



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Dr. A. Stan Meiburg
Chairman
Dr. Suzanne Lazorick
Vice-Chair

Roy Cooper, Governor
Michael S. Regan, Secretary

David W. Anderson
Shannon M. Arata
Yvonne C. Bailey
Charles Carter
Donna L. Davis
Marion Deerhake

Robert Gillespie
Patrick K. Harris
Steve Keen
John McAdams
Margaret C. Monast
Dr. Donald van der Vaart

ANNUAL REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION

Covering the period from January 1, 2020 to December 9, 2020

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, 2020 to December 9, 2020 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

2020 was a remarkable year, not least because of the flexibility the members of the Commission showed in adapting to the year's unprecedented circumstances. Our March meeting turned out to be our last in-person meeting of the year, but with outstanding assistance from staff at the Department of Environmental Quality, we successfully transitioned both Commission and Committee meetings to an online format consistent with Governor Cooper's guidelines and recommendations for health and safety. We used this online format for regular meetings in May, July, September and November, as well as for a special Water Quality Committee meeting March, and a Commission meeting in December. In addition, we were able to hold numerous public hearings using the online model.

During this time, the work of the Commission proceeded apace as detailed in the report below. Of particular importance is continuing to meet the rule readoption requirements of State law, section 150B-21.3A. In addition, the Commission adopted clean air regulations for log fumigation by adding methyl bromide to the state's air toxics rules, and acted on rulemaking petitions for water quality classifications and relief from financial responsibility requirements.

While the members of the Commission miss the opportunity to gather together in person, public access to and participation in the Commission's work remained high and proceeded consistent with state law and our desire for transparency in the conduct of the public's business. We remain prepared to continue in an online format, consistent with the protection of public health, until such time as in-person meetings would not create additional risk for spreading the transmission of the COVID-19 virus.

State of North Carolina | Environmental Quality

1617 Mail Service Center | Raleigh, North Carolina 27699-1617

919-707-9023

An Equal Opportunity Affirmative Action Employer

II. EMC Rulemaking Actions

[January 9, 2020 EMC Meeting](#)

Approved Proceeding to Public Notice with the Proposed Removal of EPA Disapproved Swamp Designation and Portion of Management Strategy from a Section of the Cape Fear River, NC [Agenda Item 20-01]

The EMC approved proceeding to public notice and comment on amendments to 15A NCAC 02B.0311 and .0227 as presented by DWR staff. These amendments were proposed in connection with a petition for rulemaking that the EMC had previously granted to remove the swamp designation in the lower Cape Fear River and amend the rule pertaining to the management strategy.

Approved Proceeding to Public Notice and Comment for the Consolidation of the Metropolitan Sewerage District of Buncombe County and the Cane Creek Water and Sewer District of Henderson County, per NCGS 162A-68.5 [Agenda Item 20-02]

The EMC approved proceeding to public notice and comment on the consolidation of Henderson County's Cane Creek Sewer and Water District with Buncombe County pursuant to a recommendation from the Water Quality Committee.

Approved Proposed Rule Revisions, Regulatory Impact Analysis, and Proceeding to Public Hearing on Periodic Rule Readoption and Amendments for 15A NCAC 13B Rules .0546, .1105, .1111, .1628, and Proposed Section .1800 Financial Assurance Requirements for Solid Waste Management Facilities [Agenda Item 20-03]

The EMC approved the proposed rule revisions, regulatory impact analysis, and proceeding to public hearing on periodic rule readoption and amendments for 15A NCAC 13B Rules .0546, .1105, .1111, .1628 and proposed section .1800 Financial Assurance Requirements for Solid Waste Management Facilities. A rule making schedule was presented with a public comment period scheduled for February 17, 2020 – April 17, 2020 and a proposed effective date of July 1, 2020.

