

**ENVIRONMENTAL MANAGEMENT COMMISSION
WATER QUALITY COMMITTEE MEETING SUMMARY**

March 11, 2015

Archdale Building-Ground Floor Hearing Room

BRIEF

At the March 11, meeting of the Environmental Management Commission (EMC) Water Quality Committee (WQC), the WQC:

- approved the January 7, 2015 WQC meeting summary.
- approved to send the Final Draft of the Tar-Pamlico River Basin Water Resources Plan to the EMC.
- approved to send proposed amendments to 15A NCAC 02B .0269 and 15A NCAC 02B .0274 to transfer to 15A NCAC Subchapter 02R per 26 NCAC 02C .0408 to the EMC.
- heard an update on the Minimum Design Criteria for Stormwater Control.
- heard an overview of the NC Water Supply Watershed Program.

WQC Members in Attendance:

Mr. Steve Tedder (Chairman)

Mr. David Anderson

Dr. Albert Rubin

Mr. Thomas Craven

Dr. Lawrence W. Raymond

Mr. Charles Elam

Mr. Clyde Smith, Jr.

Others Present:

Ms. Jennie Hauser, Attorney General Office

Mr. Gerard P. Carroll, EMC Chairman

Ms. Julie A. Wisely, EMC

Mr. William Puette, EMC

Mr. Jay Zimmerman, Division of Water Resources Director

None of the WQC members recused himself from making a decision on any of the items on the March 11, 2015 WQC agenda.

1.Request for Approval to Send the Final Draft of the Tar-Pamlico River Basin Water Resources Plan to the Environmental Management Commission (EMC) for Approval – (Action Item) (Heather Patt)

Description

General Statute 143-215(b) and General Statute 143-355(m) mandates the development of a basinwide water quality management plan for each of the seventeen river basins in the State and a State water supply plan, respectively. Staff presented highlights from data included in the Tar-

Pamlico River Basin Water Resources Plan developed in 2014. The 2014 Plan is the fifth update of the Tar-Pamlico Basin Plan and the first to include both water quality and water quantity information.

Discussion

Mr. Tedder commented that the format for the plan is good. Mr. Anderson asked for clarification on the function of the plan. Ms. Patt said the plan describes the water quality and water quantity status, including recommendations and guidance. Mr. Tedder noted the plan is not for rule-making but rather a characterization of the needs and issues within the basin. He also noted the information in the basin plan and can be used with other related Division of Water Resources (Division) information (i.e., water quality reports) to address issues within the basin. Mr. Craven asked how the nutrient issues identified in the plan would be addressed. Ms. Patt said that there are recommended action items to address nitrogen sources noted in the plan but given varied reasons commencement of those actions is unknown. Mr. Tedder suggested that staff provide recommended priorities for the basin at the next EMC meeting.

Motion

Dr. Raymond moved to send the final draft of the Tar-Pamlico River Basin Water Resources Plan to the EMC. Mr. Craven seconded the motion and the WQC unanimously approved the motion.

2. Request to Proceed to the Environmental Management Commission to Request Approval of Amendments to 15A NCAC 02B .0269 and 15A NCAC 02B .0274 to transfer to 15A NCAC Subchapter 02R per 26 NCAC 02C .0408 - (Action Item) (Jeff Manning)

Description

As part of the Periodic Rules Review Process, staff propose to transfer 15A NCAC 02B .0269 Riparian Buffer Mitigation Fees to the NC Ecosystem Enhancement Program and 15A NCAC 02B .0274 Nutrient Offset Payment Rates for the NC Ecosystem Enhancement Program to Subchapter 02R under a new Section .0600. This transfer would facilitate the use of the Administrative Code such that the fee schedules for funds administered by the NC Ecosystem Enhancement Program (NCEEP) are in the Subchapter that establishes the NCEEP and its funds, fee schedules and processes. The proposed amendments in 15A NCAC 02B .0269 serve solely to correctly reference the rules' citations to maintain accuracy after they are transferred pursuant to G.S. 150B-21.5 (a)(3).

Discussion

None

Motion

Dr. Rubin made a motion to proceed to the EMC to request the transfer of 15A NCAC 02B .0269 and 15A NCAC 02B .0274 to 15A NCAC Subchapter 02R per 26 NCAC 02C .0408. Dr. Raymond seconded the motion and the WQC unanimously approved the motion.

3. Rules Review Update – (Information Item) (Jeff Manning)

This item was added at the March 11, 2015 meeting

Description

To facilitate the legislatively required review of EMC's water quality related rules, the Division will hold 5 meetings starting in March 2015 through May 2015 for persons invited by the Department of Environment and Natural Resources to participate in the review process. At these meetings, the Division will brief stakeholders on the proposed rule re-drafts and receive their comments. The rule re-drafts will be posted on the Division's website 30 days prior to the scheduled meetings for stakeholders to review. Following these stakeholder meeting, the Division will present re-draft the rules to the WQC in the fall.

4. Update on Minimum Design Criteria for Stormwater Control – (Information Item) (Annette Lucas)

Description

Session Law 2013-82 (House Bill 480) requires the Department of Environment and Natural Resources (DENR) to convene a Minimum Design Criteria (MDC) Team that includes industry experts, engineers, environmental consultants, university faculty and other stakeholders. The purposes of the MDC Team are:

1. To consult with DENR in developing MDC that encompasses all requirements for siting, design, construction and maintenance of stormwater BMPs. The MDC shall be developed with the goal of generating state stormwater permits that comply with water quality standards. DENR shall submit its recommendations to the Environmental Review Commission by February 1, 2015.
2. To consult with the EMC in developing a fast-track permitting process for issuing state stormwater permits without a technical review when all BMPs comply with all MDCs and the permit application is prepared by a qualified individual. The EMC shall adopt a fast-track permitting rule no later than July 1, 2016.

The stakeholder team met the February 1, 2015 deadline for completion of the MDC. Staff summarized the design changes brought about by the MDC for each of the stormwater control measures. Staff presented the Division of Energy, Mineral and Land Resources's (DEMLR) plan for allowing applicants to begin using the MDC on a voluntary basis.

Discussion

Mr. Craven thanked the MDC team and the Division for their effort towards coming up with more innovative and longer lasting tools for the design of stormwater control measures. Also he asked that the MDC be disseminated to local stormwater management programs. Dr. Raymond asked whether this information is shared with other states. Ms. Lucas said the information is up on the DEMLR website for the public to view.

Motion

Not Applicable

5. Overview of the Water Supply Watershed Program – (Information Item) (Julie Ventaloro)

Description

The Division of Energy, Mineral and Land Resources staff provided an overview of the state's Water Supply Watershed Protection Program, including history, classification process, current requirements, and compliance.

Discussion

None

Motion

Not Applicable

Summary prepared by Division of Water Resources staff members: Heather Patt, Jeff Manning, Annette Lucas, and Julie Ventaloro.