

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



September 1, 2024

MEMORANDUM

To: Environmental Review Commission
Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources
Senate Appropriations Committee on Agriculture
House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources

From: JD Solomon, Chair, Environmental Management Commission
Richard Rogers, Director, Division of Water Resources, Department of Environmental Quality

Re: Required Report in Accordance with SL 2024-44 Section 5.1(f)

The following report is the first quarterly report regarding the implementation of SL 2024-44 Sections 5.1(d) and 5.1(e)

SL 2024-44 5.1(d) – September 1, 2024, Report

In accordance with SL 2024-44 the Director of the Division of Water Resources and the Chair of the Environmental Management Commission submitted to Katie Butler, Region 4 Water Division Director of the U.S. Environmental Protection Agency (EPA) a letter on July 31, 2024, requesting EPA's comments on rule modifications proposed in the SL 2024-44 Section 5.1(d). As of September 1, 2024, EPA has not responded.

Attachment 1: July 31, 2024, letter.

SL 2024-44 5.1(e) – September 1, 2024, Report

In accordance with SL 2024-44 the Director of the Collaboratory appointed 5 members, listed below, to the work group who are actively or have worked in the fields of environmental regulation, wastewater regulation, water quality regulation, and wastewater treatment regulation. The Department in conjunction with the Collaboratory held the initial meeting of the Wastewater General Permit Working Group on August 26, 2024. The next Wastewater General Permit Work Group meeting is scheduled for October 3, 2024.



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919-707-9000

Wastewater General Permit Work Group Appointees (Bios attached)

<u>Member</u>	<u>Field of Work</u>
Chad VonCannon	Wastewater Treatment Regulation
Sean Sullivan	Environmental Regulation
Patrick Bradley	Water Quality Regulation
Robert Griffin	Wastewater Treatment Regulation
Jason Manning	Wastewater Treatment Regulation

Attachment 2: Wastewater General Permit Work Group Appointees bios.

Attachment 3: Meeting Agenda for August 26, 2024



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NORTH CAROLINA
Environmental Quality

July 31, 2024

Katie Butler, Director
Region 4 Water Division
U.S. Environmental Protection Agency
61 Forsyth St, SW, Atlanta, GA 30303

Director Butler,

On July 8, 2024, Senate Bill 802 (Session Law 2024-44) was signed into law by Governor Cooper. Session Law 2024-44 requires that by August 1, 2024, the Department of Environmental Quality and the North Carolina Environmental Management Commission:

“...develop and submit to the United States Environmental Protection Agency for USEPA's approval draft rules that establish methodologies and permitting requirements for the discharge of treated domestic wastewaters with low risk following site-specific criteria to surface waters of the State, including wetlands, perennial streams, and unnamed tributaries of named and classified streams and intermittent streams or drainage courses where the 7Q10 flow or 30Q2 flow of the receiving water is estimated to be low flow or zero flow, or under certain conditions non-existent, as determined by the United States Geological Survey (USGS).”

The Session Law 2024-44 Section 5 further states:

"Within 20 days of the date USEPA approves the draft rules submitted pursuant to this subsection, the Commission shall initiate the process for temporary and permanent rules pursuant to Chapter 150B of the General Statutes."

In North Carolina, temporary rules require a public comment period and a public hearing, and permanent rules require public comment period with a potential public hearing upon a public request. GS 150B is our Administrative Procedures Act. While Session Law 2024-44 stipulates what is in the "draft rule" to be reviewed by EPA, it does not stipulate the language required in the temporary or permanent rule. It is our understanding that the statute is intended to get comments from USEPA before rulemaking begins and public input is received through the rulemaking process.

Realizing the August 1, 2024, timeline given in SL 2024-44 Section 5.1.(a) through (g) would not be feasible for submitting draft rules to EPA for approval, the Environmental Management



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Katie Butler
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Commission (EMC) at its July 11, 2024, meeting selected to submit a letter containing draft rule concept consistent with Session Law 2024-44 for EPA's review. Attached you will find the draft rule concept incorporating permitting requirements and Section Law 2024-44.

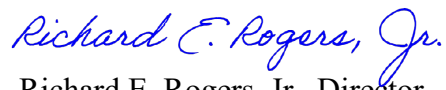
We request that EPA Region 4 review the proposed draft rule concept and provide a written response as to whether such amendments to Rule 15A NCAC 02B .0206 would comply with federal law related to the Clean Water Act and the requirements that states must comply with to maintain an EPA approved NPDES program.

The EMC and DEQ look forward to your comments regarding this important matter.