Approved Proposed Rule Revisions, Regulatory Impact Analysis, and Proceeding to Public Hearing on Periodic Rule Readoption and Amendments for 15A NCAC 13B Rules .0531 - .1627, .1629 - .1637, and .1680 for Requirements for Municipal Solid Waste Landfill Facilities [Agenda Item 20-04]

The EMC approved the proposed rule revisions, regulatory impact analysis, and proceeding to public hearing on periodic rule readoption and amendments for 15A NCAC 13B rules .0531 - .0545, and .0547 for construction and demolition landfill facilities and .1601 - .1627, .1629 - .1637, and .1680 for requirements for municipal solid waste landfill facilities. A rule making schedule was presented with a proposed effective date of July 1, 2020.

State of North Carolina | Environmental Quality

1617 Mail Service Center | Raleigh, North Carolina 27699-1617

919-707-9023

An Equal Opportunity Affirmative Action Employer

**Approved Proposed Rule Revisions, Regulatory Impact Analysis, and Proceeding to Public Hearing on Periodic Rule Readoption and Amendments for 15A NCAC 13C Rules .0301 - .0308 Voluntary Remedial Action Oversight by Registered Environmental Consultants
[Agenda Item 20-05]**

The EMC approved the request to proceed to public comment on 15A NCAC 13C rules .0301 - .0308 “Voluntary Remedial Action Oversight by Registered Environmental Consultants.” A summary of the rule change process was presented, noting that the regulatory impact analysis was approved by OSBM on September 5, 2019, and because the proposed changes impose a less stringent burden on the regulated community, a fiscal note isn’t required.

**Approved Proposed Rule Revisions, Regulatory Impact Analysis and Proceeding to Public Hearing on Readoption of Group 6 Air Quality Rules 15A NCAC 02D .0403, .0500, .0900, .1400, .1700 and .2615 and Repeal of .0615 (549)
[Agenda Item 20-06]**

The EMC approved proceeding to public hearing and comment on the fiscal note and proposed readoption of 15A NCAC 02D .0403 and .2615, 15A NCAC 02D Sections .0500, .0900, .1400, .1700, and the repeal of 15A NCAC 02D .0536 and .0615. The fiscal note was approved by the Office of State Budget and Management (OSBM) on December 6, 2019, as having little to no impact on local governments and having substantial economic impacts to the State, regulated community, and other parties.

**Approved Proceeding to Public Hearing on an Additional Risk Management Option for Proposed Rule Adoption on Control of Emissions from Log Fumigation Operations, 15A NCAC 02D .0546 and Rule Amendment to Toxic Air Pollutant Guidelines, 15A NCAC 02D .1104 (548)
[Agenda Item 20-07]**

The EMC approved proceeding to comment on an additional regulatory option of 0.078 mg/m³ at a 24-hour averaging time paired with 0.005 mg/m³ at an annual averaging time, while also soliciting public comment on a value within a range of 0.078 mg/m³ to 1.29 mg/m³ at a 24-hour averaging time.

[March 5, 2020 EMC Meeting](#)

**Adoption of Technical Revisions in Response to RRC Objection – 15A NCAC 02B .0400 & .0500 and 02H .0100, .0400, & .1200
[Agenda Item 20-09]**

The EMC approved sending technical revisions to the 54 NPDES permitting and related rules to the RRC.

**Approved Revised Nutrient Offset Rule (15A NCAC 02B .0240) Addressing Rule Review Commission Objection
[Agenda Item 20-11]**

The EMC approved the request to adopt Rule 15A NCAC 02B .0240 as revised.

[May 7, 2020 EMC Meeting](#)

Adoption of Technical Corrections to Rules 15A NCAC 02B .0103, .0215, .0216, and .0223 and .0314 (Water Quality Standards and Classifications)

The EMC adopted technical corrections to these water quality standards and classifications rules. These rules were readopted in 2019 as part of the surface water Triennial Review package.

**Approval of Hearing Officer’s Report, Regulatory Impact Analysis, and Adoption of Amendments for 15A NCAC 13B .0546, .1105, .1111, .1628, and Section .1800 Financial Assurance Requirements for Solid Waste Management Facilities
[Agenda Item 20-12]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analysis, and adoption of amendments to 15A NCAC 13B .0546, .1105, .1111, .1628, and Section .1800 Financial Assurance Requirements for Solid Waste Management Facilities.

