



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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October 15, 2010

TO: ENVIRONMENTAL REVIEW COMMISSION
The Honorable Pricey Harrison, Co-Chair, Environmental Review Commission
The Honorable Pryor Gibson, Co-Chair, Environmental Review Commission
The Honorable Bob Atwater, Co-Chair, Environmental Review Commission
The Honorable Dan Clodfelter, Co-Chair, Environmental Review Commission

FROM: Stephen T. Smith, Chair Environmental Management Commission

A handwritten signature in black ink, appearing to read "S. Smith".

RE: EMC Quarterly Report

Enclosed please find the quarterly report of the Environmental Management Commission on its operations, activities, programs and progress for the period July 1, 2010 to September 30, 2010.

Attachment

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

Covering the period July 1, 2010 to September 30, 2010

Per the requirements of G.S. 143B-282(b), the Environmental Management Commission (EMC) is submitting this quarterly report covering the period of July 1, 2010 to September 30, 2010 on the EMC's operations, activities, programs, and progress.

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

Nutrient Control Criteria – Section 2(b)

Based upon Section 2(b), the EMC continues to assess and identify nutrient control strategies and criteria necessary to prevent excess nutrient loading in each drinking water supply reservoir. In March 2010, the EMC approved taking proposed modifications to the State's chlorophyll-a standard out for public hearing and comment as part of the Federal Clean Water Act required Triennial Review of Surface Water Quality Standards. Per the NC Administrative Procedures Act, a fiscal note is being developed prior to proceeding with the public hearing and comment period. Public comment on the impact of the rule changes closed September 7, 2010. Those comments are being compiled for inclusion in development of the fiscal note.

Falls Lake - Section 3, 3(f)

The EMC is required to report its progress in assessing, identifying, and adopting 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.

Following a two year stakeholder process, EMC approval, and a final fiscal note; public hearings on the draft Falls Lake rules were held in Durham, NC on June 30, 2010 and Raleigh, NC on July 1, 2010. Hearing officers began meeting in August to review comments submitted during the public comment period. A total of five hearing officer meetings were held between August and September. The final two hearing officer meetings are scheduled for October 6 and October 19, 2010. The revised final rules are scheduled to be presented to the November 2010 EMC for approval.

The schedule for future action is as follows:

- 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

Under this section, no new or increased nutrient loading allocation is allowed in the Jordan Reservoir watershed until a nutrient management strategy based on a calibrated nutrient response model is adopted into rules. The Jordan rules were adopted by the EMC and approved by RRC in 2008. The 2009 General Assembly then approved eight of the rules and revised or replaced the other five rules. 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 local Jordan buffer programs that were submitted by local governments in March 2010 and provided recommendations on those programs to the EMC in September 2010. The EMC approved 29 programs and disapproved 3. Local governments will begin implementing approved programs by mid-November 2010, and disapproved programs will be revised and resubmitted by mid-November. The Nutrient Scientific Advisory Board, which will assist in implementing existing development stormwater requirements, held its first meeting in September 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. The Watershed Oversight Committee, which administers requirements of the Jordan agriculture rule, has held six monthly meetings and continues to meet to develop accounting processes for agriculture.

II: EMC Rulemaking Approvals

- Amendments to the Prevention of Significant Deterioration and Sources in Nonattainment Area Rules.
- Amendments to Volatile Organic Compound (VOC) Rules
- Reclassification to High Quality Waters for a portion of the Upper Catawba River Area in McDowell County (Catawba River Basin).
- Nutrient Offset Actual Cost Rate Rule for the Ecosystem Enhancement Program and Amendment of the Nutrient Offset Payment Rule.
- Reclassification to Outstanding Resource Waters for a portion of the North Fork New River in Ashe and Watauga Counties (New River Basin).

III: Other EMC Actions

- Approved proceeding to public hearing on:
 - Hospital, Medical, Infectious Waste Incinerator (HMIWI) Rule Amendments, and Discussion of Related County Resolutions.
 - Prevention of Significant Deterioration (PSD) and Permitting Rule Amendments to Incorporate Greenhouse Gas (GHG) Tailoring Provisions (492).
- Approved proceeding to public notice for the Reclassification of Southwest Creek from Class C to Class SC (Onslow County, White Oak River Basin).
- Appointed one member and reappointed two members to the Water Pollution Control System Operators Certification Commission (WPCSOCC).
- Approved 29 of 32 local Jordan buffer programs and approved delegating authority to DWQ to approve revisions of programs after initial EMC approval.
- Approved the Final Draft of the Catawba River Basinwide Water Quality Plan.
- Approved the updated 2010 Coastal Habitat Protection Plan and sent it to the Secretary and the Joint Legislative Commission for Seafood and Aquaculture.

October 15, 2010

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