

**NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION**

Minutes of the May 13, 2021 Meeting

The North Carolina Environmental Management Commission held a virtual meeting on Thursday, May 13, 2021. The EMC meeting audio and presentations were broadcast via the state web conferencing link posted on the EMC website at:
<https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>

Meeting called to Order: Dr. Stan Meiburg, Chairman

The meeting was called to order by teleconference at 9:01 a.m. with Chairman Meiburg presiding. He provided the notice required by N.C.G.S. § 138A-15(e).

Present: 14 – Dr. Stan Meiburg (Chairman), Dr. Suzanne Lazorick (Vice-Chair), David W. Anderson, Yvonne Bailey, Shannon Arata, Charles Carter, Donna Davis, Marion Deerhake, Pat Harris, Steve Keen, John McAdams, Maggie Monast, J.D. Solomon, Donald van der Vaart

Commissioner Gillespie did not attend.

Others Present: Commission Counsel Phillip T. Reynolds

I. Preliminary Matters

1. Approval of minutes from Commission meetings on March 11, 2021 (attached).

Chairman Meiburg asked if there were any other comments and for an approval of the minutes.

Commissioner Anderson made a motion to approve the minutes as per the discussion. **Commissioner Arata** seconded the motion. With no further discussion, **Chairman Meiburg** did a roll call and the motion passed.

II. Action Items

21-13 Request to Approve Appointments of Members to the Water Pollution Control System Operators Certification Commission Model Program

Steve Reid of the Division of Water Resources presented a request to the EMC for approval of the appointment of one new member, Steven M. Barry, and the reappointment of three members, Mr. Jonathan M. Russell, Mr. C. Kenneth Stines, and Dr. Albert Robert Rubin, to the Water

Pollution Control System Operators Certification Commission. Detailed biographical information of the appointees was included in your meeting information packages.

Commissioner Yvonne Bailey moved to approve the members nominated to the WPCSOCC, and **Commissioner John McAdams** seconded the motion. **Chairman Meiburg** did a roll call. The members voted to approve the appointments as presented.

Chairman Meiburg noted that the Commission was delighted again at the willingness of these distinguished North Carolinians to continue to serve on the certification commission.

21-14 Request Approval of Hearing Officers' Report on Adoption of Final Emission Guidelines for Existing Landfills (540)

Mr. Rahatul Ashique, Division of Air Quality, presented the hearing officer's report on the Adoption of Final Emission Guidelines for Existing Landfills and accompanying OSBM approved Fiscal Note to the Environmental Management Commission (EMC). This adoption will revise the municipal solid waste landfill rules, incorporating the final EPA Emission Guidelines for existing landfills.

Mr. Ashique highlighted key elements and the chronology of EPA rule actions for existing emissions guidelines for landfills. On August 29, 2016, the EPA finalized changes to the Standards of Performance for Municipal Solid Waste (MSW) Landfills. The EPA's review identified advances in technology and operating practices to reduce landfill gas emissions (LFG). The EPA promulgated a new subpart, 40 CFR Part 60, Subpart XXX, Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014. These updated standards were automatically adopted by incorporation through 15A NCAC 02D .0524, New Sources Performance Standards. In the same action, the EPA revised the emission guidelines 40 CFR Part 60, Subpart Cf, which applies to existing MSW landfills that accepted waste after November 8, 1987, and commenced construction, reconstruction, or modification on or before July 17, 2014. Mr. Ashique indicated that the EPA wanted to account for significant changes occurring in the landfill sector over time, including changes to the size of existing landfills, the industry practices regarding gas control methods, and implemented technologies. The Federal 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, will continue to apply to MSW landfills that commenced construction, reconstruction, or modification after May 30, 1991, and before July 17, 2014, until there is an approved state or federal plan that implements the emission guidelines in 40 CFR Part 60, Subpart Cf. On March 26, 2020, the EPA adopted changes to 40 CFR Part 60, Subpart Cf, where the EPA allowed impacted sources to demonstrate compliance with landfill gas controls and operating, monitoring, recordkeeping, and reporting requirements in the MSW Landfills National Emission Standards for Hazardous Pollutants (NESHAP).

North Carolina is required to develop, revise, and align air quality regulations and submit a state plan to the EPA for approval. The rules in Section 15A NCAC 02D .1700 were revised to implement the revisions to the Emission Guidelines for MSW Landfills. The rulemaking process timeline as presented for amendments to the landfill rules will result in an effective date of July 1, 2021.

