ENVIRONMENTAL MANAGEMENT COMMISSION

WATER QUALITY COMMITTEE MEETING AGENDA

March 10, 2010

Archdale Building-Ground Floor Hearing Room

12:00 - 3:00 PM

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 EMC Water Quality Committee. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

12:00 PM-Opening Comments **Chairman Peterson**

1. Request to Proceed to the Environmental Management Commission (EMC) for Consideration of Delegating Approval of Local Sewer Line Permitting Programs to the Division of Water Quality (DWQ) Director - (Action Item)(Deborah Gore)

Currently, the DWQ with assistance from the Attorney General's Office reviews applications for delegation of local sewer line permitting programs. Upon satisfying the requirements of 15A NCAC 02T .0306 and G.S. 143-215.1(f), DWQ staff recommends to the EMC issuance of the requested local permit delegation authority. The DWQ has demonstrated resources and technical abilities to properly review the applications for local sewer line permitting programs. Delegating the Director to approve local sewer line permitting programs will improve customer service by streamlining the delegation process, while continuing to provide the necessary regulatory oversight to assure protection of water environment and human health. DWQ will request that the Water Quality Committee (WQC) grant approval to proceed to the EMC for consideration of their delegation to the Director. (Attachments enclosed: History of the Local Programs for Permitting Sewer Line Systems, Review Checklist for Local Sewer Permitting Program Delegation, and Approval Letter for Delegation of Local Program for Sewer Systems)

2. Request to Proceed to the EMC with the Proposed Falls Lake Nutrient Strategy and Recommend Waiving the "30-day" Bylaw - (Action Item)(John Huisman)

In 2005 the NC General Assembly passed Session Law 2005-190 (S981), which includes a requirement for the EMC to adopt a nutrient strategy for Falls Lake. The 2009 regular session produced Session Law 2009-486 (S1020), a bill devoted to water quality improvements in Falls Lake. This bill revises the EMC adoption deadline to January 15, 2011 and adds certain requirements aimed at water quality improvement in the watershed. The Nutrient Response Model for Falls Lake has been completed and was approved by the EMC in November 2009. A rule making stakeholder process began in late 2008 to provide input on draft rule language. Staff provided stakeholders revised draft rules in early January 2010 and held a final stakeholder meeting January 21, 2010 to review the rule requirements and receive additional input. Stakeholders also had the opportunity to submit written comments to DWQ by the end of January. Stakeholder comments have been reviewed and a revised version of the draft rules has been developed. DWQ will request that WQC grant approval to proceed to the EMC the next day to request permission to proceed to public hearing with the proposed Falls Lake Nutrient Strategy and recommend that the EMC waive the "30 day" bylaw in order to meet the rule adoption deadline established by SL 2009-486. (Attachments enclosed: Draft Falls Lake Rules, Local Government Consensus Principles/Other Major

Stakeholder Comments/DWQ Responses on Draft Falls Lake Nutrient Rules and Falls Lake Nutrient Management Strategy Development Process) (Falls Lake Draft Rules Discussion Items and Powerpoint Presentation available as of March 10, 2010)

3. Request to Proceed to the EMC with Phase II Stormwater Designations for Havelock, Kinston, New Bern, Smithfield, and Wilson - (Action Item)(Mike Randall)

DWQ staff will present recommendations on whether to designate five Neuse NSW communities under the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Program and Session Law 2006-246 (Section 5). The communities are Havelock, Kinston, New Bern, Smithfield, and Wilson. At its meeting on January 14, 2010, the EMC agreed to delay designation decisions on these municipalities until DWQ staff could more thoroughly evaluate the effectiveness of existing stormwater programs in place. DWQ will request that the WQC grant approval to move forward to the EMC with the recommended municipalities for the Phase II designation. The WQC may also be asked to approve forwarding to the EMC recommended "regulated coverage areas" surrounding some of these municipalities where Phase II post-construction stormwater control requirements would take effect in the future. (Powerpoint Presentation available as of March 10, 2010)

4. Request to Proceed to the EMC with Proposed Rule Amendments and Rule Adoptions in Accordance with Session Laws (S.L.) 2006-246 and 2008-211 – (Action Item) (Bradley Bennett and Robert Patterson)

DWQ staff will present proposed amendments and adoptions to rules in 15A NCAC 02H .0100 and 02H .1000. The proposed revisions incorporate the stormwater requirements of S.L. 2006-246 (Phase II) and S.L. 2008-211 (Coastal Stormwater) into the EMC rules. In accordance with the Session Laws, the proposed rules are substantively identical to the applicable provisions of the Session Laws and have been reorganized and renumbered to be placed in the proposed rules. The stormwater requirements in the Session Laws are currently being implemented. Staff will request permission from the WQC to move forward to the EMC for approval to proceed to public notice with the proposed rules. (Attachments enclosed: Draft Proposed Rules in 15A NCAC 02H .0100 and 02H .1000, Cross Reference Session Laws to Rules, and Excerpts from S.L. 2006-246 and 2008-211) (Powerpoint Presentation available as of March 10, 2010)

5. Request to Proceed to the EMC with Draft Rules for Chlorophyll-a Thresholds for Nutrient-Enriched Water body Management – (Action Item) (Matt Matthews)

DWQ staff will present draft rules that establish chlorophyll-a threshold levels, a mechanism for identifying affected water bodies, and implementing management strategies to proactively address nutrient enrichment. The management strategies will address both point and non point sources of nutrients. In addition, outreach efforts to the regulated community will be summarized and the statutory basis for the rules presented. DWQ will request that the WQC grant approval to proceed to the EMC with draft rules for chlorophyll-a threshold levels. (Attachments enclosed: Draft Rules for 15A NCAC 02B .0611 Water Quality Management Plans for Impairment, Prevention and Protection of Waters Downstream of Receiving Waters, 15A NCAC 02B .0612 Water Quality Management Plans for Impaired Waters, and 15A NCAC 02B .0613 Nutrient Impairment Prevention Strategy: Wastewater Discharge Requirements) (Note: This is a separate item from the Triennial Review of standards on the full EMC agenda.) (Powerpoint Presentation available as of March 10, 2010)

Closing comments – Charles P. Peterson

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MARCH 10, 2010 WATER QUALITY COMMITTEE MEETING SUMMARY