Sincerely,



JD Solomon, Chair
Environmental Management Commission



Richard E. Rogers, Jr., Director
Division of Water Resources



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Working Group Biographies

Chad VonCannon - *wastewater treatment regulation / wastewater regulation*



Chad VonCannon earned his degree in Civil Engineering at North Carolina State University. In 2006, he received his Professional Engineer certification in North Carolina and joined the Engineering Department of the Waste and Sewer Authority of Cabarrus County (WSACC) a year later. Since 2019, he has served as the Engineering Director for WSACC, assisting the Executive Director in managing operations, overseeing capital projects and supervising the Engineering Department. Among other specialties, Mr. VonCannon has expertise in wastewater and water operations, with a Grade IV Wastewater Certification and a Grade A Water Treatment Certification.

Sean M. Sullivan - *environmental regulation*



Sean Sullivan received his bachelor's in environmental science at the University of Miami and his J.D. at the American University Washington College of Law. He now serves as a partner in the Environmental & Natural Resources Group at Williams Mullen. Mr. Sullivan also serves as chair of the Environmental Policy Committee in the North Carolina Chamber of Commerce and has previous experience as chair of the North Carolina Bar Association's Environment, Energy, and Natural Resources Section in 2016.

His expertise is in hazardous waste, emergent contaminants such as PFAS and 1,4-dioxane, the redevelopment of brownfields, the Clean Water Act, and the Clean Air Act. As an environmental attorney, Mr. Sullivan has significant experience in representing waste management and utility companies, as well as other manufacturers, in issues relating to the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, State Cleanup Programs and more.

Patrick Bradley - *water quality regulation*



Patrick Bradley earned his bachelor's degree in biology from State University College at Plattsburgh, NY and a master's in biology from the University of Texas at Arlington. Before his current position as the Clean Water Act Specialist for Michael Baker International, Mr. Bradley spent nearly seventeen years with the EPA, serving as the Assistant Chief of the Water Permits Division for four years. He served as the Water Quality Manager for the Department of Public Utilities in Richmond, VA, later moving to the role of Deputy Director. Mr. Bradley spent many years working for Resource Environmental Solutions in notable roles such as the Water Quality Manager and Director of the Water Quality Program Development. He has extensive experience in stormwater systems and wastewater treatment, especially relating to Pretreatment Program implementation and National Pollutant Discharge Elimination System permitting.

Michael (Jason) Manning - *wastewater treatment regulation / wastewater regulation*



Jason Manning received his degrees in Science Education and Biology from East Carolina University. He began his career as a science teacher at the Pitt County Schools and has spent the last 33 years with Greenville Utilities Commission (GUC). Mr. Manning started at GUC as an Environmental Compliance Coordinator and has served as Wastewater Treatment Plant Superintendent for the past ten years. Through his time at GUC, Mr. Manning has significant work experience in wastewater treatment and management.

Robert Griffin - *wastewater treatment regulation / wastewater regulation*



Robert Griffin received his undergraduate degree in Environmental Biology and master's in public administration and environmental engineering at the University of North Carolina at Charlotte. Along with his current position as the Vice President of NC Operations at CDG Engineering in Charlotte, NC, Mr. Griffin spent 24 years with Shield Engineering, serving as the President for the past ten years. He also spent twenty years in municipal government as an Industrial Waste Technician and Division Manager, Chemist, and System Protection Division Head. Mr. Griffin is a registered Professional Engineer with extensive work experience in Water Sector Operations, Chemical Sector, and Pharmaceutical Sector, specializing in industrial and municipal wastewater treatment, and environmental permitting. He has served as the chair of the North Carolina Environment Association Committee which provides certification for operators of physical and chemical treatment systems. Mr. Griffin is a Grade IV Certified Wastewater Treatment Plant Operator and a Grade II Physical Chemical Operation in North Carolina.



Wastewater General Permit Working Group

August 26, 2024

10:00 a.m. – 11:00 a.m.

Via Zoom

<https://unc.zoom.us/j/95117311578?pwd=p2xp0jlOZfs66o5s5btUNnJTDya8Bu.1&from=addon>

Agenda

10:00 – 10:10 *Introductions of Working Group Members*

10:10 – 10:20 *Legislative Charge*

Richard Rogers, Director, NC Division of Water Resources

Steve Wall, Outreach Director, NC Collaboratory

10:20 – 10:40 *Overview of Wastewater Treatment and Discharge*

Julie Grzyb, Deputy Director, NC Division of Water Resources

Michael Montebello, NPDES Permitting Branch Chief, DWR

10:40 – 10:55 *Discussion*

Working Group Members

10:55 – 11:00 *Next Steps*

Adjourn