A public hearing was held on March 24, 2021, for the comment period February 15 through April 16, 2021. Mr. Ashique noted that only one member of the public was present during the public hearing, and no comments were received during the hearing. He stated that only one comment from EPA was received during the comment period, which supported the proposed rule amendments with minor changes. EPA requested that the annual emission rate reporting following site-specific testing be clarified, that clarification of the Administrator responsibilities with respect to the review of the GCCS design plans be added, and that clarification to the procedures on how to submit performance test reports and annual reports be made. As a result of these comments, DAQ has incorporated the requested changes into the 02D .1700 MSW landfill rules enclosed in chapter II of the hearing report.

There were no questions for the presenter, and **Commissioner Meiburg** opened the floor for a motion. **Commissioner Harris** thanked the DAQ staff for their work and moved that the Commission approve the hearing report and adopt the rules as proposed. **Commissioner Bailey** seconded the motion. The motion was unanimously approved.

21-15 Request Approval of the Proposed Removal of the Swamp Classification and Proposed Removal of a Part of a Water Quality Management Plan for a Portion of the Cape Fear River in New Hanover and Brunswick Counties (Cape Fear River Basin)

Elizabeth Kountis, DWR Planning Section, recognized **Commissioner Monast** to provide opening comments on this item. **Commissioner Monast** reminded the members that the declassification at issue originated with a petition for rulemaking, which the Commission granted. **Commissioner Monast** also stated that the current classification had been disapproved by the EPA and the classification had not been implemented due to EPA's disapproval. She expressed that she viewed this matter as a technical change to bring the classification into alignment with the EPA's decision. She noted, however, that when this matter was first addressed by the Commission, there was significant interest in the broader context of the lower Cape Fear and what steps might be taken in the future. **Commissioner Monast** expressed her understanding that DWR staff had prepared some information on the next steps, and that staff could provide the information as part of the discussion after the presentation on the action item. **Commissioner Monast** also stated her intent to offer a motion after the presentation by staff.

Elizabeth Kountis presented the item to the Commission. Ms. Kountis reminded the Commission about the history of the proposed rulemaking and its location. She stated that a majority of tributaries to the involved Lower Cape Fear River segment are classified as Swamp. Tidal saltwater species in those waters include the federally endangered short nose sturgeon and Atlantic sturgeon, and the Marine Fisheries Commission designation of Primary Nursery Area, or PNA which received the High Quality Waters designation. There are eight NPDES permitted wastewater discharges to these waters and no known planned new NPDES wastewater discharges or expansions of existing NPDES wastewater dischargers that require permitting.

Ms. Kountis described the history of the associated rulemaking. In 2014, a Swamp reclassification request was submitted to the Division for these waters., and in 2016, the EMC adopted the Swamp classification and an associated management plan. The Swamp classification

allows, if caused by natural conditions, the pH of the subject waters to reach as low as 4.3 and the DO to be lower than 5 milligrams per liter. The management plan helps to implement the current permitting policy for new wastewater dischargers and expansion of existing wastewater dischargers with limits for oxygen consuming wastes similar to the limits for High Quality Waters. In 2018, EPA disapproved the Swamp classification and part of the management plan, and water quality standards including classifications, must be approved by EPA. In 2019, the EMC granted a petition to remove the supplemental Swamp waters classification and then approved initiation of rulemaking to remove the EPA disapproved Swamp designation and to remove the EPA disapproved portion of the management plan.

To assist the EMC in proceeding with the proposed rulemaking to remove the EPA disapproved supplemental Swamp designation and associated portion of the management plan, she presented a slide to the EMC that showed the Swamp reclassification language proposed to be removed from rule from 02B .0311. All of part (t) will be removed from this rule, and as a result, part (u) below it will be relabeled as part (t). She presented another slide that showed the portion of the management plan language proposed to be removed from 02B .0227. The “Sw” will be removed from this rule as well as all of Part C. As a result, “A through C” will become “A and B” in the last sentence of the introductory text of (2).

The fiscal analysis for the Swamp reclassification and management plan revealed no quantifiable cost or benefit, and thus removal of that reclassification and a portion of the management plan does not result in a quantifiable cost or benefit. The estimated effective date of this rulemaking is July 1 of 2021.

The recommended action was to approve the proposed removal of the Swamp classification from the portion of the Cape Fear River, as well as remove the associated water quality management plan.

The Chair recognized **Commissioner Monast** to make additional comments regarding this matter. **Commissioner Monast** thanked the staff for their work and expressed that it was her pleasure to serve as hearing officer for this matter. She also recognized and thanked **Commissioner Bailey**, who participated in the hearing and the meetings on this action. **Commissioner Monast** expressed her appreciation for staff’s flexibility and efforts in conducting the public hearings virtually due to the COVID-19 pandemic.

