

Action Item: 15-21

Request Approval to Proceed to Public Comment and Hearing on Proposed Amendments to 15A NCAC 2L .0106

Explanation:

As required by Session Law 2014-122 (the Coal Ash Management Act of 2014) the Environmental Management Commission (EMC) has reviewed its compliance boundary and corrective action rules in 15A NCAC 2L for clarity and consistency, and in November 2014 reported the results of that review to the Environmental Review Commission (ERC) by December 1, 2014. In the review, the Environmental Management Commission identified five clarity or consistency issues in Rule 15A NCAC 2L .0106 that require that rule to be revised and directed DWR to begin the process of permanent rulemaking to address these issues. In January 2015, the Groundwater and Waste Management Committee approved a revised rule to proceed to the full EMC.

The proposed rule and proposed revisions do not require a fiscal note. The proposed rule revision is intended to clarify existing rule language for the interested parties. It will not change the timeliness or extent of groundwater cleanups compared to current implementation of the existing rule, nor would it change the expenses incurred by the state or remediating parties.

Recommendation:

That the Commission approve the proposed rules to proceed to public comment and hearing and that the Chairman appoint a member of the Commission to serve as Hearing Officer.