**Approval of Hearing Officer’s Report, Regulatory Impact Analysis, and Adoption of Amendments to 15A NCAC 13A .0101 and .0111
[Agenda Item 20-14]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analysis, and the adoption of amendments to 15A NCAC 13A .0101 and .0111.

**Approval of Appointments of Members to the Water Pollution Control System Operators Certification Commission
[Agenda Item 20-15]**

The EMC approved the appointment of three members to the Water Pollution Control System Operators Certification Commission: Mr. Jonathan M. Russell, Mr. C. Kenneth Stines, and Dr. Albert Robert (Bob) Rubin.

**Approved Hearing Officer’s Report, Regulatory Impact Analysis, and Adoption of Amendments for 15A NCAC 13C Rules .0301-.0308 Voluntary Remedial Action Oversight by Registered Environmental Consultants
[Agenda Item 20-16]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analysis, and adoption of amendments for 15A NCAC 13C Rules .0301-.0308 Voluntary Remedial Action Oversight by Registered Environmental Consultants.

**Approved the Consolidation of the Metropolitan Sewerage District of Buncombe County and the Cane Creek Water and Sewer District, per NCGS 162A-68.5
[Agenda Item 20-17]**

The EMC adopted a resolution expanding and defining the boundaries of the MSD to include Cane Creek into the MSD, with an effective date of July 1st, 2020, in accordance with NCGS 162A-68.5.

Approved Proposed Rule Revisions in 15A NCAC 02I and 02J and the Regulatory Impact Analysis to Proceed to Public Comment
[Agenda Item 20-18]

The EMC approved moving these rules and regulatory impact analyses to public comment.

[July 9, 2020 EMC Meeting](#)

Approved Hearing Officer’s Report on Session Law 2013-413 (H74) Re-adoption of Group 6 Rules, 15A NCAC 02D .0403, .0500, .0900, .1400, .1700 and .2615 and Repeal of .0615, and Final Approval of Fiscal Note (549)
[Agenda Item 20-19]

The EMC approved the Hearing Officer’s Report on Session Law 2013-413 (H74) Re-adoption of Group 6 Rules, 15A NCAC 02D .0403, .0500, .0900, .1400, .1700 and .2615 and Repeal of .0615, and Final Approval of Fiscal Note (549).

Approved Proposed Rule Amendments, Regulatory Impact Analysis to Proceed to Public Comment and Hearing on 15A NCAC 02N “Underground Storage Tanks” and 15A NCAC 02O “Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks”
[Agenda Item 20-21]

The EMC approved the proposed rule amendments and regulatory impact analysis to proceed to public comment and hearing on 15A NCAC 2N Underground Storage Tanks and 15A NCAC 2O Financial Responsibility Requirements for owners and operators of Underground Storage Tanks, and regulatory impact analysis, except for those changes that were in 15A NCAC 2N .0901(d) and .0901(k).

Approved the Proposed Amendment to 15A NCAC 02B .0304 to Reclassify the Freshwater Sandy Bottom Wetlands in Buncombe County, NC as Class WL (Wetlands) UWL (Unique Wetlands)
[Agenda Item 20-22]

The EMC approved the proposed amendment to 15A NCAC 02B .0304 to reclassify the Sandy Bottom wetlands in Buncombe County as Class WL UWL.

Approved the Hearing Officer’s Report, Fiscal Note, and Adoption of Rule Revisions for 15A NCAC 13B Rules .0531 - .0545 and Section .1600 (except Rule .1628) Requirements for Construction and Demolition Landfill Facilities and Municipal Solid Waste Landfill Facilities, and Repeal of Rule .0547
[Agenda Item 20-23]

The EMC approved repealing Rule .0547 and adopted 15A NCAC 13B Rules .0531-.0545 and adopted Section .1600, except Rule .1628, including the highlighted changes made after the public comment period and the delayed effective date of January 1, 2021, as presented at this July 9, 2020 EMC meeting.

Approved Proposed Rule Revisions and Fiscal Notes for 15A NCAC 13B Sections .0100 through .0600 (except .0531 - .0547) and Repeal of Sections .0700 and .1300 to Proceed to Public Comment [Agenda Item 20-24]

The EMC approved the proposed rule revisions and fiscal notes for 15A NCAC 13B Sections .100 through .0600 (except .0531-.0547) and repeal of Sections .0700 and .1300 to proceed to public comment.

