

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

Covering the period April 1, 2010 to June 30, 2010

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 months of April 1, 2010 to June 30, 2010 and provides information on the actions of the EMC.

## **I: Nutrient Control Strategies Sections 2, 3 and 4 of Session Law 2005-190 (as amended by SL 2006-259 and SL 2009-486)**

### **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.

In 2005 the NC General Assembly passed SL 2005-190 (S981), which includes a requirement for the Commission to adopt a nutrient strategy for Falls Lake. The 2009 regular session produced Senate Bill 1020, a bill devoted to water quality improvements in Falls Lake. This bill revises the EMC adoption deadline to January 15, 2011 and adds certain requirements aimed at water quality improvement in the watershed. The bill was ratified and signed into law on August 26, 2009. A stakeholder process begun in late 2008 to provide input on draft rules was completed with a final meeting on January 21, 2010 to review the proposed draft rule language and receive additional stakeholder comments.

On March 11, 2010 the EMC approved the draft Falls Lake rules to proceed to public hearing and comment. A fiscal analysis providing estimates of the costs and benefits of implementing the proposed rules was completed in May 2010 and approved by the Office of State Budget and Management on June 8<sup>th</sup>, 2010. The proposed rules were posted in the June 15, 2010 North Carolina Register starting a sixty day comment period which runs through August 16, 2010. The first of two public hearings was held in Durham, NC on June 30, 2010. The second public hearing is scheduled to take place in Raleigh on July 1, 2010.

The schedule for future action is as follows:

- June 15 – August 16, 2010 - public comment period
- July – October 2010 - hearing officer meetings to deliberate comments and draft report.

- November 18, 2010 EMC meeting - hearing officer report and recommendation to EMC.

### **Jordan Reservoir - Section 4 of Session Law 2005-190**

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.

The Jordan rules were adopted by the EMC and approved by RRC in 2008. They were then reviewed by the 2009 General Assembly. Eight of the rules were approved, and the other five rules were revised or replaced by two session laws. All of the rules were effective by August 11, 2009.

The Division of Water Quality continues to implement the initial requirements of the Jordan rules and perform outreach activities. DWQ reviewed Stage 1 existing development stormwater programs that were submitted by local governments at the end of 2009 and provided recommendations on those programs to the EMC in May 2010. The EMC approved 26 programs and disapproved 7. Local governments shall begin implementing approved programs by mid-August 2010, and disapproved programs shall be revised and resubmitted by mid-July. DWQ recommended candidates to the Secretary for a Scientific Advisory Board that will assist in implementing existing development stormwater requirements. The Secretary approved the candidates, and the Board was formed in late June 2010. DWQ continues to work with contractors developing a new accounting method and a model ordinance, under the new development stormwater rule, for EMC approval in January 2011. DWQ is currently reviewing Jordan buffer programs submitted by local governments in March, and will provide recommendations to the EMC in September 2010. Approved local buffer programs shall begin implementation by mid-November 2010. The Watershed Oversight Committee, which administers requirements of the Jordan agriculture rule, has held five monthly meetings and continues to meet to develop accounting processes for agriculture.

### **II: EMC Rulemaking Actions**

- Approved proceeding to Public Notice with Proposed Rule Amendments and Rule Adoptions in Accordance with Session Laws 2006-246 (Phase II) and 2008-211 (Coastal) stormwater rules.
- Approved to re-open the public comment for 60 days for the Animal Operations Monitoring Rules, 15A NCAC 2T .1310-.1311.
- Approved proceeding to Public Hearing on Amendments to Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NA NSR) Rules to Include PM 2.5.

- Approved the Hearing Officer's Report on Amendments to Municipal Combustor Rule.

### **III: Other EMC Actions**

- Approved request to send 2010 Updates to the Coastal Habitat Protection Plan (CHPP) to Public Meetings.
- Approved the City of High Point's request for a Major Variance Request to the Randleman Buffer Rules for a remedial action plan associated with a landfill.
- Approved 26 of 33 Jordan Stage 1 existing development stormwater programs and approved delegating authority to DWQ to approve submittals of revised programs.

**July 15, 2010**

**Stephen T. Smith**  
**Chair**  
**N.C. Environmental Management Commission**