Commissioner Monast then moved that the EMC approve the proposed rulemaking for 15A NCAC 02B .0311 and 15A NCAC 02B .0227 in order to remove the Swamp classification and part of a water quality management plan for a portion of the Cape Fear River. **Commissioner Deerhake** seconded the motion.

Chairman Meiburg asked for discussion or questions. There were no further questions, and the Chair took a roll call vote. The motion passed unanimously, with **Commissioner Solomon** not voting.

Chairman Meiburg thanked **Commissioner Monast**. Ms. Kountis and the staff of the division for moving the item on through.

Counsel Reynolds stated that **Commissioner Solomon** was on and was unable to communicate because of technical difficulties.

Commissioner Keen thanked the staff for the report. He stated that there were two pieces of the lower Cape Fear that were unique. It was the only river in the state that emptied directly into the ocean. He stated that there was one place moving out of Southport up to Sunny Point, and there was a spot there and you could see 3 of the 8 light houses at one time in North Carolina.

21-16 Request for Approval of the 2022 303(d) Listing and Delisting Methodology

Chairman Meiburg introduced this item and noted that it was discussed the previous day at the Water Quality Committee. He also noted that this matter did not involve rulemaking and, therefore, was not subject to the Commission's bylaws related to the consideration of rulemaking matters. He also stated that the EMC's timely approval of the proposed action was an important element to keeping the state on track for complying with the Clean Water Act and meeting the April 1, 2022 303(d) submittal deadline.

Commissioner Deerhake stated that the Water Quality Committee did hear and approve this item to bring it to the Commission for a recommendation for approval.

Pam Behm, DWR from the Modeling and Assessment Branch commented that as **Chairman Meiburg** had mentioned they were there to request approval of the 2022 303d listing and delisting methodology. She reviewed the statute, timeliness, terminology and finished with the proposed updates to the 2022 methodology. She stated that staff were in the final stages of preparing the package for the 2020 list to send to EPA for approval. Usually, staff would wait for EPA approval of the previous list before moving forward to the next, but the reason they are doing all of this in the same group of meetings was that 2022 marks the fiftieth anniversary of the Clean Water Act and there is a nationwide push for all states to submit their 2022 303d list by April 1 of 2022. She stated that the methodology needed approval by both the Water Quality Committee and the EMC before guidance could be provided to third-parties (entities outside DEQ such as environmental groups and universities) on data submittal. Staff didn't receive a lot of third-party data for the 2020 list, as COVID seemed to have reduced third-party sampling. Staff is stepping up their efforts to reach out to third parties and make sure they understand the process and submit their data in a timely fashion.

Ms. Behm noted that staff had also been asked by the Water Quality Committee to provide updates, which she said the staff would include as part of its schedule. Ms. Behm also noted that staff hoped to provide the public with 60 days for review and comment, but that delays might allow less time. The goal is to get the 303d list to EPA on March 31, 2022. She stated that staff is recommending approval of the 2022 303d listing and delisting methodology.

Commissioner Deerhake stated that the Water Quality Committee heard this presentation and voted to bring a recommendation to the EMC for approval. She indicated that **Chairman Meiburg** made some very useful and helpful comments, and he might wish to share those again regarding the history of the EMC actions supporting this methodology and EPA's strong

receptiveness to today's clarification of the same design that the EMC approved in 2018 unanimously. As with any methodology, the Committee asked DWR to continue their dialogue with stakeholders and monitor the state of science to ensure the method remained current. She stated as a reminder, the EMC is not charged with approving the 303d list, and that that decision rested with the EPA.

Commissioner Deerhake moved that the Commission approve the proposed clarifications to the 2022 303d listing and delisting assessment methodology as presented. **Commissioner Harris** seconded the motion.

Chairman Meiburg complimented the work that was done by **Commissioner Deerhake** and former Water Quality Committee Chair, Dr. Rubin and staff, as well as **Commissioner Solomon** for his previous work on this matter.

Commissioner Solomon stated that this was very controversial when they passed it. He thanked Pam and Cam going back to the history and statistics. **Commissioner Solomon** asked Ms. Behm if she would still continue to put the integrated report out for public comment, to which she responded that she would.

Chairman Meiburg thanked **Commissioner Solomon** for the additional history and commentary. The Chairman then took a roll call vote, and the motion passed unanimously.

21-17 Request Approval of Hearing Officer's Report and Adoption of Temporary Rules 15A NCAC 02H .1401-1405 "Discharges to Federally Non-Jurisdictional Wetlands and Federally Non-Jurisdictional Classified Surface Waters" and Temporary Rule Amendments for 15A NCAC 02H .1301 "Discharges to Isolated Wetlands and Isolated Waters: Purpose and Scope"

Chairman Meiburg recognized **Vice-Chair Lazorick** to speak first as the hearing officer for this action item.