[September 10, 2020 EMC Meeting](#)

Approved Hearing Officer’s Report on Session Law 2013-413 (H74) Re-adoption of Group 6 Rules, 15A NCAC 02D .0403, .0500, .0900, .1400, .1700 and .2615 and Repeal of .0615, and Final Approval of Fiscal Note (549) [Agenda Item 20-25]

The EMC adopted 15A NCAC 02D .0546 and the proposed amendment to 15A NCAC 02D .1104 (AAL value of 1.0 mg/m³ for a 24-hour averaging time and 0.005 mg/m³ for an annual averaging time) and the Fiscal Note (including the addendum) (548) and the Hearing Officer’s Report with a recommendation for the AAL values as stated.

Approved 30-Day Waiver on Rule Revisions and Fiscal Note to the Fee Structure Revisions for North Carolina’s Title V Operating Permit Program and Approved Proceeding to Public Hearing on Rule Revisions to 15A NCAC 02Q .0203 and Fiscal Note (551) [Agenda Item 20-26]

The EMC approved 30-Day waiver on rule revisions and fiscal note to the Fee Structure Revisions for North Carolina’s Title V Operating Permit Program and approved proceeding to public hearing on rule revisions to 15A NCAC 02Q .0203 and fiscal note (551).

Approved Sending the 2020 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 20-27]

The EMC approved sending the 2020 Annual Report on Basinwide Water Management Planning by the Department of Environmental Quality and the Environmental Management Commission to the ERC.

[November 19, 2020 EMC Meeting](#)

Approved Proposed Rule Revisions and Regulatory Impact Analysis for the Repeal of 15A NCAC 13B Rules .1701 - .1710 and Adopted Rule .1703 Requirements for Existing Structural Fills to Proceed to Public Comment [Agenda Item 20-28]

The EMC approved the proposed rule revisions, regulatory impact analysis, and proceeding to public hearing on for the repeal of 15A NCAC 13B Rules .1701 - .1710 and adoption of Rule .1703.

**Adopted Rule Revisions and Approved the Fiscal Notes and Hearing Officer’s Report for 15A NCAC 13B Solid Waste Management Sections .0100 through .0600 (except .0531 - .0547), and Repealed Rules .0204, .0501, .0502, .0701 - .0706, and .1301
[Agenda Item 20-29]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analysis, and adoption of amendments for 15A NCAC 13B Sections .0100 through .0600 (except .0531 - .0547), and repeal of Rules .0204, .0501, .0502, .0701 - .0706, and .1301.

**Approved the Hearing Officer’s Report, the Regulatory Impact Analyses, and Adoption of Some Rule Revisions to 15A NCAC 02I and 02J
[Agenda Item 20-30]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analyses, and readoption of 15A NCAC 02I (Hearings) and 02J (Civil Penalties). The EMC approved the Hearing Officer’s recommended changes to 15A NCAC 02I .0101, but did not approve the Hearing Officer’s recommended changes to 15A NCAC 02I .0501(c).

**Approved Proposed Rule Amendments and Regulatory Impact Analysis to Proceed to Public Comment and Hearing on 15A NCAC 02L .0202 Groundwater Quality Standards
[Agenda Item 20-31]**

The EMC approved DWR's request to proceed to public comment and hearing on the proposed revisions to 15A NCAC 02L .0202 Groundwater Quality Standards.

**Approved Hearing Officer’s Report, Regulatory Impact Analysis, and Adopted Rule Amendments for 15A NCAC 02N “Underground Storage Tanks” and 15A NCAC 02O “Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks”
[Agenda Item 20-33]**

The EMC approved the Hearing Officer’s Report, Regulatory Impact Analysis, and adoption of amendments for 15A NCAC 02N Underground Storage Tanks and 02O Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks.

**Eagle Transport Petition for Declaratory Ruling
[Agenda Item 20-34]**

The EMC heard a Petition for Declaratory Ruling related to the North Carolina Oil Pollution and Hazardous Substances Control Act (“OPHSCA”). The Commission denied for good cause shown to issue a ruling.

