

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

**November 4, 2015
Archdale Building-Ground Floor Hearing Room
1:00 PM – 2:00 PM**

BRIEF

The Water Quality Committee (WQC) of the Environmental Management Commission (EMC) at the November 4, 2015 meeting:

- approved the draft summary of the September 9, 2015 WQC meeting.
- approved to send proposed amendments to sections .0100 and .1000 of EMC’s stormwater rules (15A NCAC 2H) including the new Minimum Design Criteria” and a fast track permitting process to the EMC.
- heard an update on the rule review process as required by H74 for 15A NCAC Subchapters 02B, 02H, 02T, and 02U.
- heard the progress made on implementation of the EMC’s Agricultural rules for the Neuse and Tar-Pamlico River basins for 2014.

WQC Members in Attendance:

Mr. Steve Tedder, (WQC Chairman)
Mr. Gerard P. Carroll, (EMC Chairman)
Dr. Albert Rubin
Dr. Lawrence W. Raymond
Mr. Charles Elam
Mr. Thomas Craven
Mr. Kevin Martin

Others Present:

Ms. Jennie Hauser, Attorney General Office
Mr. Charles Carter, EMC
Mr. David Anderson, EMC
Mr. William “Bill” Puette, EMC
Mr. Jay Zimmerman, Division of Water Resources Director

I. Preliminary Matters:

None of the WQC members recused himself from making a decision on the action items on the November 4, 2015 WQC agenda.

II. Agenda Items

1. Request to Proceed to the Environmental Management Commission (EMC) with Proposed Amendments to Stormwater Rules including new “Minimum Design Criteria” and Fast-Track Permitting Process

Description:

Annette Lucas with the Division of Energy, Mineral and Land Resources requested the WQC’s approval to proceed to the EMC in January 2016 with proposed amendments to stormwater rules in Sections 15A NCAC 02H .0100 and 02H .1000. Amendments are proposed in accordance with G.S. 150B-21.3A which directs stage agencies to review and update their rules every 10 years. Proposed rules also include new “Minimum Design Criteria” and a Fast-Track Permitting Process required by S.L. 2013-82.

Discussion:

WQC Chairman Tedder commented: “That a five year sunset provision on an Authorization to Construct Permit (ATC) be put in the rules governing the Fast-Track Permitting Process before they are taken to full Commission.”

Motion:

Mr. Craven made a motion to approve DEMLR’s request and including the sunset provision for the ATC. The motion was seconded by Dr. Raymond seconded and unanimously approved by the WQC.

2. Status of Rules Review on 15A NCAC Subchapters 02B, 02H, 02T, and 02U

Description:

Jeff Manning with the Division of Water Resources gave an update on the status of the ongoing rule readoption process for 15A NCAC Subchapters 02B, 02H, 02T, and 02U.

Discussion:

Mr. Martin commented: “That the Isolated Wetlands Rules says that the EMC no later than March 1, 2016 will amend the 02H .1305 rules to establish the definition of coastal piedmont and mountain. How are we [EMC] going to do that?” Mr. Manning said one pathway could be to a request a technical correction to the general statute for the next session so that the date can be fixed. Staff added that they would be meeting with the WQC Chair to discuss how to move forward with incorporating the new legislative mandates.

Motion:

Not Applicable

3. Annual Progress Reports on the Neuse and Tar-Pamlico Agriculture Rules

Description:

John Huisman with the Division of Water Resources gave a presentation on the progress of the implementation of the EMC’s agriculture rules for the Neuse and Tar-Pamlico River basins for the crop year 2014. The presentation covered information about the framework of the implementation and the agriculture accounting methodology and best management practices.

Additionally, tables were presented to show estimated nutrient loss reductions from agriculture in these river basins (nitrogen loss – Neuse & Tar-Pamlico; phosphorus loss – Tar-Pamlico) from the respective baselines through 2014 and nitrogen losses relative to those reported for crop year 2013 for both river basins. The reports, required by the rules, showed cumulative nitrogen loss reductions of 46% and 51% from baseline through 2014 from agriculture in the Neuse and Tar-Pamlico, respectively. Relative to reductions reported last year, this equates to a 9% increase in nitrogen loss reduction in the Neuse and a 10% increase in reduction in the Tar-Pamlico Basin. The report explains that these increases in nitrogen loss reductions are primarily the result of cropping shifts to low nitrogen crops and adjustments to the types of crops entered into the accounting tool.

Discussion:

WQC Chairman Tedder requested that at the next WQC meeting DWR staff present information on conditions in the Neuse and Tar-Pamlico estuaries, such as legacy pollutants and non-point source management.

Motion:

Not Applicable

III. Closing Comments

Chairman Tedder

There were no closing comments by the WQC members.

Summary was prepared by Annette Lucas, Jeff Manning, John Huisman, and Adriene Weaver