

**Meeting Minutes of the Environmental Standards Committee of the  
North Carolina Mining and Energy Commission  
May 2, 2013  
1:00 pm – 3:00 pm**

**1. Preliminary Matters**

Committee Chairman Mr. George Howard called the meeting to order at 1:10 p.m. He read the ethics statement and asked Committee members whether or not they had conflicts of interest with respect to any action items on the agenda. None were expressed. Chairman Howard invited members of the public who wished to formally address the Committee to sign their names to the “public speakers” sign-in sheet.

The following persons were in attendance for all or part of the meeting:

**Committee Members Present**

Mr. George Howard, Chairman  
Dr. Ray Covington, Vice Chair  
Dr. Vikram Rao, By Phone  
Dr. Kenneth Taylor  
Ms. Amy Pickle  
Ms. Charlotte Mitchell

**Committee Members Absent**

Dr. Marva Price

**Attorney General’s Office**

Jennie Wilhelm Hauser

**DENR Staff Members**

Trina Ozer, Office of the Secretary  
Tracy Davis, Division of Energy, Mineral and Land Resources (DEMLR)  
Toby Vinson, DEMLR  
Walt Haven, DEMLR  
Katherine Marciniak, DEMLR  
Ryan Channell, DEMLR  
Rosalind Harris, DEMLR  
Debra Godwin, DEMLR

**Others in Attendance**

Refer to the meeting sign in sheets (attached to these minutes).

**2. Background and Introduction - George Howard, Chairman**

Chairman Howard stated that the current draft of the baseline sampling rules provides for the most comprehensive sampling and testing program in the country. Compared to other states, required sampling would encompass the largest area and the greatest number of constituents, while also providing for high rebuttal standards. He also listed states that currently do not have baseline sampling and testing programs and compared them with other states that do (attached to these minutes). The Committee noted that this draft rule set already eclipses similar baseline rules used by other states.

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**3. Approval of Minutes from Last Meeting**

Dr. Covington made a motion to approve the minutes and Ms. Mitchell seconded. The motion passed.

**4. Presentation and Discussion of Draft Baseline Sampling Rule- Ryan Channell, DEMLR**  
(See attached document)

Mr. Channell presented that draft baseline rule, with comments from the USGS and DWQ, to the Committee and received comments from the Committee as follows:

- Definition of “water supply”- incorporate the definition already provided in Session Law 2012-143;
- Line 31: change “with contamination” to “who suspects contamination”;
- Lines 49 to 60- clarification that there is a 4 year timeline for installing wells from spudding of the first well before 2 year monitoring would be required;
- Line 68-70- may need to define or provide criteria for “degradation”;
- Line 75- clarification that the person collecting the water samples is independent from the well operator and the landowner;
- Add divalent cations and chloride to the testing constituent lists; remove nitrate and strontium;
- The Committee discussed if the first round of sampling at 6 to 12 months from completion of well(s) should be the inclusive list or if it could be a “canary list” or initial indicator list as used in the 2<sup>nd</sup> round of sampling;
- Ms. Mitchell noted that there was no provision in the draft rules to notify any water well owners if there were exceedances measured or how they can find the reported values;
- Under section 0XX4, it was noted that (a) and (b) are very similar;
- Line 129- change “with contamination” to “who suspects contamination”

Chairman Howard directed staff to incorporate changes and revisions discussed at the meeting into the rules draft and send it to him for approval as the “Chairman’s Mark” document to be used at the next meeting.

Ms. Pickle requested that the chemical reasoning behind the “canary list” be explained to the Committee at the next meeting.

**5. Presentation and Discussion of Draft Diesel Fuel Use Rule- Ryan Channell, DEMLR** (See attached document)

Mr. Channell presented the draft of the diesel fuel use rule to the Committee and received the following revisions to the rule from the Committee:

- Line 1- Change the title to “Prohibited Chemicals and Constituents”;
- Line 2- change “fuel” to “chemicals and”;
- Line 14- at “or” set a placeholder that indicates a mailing address to request the guidance document will be added at some point.

After making these changes, a motion was made by Dr. Covington to move the amended rule to the Rule Committee for review; this was seconded by Dr. Taylor. The motion included allowing for a placeholder

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to be put into the rule so that a mailing address for the EPA guidance document could be inserted at a later date.

**6. Discussion of Setbacks for Next Agenda- Chairman George Howard**

The Committee requested that staff research the setbacks in 6 to 12 states to develop a robust table to compare the types of setbacks and the prescribed distances. The Environmental Standards Committee will research this topic and report findings to the Administration of Oil and Gas Committee, which will be the committee that will be writing the rules.

**7. Public Comment**

- Martha Girolami, Chatham County resident, expressed continued concerns about the lack of coverage of air quality testing and research. She provided a cover sheet with questions, a reference sheet for various citations, Town of Dish, TX air quality report, and listing of chemicals commonly associated with waste pits (see attached documents).
- Therese Vick, Blue Ridge Environmental Defense League and a Chatham County resident, also echoed concerns over the lack of required air quality testing that is in the current draft rules; provided an EPA report “EPA Needs to Improve Air Emissions Data for the Oil and Natural Gas Production Sector” (see attached report).
- Hope Taylor, Clean Water for North Carolina, expressed that air quality is an area that the committee has not fully addressed; the current baseline rules for water quality is a good start but would recommend adding methane and other volatiles into the sampling constituent list; does not support having the first round of sampling use the “canary list” but should be all inclusive and act as a second baseline; all groundwater should be protected as if it is drinking water.

**8. Discussion**

There was no further discussion.

**8. Adjournment**

The Environmental Standards Committee adjourned the meeting at 3:00 pm.

**DENR Staff Contact for this Committee: Mr. Mell Nevils, DEMLR**