**Edge of Auburn Settlement Agreement Amendment
[Agenda Item 20-35]**

The EMC approved a requested amendment to an existing settlement agreement related to the Edge of Auburn, LLC, the City of Raleigh, Town of Garner, DEQ, and the State of North Carolina. The amended agreement did not obligate the EMC to take any action beyond agreeing to the requested changes, which were clerical in nature.

III. Other EMC Activity

[January 9, 2020 EMC Meeting](#)

**20-IF-01 Update on the Status of the NPDES Permitting Rules 15A NCAC 02B .0400 & .0500 and 02H .0100, .0400, & .1200
[Agenda Item 20-IF-01]**

Mike Templeton of DWR provided an update on the status of the NPDES permitting rules, 15A NCAC Sections 02B .0440 & .0500 and 02H .0100, .0400, & .1200. DWR staff continues to work with Rules Review Commission (RRC) staff to resolve the remaining RRC comments and anticipates completing that effort in early February and bringing the revised rules to the EMC for approval at its March 2020 meeting.

**Nutrient Rules Readoption Update from December 19, 2019 Meeting of the Rules Review Commission
[Agenda Item 20-IF-02]**

Counsel Reynolds told the Commission that after it adopted the nutrient rules, that matter came before the RRC at its December 19 meeting and that there was one public comment objecting to the rules. After considering this comment, the RRC issued an objection letter on January 9 which means that the EMC will have ten days after its next meeting in March to take action. Counsel Reynolds noted that the parties would be working together with the commenter and that the goal is to have a solution to present to the EMC in March.

[July 9, 2020 EMC Meeting](#)

**Fee Structure Revision for North Carolina's Title V Operating Permit Program (551)
[Agenda Item 20-IF-05]**

This item arose out of the Air Quality Committee (AQC) meeting and was added to the EMC agenda based on agreement from the AQC since the action-forcing event on this item involves a potential funding shortfall for DAQ in meeting funding obligations and fiscal responsibilities under the Clean Air Act (CAA). Mike Abraczinskas, DAQ Director, and Brendan Davey, Asheville Regional Office Supervisor, presented a summary of a proposed rulemaking to revise Title V Fees in order to meet funding obligations under Section 502(b)(3) of the CAA. Presentation of the rule text and fiscal note by the DAQ to the AQC is planned for September 2020, and the rule is projected to become effective in the spring of 2021.

[September 10, 2020 EMC Meeting](#)

2021 Coastal Habitat Protection Plan (CHPP) Amendment – Informational Update on Revision Status

[Agenda Item 20-IF-06]

Anne Deaton, Division of Marine Fisheries and Jimmy Johnson, Albemarle-Pamlico National Estuary Partnership, provided an update on the progress of the revision/amendment process of NC's Coastal Habitat Protection Plan (CHPP). Mr. Johnson indicated that the update this time would be in the form of an amendment rather than a full revision of the document. The CHPP Steering Committee, a committee made up of two representatives from each of the three regulatory commissions, decided on five specific priority areas that this amendment will focus on. The five priority areas that Mr. Johnson identified were Submerged Aquatic Vegetation (SAV) protection and restoration, with focus on water quality improvements, environmental rule compliance to protect habitat and water quality, reducing inflow and infiltration (I&I) associated with wastewater infrastructure to improve coastal water quality, Wetland protection and enhancement with focus on nature-based methods, and habitat monitoring to assess status and regulatory effectiveness.

One Water Concept

[Agenda Item 20-IF-07]

Mr. Bill Holman, North Carolina Director for the Conservation Fund, presented a general explanation of the One Water approach. He went into more detail on One Water for rethinking stormwater management, emphasizing adaptability to land use and climate changes, and its purpose.

