since then, there have been nine session laws that have revised or delayed the rules. Most recently, S.L. 2018-5 added a lake and watershed modeling component to the Collaboratory study and extended the deadline for the EMC to initiate rules re-adoption to Dec 31, 2019.

- During the December 2018 – November 2019 period, DWR staff:
Developed nutrient credits for Street Sweeping, Storm Drain Cleaning, and Remedying Discharging Sand Filters, for use by local governments under the Existing Development Stormwater rule, in conjunction with the Nutrient Scientific Advisory Board (NSAB) created pursuant to Jordan S.L. 2009-216. All three practices went through public comment, were endorsed by the NSAB and approved by the Director of DWR.
- Formed a workgroup to develop stormwater control measure (SCM) nutrient data standards.
Developed an advisory committee and a workplan for Jordan Lake One Water (JLOW) a collaborative planning team administered by Triangle J Council of Governments to design an integrative watershed management plan for the Jordan Lake watershed, using triple bottom line approaches, and stakeholder involvement, to help meet the nutrient reduction requirements of the upcoming rule readoption process
- Co-sponsored JLOW meetings with elected officials, resource professionals, nonprofit organizations, and lay citizens to identify the social and economic co-benefits associated with environmental benefits of water quality.
- Currently developing JLOW stakeholder workgroups to meet the objectives of the workplan.

V. Closing

This report has been prepared based on the 2019 EMC agendas and meeting minutes. A more detailed description of this information can be found on the EMC website.

To the best of my knowledge the information contained in this report is accurate and complete.



Dr. A. Stanley Meiburg
Chair, Environmental Management Commission