# NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

## 512 N. Salisbury Street Archdale Building - Ground Floor Hearing Room Raleigh, North Carolina

### November 8, 2012 9:00 A.M.

General Statute § 138A-15 mandates that the Chairman inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of a conflict, please so state at this time.

## Stephen T. Smith, Chairman, Presiding

## I. Preliminary Matters

- 1. Call to Order
- 2. Approval of minutes from **September 12 and October 11, 2012** Commission Meeting

#### II. Action Items

2.

1. 12-31 Environmental Management Commission (EMC) Approval p 1 of Broad River Basin Hydrologic Model (DWR) Tom Fransen

#### POWERPOINT PRESENTATION

	Attachment A – Broad River Basin Model Notice	pp A1
	Attachment B – Report Modeling the Broad River Basin	pp B1-91
	Operations with OASIS April 2012	
	Attachment C – Summary Broad Model Approval	pp C1-2
12-32	Request to Proceed to Hearing on Revisions to New Source	p 1-2
	Review and Prevention of Significant Deterioration (PSD)	
	Nitrogen Oxides (NOx) Significance Level for PM2.5 (512)	
	and PM2.5 Increment (516)	
	(DAQ) Patrick Knowlson	

<u>Attachment A</u> – Rule Summary	p A1
<u>Attachment B</u> – Proposed Rules	pp B1-11
<u>Attachment C</u> – Fiscal Note	pp C1-22

3. 12-33 Request for 30-day Waiver and Request to Proceed to Hearing p 1 on Revision of Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) Rules Applicability (513) and Clarifications (511) (DAQ) Joelle Burleson Attachment A – 15A NCAC 02D .0902 Rules pp A1-25 Attachment B – Fiscal Note pp B1-26 4. 12-34 Request for Adoption of Hearing Officer's Recommendations p 1 on Proposed Changes to Groundwater Rules: 15A NCAC 02L .0113 - Variance and .0202 - Groundwater Standards (Dickson Phillips) <u>Attachment A</u> – Report of Proceedings 02L Rules pp A1-337 5. 12-35 Request for Waiver of 30 day Rule and Approval to Proceed to p 1 Public Notice with Proposed Rule Amendments to Phase II Stormwater Requirements in Accordance with (S.L.) 2011-220 (DWQ) Robert Patterson Attachment A – 15A NCAC 02H .0152 pp A1-2 Attachment B – 15A NCAC 02H .1016 pp B1-6 Attachment C – SL2011-220 pp C1-2 6. 12-36 Request Approval of NCDOT's Jordan Lake New Development p 1 Stormwater Management Program and Delegation of Further **Approval Authority to the DWO Director** (DWQ) Jason Robinson Attachment A – NCDOT Green Program for New Development pp A1-110 7. 12-37 Request for Waiver of 30 day Rule and Approval to Proceed to p 1 Public Notice and Hearing with Revisions to the Consolidated Buffer Mitigation Rules (15A NCAC 02B .0295) That Were Approved for Public Notice and Hearing by the EMC in the July 2012 Meeting and for the Proposed Repeal of Buffer Mitigation Rules for the Neuse River (15A NCAC 02B .0242), Catawba River

POWERPOINT PRESENTATION

.0609) and Associated Fiscal Note

(DWQ) Amy Chapman

<u>Attachment A</u> – Buffer Mitigation Rules and Fiscal Analysis pp A1-64 Version 7.0

(02B .0244), Randleman Lake (02B .0252), Tar-Pamlico River (02B .0260), Jordan Lake (02B .0268), and Goose Creek Watersheds (02B

8. 12-38	Request to Approve the Repeal of the Clean Water Bond Act (01A NCAC 22 .01010102, .02010209, .03010303, .04010403, .05010506, .06010606, .07010704, .08010802, .09010906, .10011002, .11011103) (DWQ) Gary Kreiser	p 1
9. 12-39	Request for Adoption of Division of Water Quality Recommendation for EMC Approval of 303(d) Assessment Methodologies (DWQ) Kathy Stecker	p 1
	POWERPOINT PRESENTATION	
	Attachment A – All Comments  Attachment B – Summary of Comments  Attachment C – Draft 2014 Use Assessment Methods	pp A1-34 pp B1-4 pp C1-14
10. 12-40	Request for Declaratory Ruling Cape Fear River Watch, Sierra Club, Waterkeeper Alliance, and Western North Carolina Alliance (AG) Jennie Hauser	p 1
	(SELC) D. J. Gerken (for Petitioners) - POWERPOINT PRESENTA (AG) Kathy Cooper/Don Laton (for DWQ) (Duke Energy) Charles Case	TION
	Attachment A – Petitioner's Motion for Declaratory Ruling  Attachment B – Request for Declaratory Ruling Supplement with enclosures	pp A1-460 pp B1-15
	Attachment C – Petitioner's Memorandum in Support of December Ruling	pp C1-15
	Attachment D – Motion to Intervene  Attachment E – Memorandum Supporting Denial of the Request for Declaratory Ruling	pp D1-4 pp E1-9
	Attachment F – Petition for Declaratory Ruling Factual Stipulations	pp F1-6
	Attachment G – DWQ Attachment No. 1 Facilities List (an attachment to the Stipulations)	pG1
	Attachment H – Response of NCDENR, DWQ in Opposition to Petitioners' Request for a Declaratory Ruling	pp H1-9

## **III.** Information Items

		HIS ITEM HAS BEEN REMOVED)	_		
1.	12-15	Update on 2014 Water Quality Assessment Methodology (DWQ) Kathy Stecker	p 1		
		Attachment A - 2014 North Carolina Draft Assessment Methodology	pp A1-14		
		Attachment B - EPA Decision Document for NC 2012 303(d) List	pp B1-47		
2.	12-16	Status of Triennial Review Fiscal Note (DWQ) Connie Brower	p 1		
3.	12-17	Status of NC's Nutrient Criteria Development Plan (NCDP)  Development (DWQ) Dianne Reid	p 1		
4.	12-18	<b>Annual Update on Neuse &amp; Tar-Pamlico Agricultural Rules</b> (DWQ) John Huisman	p 1		
		POWERPOINT PRESENTATION			
		<u>Attachment A</u> – 2012 Neuse CY2011 Annual Report BOC Final <u>Attachment B</u> – 2012 Tar-Pamlico CY2011 Annual Report BOC Final	pp A1-11 pp B1-13		
5.	12-19	Status Report on the Study of Surface Water Quality Associated with Swine Operations (DWQ) Keith Larick	p 1		
		POWERPOINT PRESENTATION			
tatus Report by EMC Committee Chairmen					

# IV. S

- Water Allocation Committee a.
- Water Quality Committee Groundwater Committee b.
- d. Air Quality Committeee. Steering Committee
- NPDES Committee f.
- Renewable Energy Committee g.

#### **Concluding Remarks** V.

By Commission Members By Directors By Counsel By Chairman

Adjournment AG011-08-12