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July 12, 2011

TO: ENVIRONMENTAL REVIEW COMMISSION
Jeff Hudson, Commission Counsel, Environmental Review Commission

FROM: Stephen T. Smith, Chair, Environmental Management Commission

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 April 1, 2011 to June 30, 2011.

Stephen T. Smith

Attachment

cc: Robin Smith, Assistant Secretary for Environment, NCDENR
Coleen Sullins, Director, DWQ, NCDENR
Dexter Matthews, Director, DWM, NCDENR
Sheila Holman, Director, DAQ, NCDENR
Kari Barsness, Director, LIA, NCDENR
Mariah Matheson, Research Division, NC General Assembly

**NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
QUARTERLY REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION**

Covering the period April 1, 2011 to June 30, 2011

Per the requirements of G.S. 143B-282(b), the Environmental Management Commission (EMC) is submitting this quarterly report covering the period of April 1, 2011 to June 30, 2011 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)

Per 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. The EMC is currently considering modifications to the chlorophyll-a surface water quality standard and will be hosting a forum addressing nutrient control issues in early 2012.

Falls Lake - Section 3

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. Following an extensive stakeholder and rule-making process, the permanent rules went into effect on January 15, 2011. The Division of Water Quality (DWQ) staff gave a number of presentations this quarter to local governments and agricultural interests interpreting rule requirements to guide these affected parties' activities and development of plans. Local governments are required to submit New Development Stormwater Programs to DWQ by August 2011.

Jordan Lake - Section 4 of Session Law 2005-190

Section 4 requires the EMC to report on the progress of developing and implementing a nutrient management strategy for reservoirs including Jordan Lake. The set of Jordan Lake rules were effective by August 11, 2009.

The DWQ continues to implement the initial requirements of the Jordan rules. The Nutrient Scientific Advisory Board, which will assist in implementing existing development stormwater requirements, held three monthly meetings during this quarter to assist with development of the July 2012 report of findings. The Board developed and submitted its first annual progress report to the Secretary of the Department of Environment and Natural Resources (DENR) on 1 July 2011. The Watershed Oversight Committee, which administers requirements of the Jordan agriculture rule, held three meetings during this quarter and continues to meet to develop accounting processes to assess agriculture compliance. Their initial progress accounting will occur by August 2012.

II. EMC Rulemaking Approvals – None in this time period

III. Other EMC Actions

Approved Reappointment of Two Members to the Water Pollution Control System Operators Certification Commission (WPCSOCC).

Two WPCSOCC members were reappointed for three year terms by the Secretary of DENR and the EMC due to term expiration per NC General Statute 143B-301. Mr. Robert Dodson (City of Durham) and Mr. Gale D. Howell, Jr. (United Chemi-Con, Inc.) were reappointed to the WPCSOCC.

Approved request to proceed to Public Hearing on Proposed Revision of Injection Well Rules (15A NCAC 02C .0200)

The proposed revisions consist of organizational and technical changes to the existing injection well rules, which were last amended in 1997. An extensive stakeholder process was conducted in developing the proposed rules. Changes proposed make the rules easier to use, reduce regulatory requirements resulting in cost savings to the State and public, address technological changes, and provide for increased public notice. These modifications are needed to comply with federal requirements and to serve the public interest per Executive Order #70.

Approved request to proceed to Public Hearing with the Proposed Reclassification of the South Fork New River in Ashe and Watauga Counties (New River Basin) to include Class WS-IV (PA) and WS-IV CA

The Town of Boone has requested that portions of the South Fork New River be reclassified for water supply use. These classifications include the WS-IV (PA) and WS-IV CA designations. The reclassification is needed in order to construct a potable water supply intake, and thus serves the public interest per Executive Order #70. If reclassified, regulations affecting new development and wastewater discharges would apply in the proposed watershed, where there are currently no permitted wastewater dischargers or land application sites, and no known proposed wastewater discharges, land application sites, or development.

Approved request to proceed to Public Hearing with the Proposed Reclassification of the Haw River in Alamance, Caswell, Guilford, and Rockingham Counties (Cape Fear River Basin) from Class WS-V to Class IV (PA) and WS-IV CA

During the drought in 2002, the City of Greensboro ("City") received permission from the Division of Environmental Health and funding from the Division of Water Resources to construct and use an emergency intake on the Haw River. Continued use of the intake requires the reclassification of the surface waters draining to it, and thus, this proposal serves the public interest per Executive Order #70. Review of existing and applicable state and local government regulations led to the proposed WS-IV designation for these waters. If reclassified, regulations affecting new development and wastewater discharges would apply. There are no land application sites in the proposed critical area. None of three NPDES wastewater discharges and two permitted animal operations in the proposed watershed would be impacted by this proposal. In the proposed area, there are no known planned wastewater discharges and developments, and no known plans for existing wastewater discharges to become process industrial wastewater discharges.

Denied the petition for rulemaking to Amend the Underground Storage Tanks Secondary Containment Rules

The Steel Tank Institute Steel Plate Fabricators Association (STI) filed a petition to request the amendment of Underground Storage Tank (UST) secondary containment standards contained in 15A NCAC 02N .0903(a). The rule currently states: "Tanks must be protected from external corrosion in accordance with 40 CFR 280.20 (a)(1), (3), or (5)." The petition asked to change 15A NCAC 02N .0903(a) to read: "Tanks must be protected from external corrosion in accordance with 40 CFR 280.20 (a)(1), (2), (3), or (5)." The petition sought to allow double-walled steel tanks to be installed that do not have a thick protective fiberglass or plastic coating on the outer steel wall. These tanks are protected from corrosion by using cathodic protection systems (sacrificial anodes attached to the tanks or impressed current systems) that must be tested and maintained over time to ensure that the tanks are continuously protected. Staff of the Division of Waste Management recommended denial of the petition based on failures by tank owners and operators to properly test and maintain these tanks and on the low economic impact of the current rules.

July 12, 2011



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