December 9, 2020 EMC Special Meeting

Update on the 2021 CHPP Amendment Process – Adjusted Timeline and CHPP Steering Committee Meeting Review

[Agenda Item 20-IF-08]

At the September 2020 EMC business meeting, an update on the 2021 Coastal Habitat Protection Plan Amendment was provided. A timeline for completing the amendment and the five selected priority issues were reviewed. Subsequent to the EMC meeting, staff discussed the timeline with Division Directors and determined that additional time would be needed. As a follow up to the September meeting, Jimmy Johnson of the Albemarle-Pamlico National Estuary Partnership gave a presentation to the EMC on the revised timeline and tasks needed to complete the CHPP Amendment. All tasks will be completed within the statutorily required five-year timeframe. Yvonne Bailey provided additional information on the issue papers. Two issue papers have been completed: (1) Submerged Aquatic Vegetation (SAV) protection and restoration, with focus on water quality and (2) Environmental rule compliance to protect habitat and water quality. The following issue papers are underway: (1) Reducing inflow and infiltration (I&I) associated with wastewater infrastructure to improve coastal water quality; (2) Wetland protection and enhancement with focus on nature-based methods; and (3) Habitat monitoring to assess status and regulatory effectiveness. Each issue paper requires coordination with the Environmental Management Commission, the Marine Fisheries Commission and the Coastal Resources Commission, including their divisions. Outside scientists and organizations with expertise are also consulted to ensure a thorough review.

Update to the Solar, Wind and Battery End-of-Life Management Stakeholder Process [Agenda Item 20-IF-09]

Ellen Lorscheider, Deputy Director of the Division of Waste Management, presented an update on the solar, wind, and battery end-of-life management stakeholder process. House Bill 329 in July 2019 required the Environmental Management Commission to adopt rules to establish a regulatory program to manage end-of-life photovoltaic modules and energy storage system batteries, and decommissioning of utility-scale solar projects and wind energy facilities. The Department of Environmental Quality was required to hold a stakeholder process and submit, in conjunction with the EMC, reporting to the Environmental Review Commission by the end of 2020. The report will include a profile of the Solar, Wind, and Energy Storage projects in NC, forecast of the projects in the decades to come and conclusions/recommendation regarding end-of-life management and regulatory programs.

IV. 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, and two meetings in 2020.

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,

State of North Carolina | Environmental Quality

1617 Mail Service Center | Raleigh, North Carolina 27699-1617

919-707-9023

An Equal Opportunity Affirmative Action Employer

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 2019 – December 2020 period, DWR staff:

- Developed a draft Catalog of Nutrient Reducing Practices to provide as a single, comprehensive listing of all currently approved nutrient practices and applicable sources of design standards and nutrient reduction accounting. The draft catalog was released for public comment in November 2020 and will be finalized in January 2021.
- 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 for approval in January 2021.
- Collaborated with the Upper Neuse River Basin Association (UNRBA) 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 for final approval in March 2021.
- Reviewed the UNRBA's final Monitoring Report and continued collaborating on their reexamination process of the Stage II rule requirements. This includes attending monthly path forward committee, and modeling and regulatory support meetings and providing input on the UNRBA's efforts to develop new lake and watershed models for Falls Lake by 2023 in anticipation of the Falls rules re-adoption process beginning in 2024.

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 2019 – December 2020 period, DWR staff:

- Continued working with stakeholders on Nutrient Data Standards workgroup for Stormwater Control Measures (SCM).
- Worked with 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 rule re-adoption process.
- Assisted with the development and co-sponsorship of and participated in all the JLOW workgroups: Integrated Water Management, Strategy Evaluation, Monitoring and Reporting, Organizational Governance, Finances, and Benefits. These workgroups consist of volunteers from throughout the watershed, including elected officials, resource professionals, nonprofit organizations, lay citizens, and the development community.
- Received the NC Policy Collaboratory Jordan Lake Study and Modeling Report in December 2019.

- Developed and contracted further refinements to the UNC-C Jordan Lake model for regulatory application purposes. Refinements include use of additional data for improved calibrations, development of nutrient standards curves for both lake arms, peer review and revision.
- Began the Jordan Lake nutrient rules readoption process in January 2020 by reviewing the Collaboratory Report, assisting with the presentation of the findings to the EMC, and beginning stakeholder outreach through the JLOW process.

V. Closing

This report has been prepared based on the 2020 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