Vice-Chair Lazorick indicated that she served as the hearing officer and expressed appreciation to the staff and particularly to Sue Homewood for her work, especially fielding, collating and then responding to the many comments. Given the intense discussion by the Commission prior to this going to public comment, she was heartened by the robust and timely comments and interest from stakeholders. It really confirmed the level of concern from both the environmental and the regulated community.

Sue Homewood, DWR, was recognized by the Chair. She indicated she was asking for approval for the hearing officer report and to adopt temporary rules related to non-jurisdictional wetlands. She described the background and stated she had been before the Commission in March. Ms. Homewood explained that the rules were necessitated by a result of recent changes to the Clean Water Act federal jurisdiction for wetlands in certain landscape positions. The change resulted in a permitting gap in North Carolina for granting authorization to impacts those wetlands. The Division of Water Resources is proposing permitting rules to provide the necessary permitting mechanism to the regulated community. The Division developed the proposed temporary rules to

provide expedited relief and they propose those rules in consistency with existing isolated wetlands and waters rules for familiarity and ease of use. Many projects will fall under a proposed deemed permitted threshold and will likely be able to proceed without the need for application review and approval under the proposed temporary rule criteria. They have already begun a permanent rulemaking process with stakeholder involvement and are working towards a regulatory impact analysis. She indicated that without this permitting mechanism, proposed projects that need to impact these federally, non-jurisdiction of wetlands, that are not isolated will be unable to do so because right now there is no permitting mechanism or authority given to the Division of Water Resources for people to impact these wetlands. This includes projects such as roads, utilities, schools, agriculture, economic development projects. There are currently many projects on hold in planning, design or construction waiting for these rules.

Ms. Homewood discussed the revisions that they were proposing to the temporary rules as a result of the public comments. If the rule was adopted by the Commission as proposed, the rules would then go before the Rules Review Commission on May 20, which is the Thursday following the EMC's meeting. If the rules are approved by the Rules Review Commission, they would become effective on May 28. Ms. Homewood also stated that the Division was in the process of developing permanent rules because temporary rules expire 270 days after the effective date. Ms. Homewood then provided a schedule for the permanent rulemaking process. She also noted that the Division has held two stakeholder meetings, one each in April and May, and expected permanent rules to be proposed at the Water Quality Committee meeting in July. DWR is requesting that the EMC approve the hearing officer report and adopt the revised temporary rules as shown in the hearing officer report.

Chairman Meiburg recognized **Vice-Chair Lazorick**. She stated she was prepared to make a motion and that she believed each of the amendments responded appropriately to the commenter or question or request for clarification by the public.

Chairman Meiburg asked if there were questions from the Commissioners for Ms. Homewood. Hearing none the Chairman asked for the motion. **Vice-Chair Lazorick** moved that the Division or the EMC approved the hearing offices report, adopt the temporary rules 15A NCAC 02H Section .1400 Discharges to Federally Non-Jurisdictional Wetlands and Federally Non-Jurisdictional Classified Surface Waters .1401 through .1405, and temporary rule amendments to 15A NCAC 02H .1301 Dischargers to Isolated Wetlands and Isolated Waters, Purpose and Scope. **Commissioner Deerhake** seconded the motion.

After further discussion and questions, **Chairman Meiburg** thanked the Commissioners for their comments and asked if Counsel Reynolds wanted to comment because **Commissioner van der Vaart** had raised a legal issue. Counsel Reynolds stated that, in regard to whether the temporary rules met the requirements of statute with regard to need and "recent change," it appeared to him that the Commission had the authority and the appropriate basis and justification to adopt the temporary rules based on his research.

After more discussion, **Chairman Meiburg** called a roll call vote. Eight votes were cast in favor of the motion and two votes were opposed. The motion carried. The Chairman stated that this will proceed to the Rules Review Commission for their review. He thanked everyone for their

thoughtful deliberation and to Ms. Homewood, the staff and Division of Water Resources for continued outreach to stakeholders and recognizing that their work just got started because this means moving forward on the permanent rulemaking.

21-18 Request Approval to Proceed to Public Notice and Hearing with Proposed Amendments to 15A NCAC 02N “Criteria and Standards Applicable to Underground Storage Tanks” and Regulatory Impact Analysis

Ms. Ruth Strauss, Division of Waste Management was recognized to present this item. She requested the Commission’s approval to proceed to public comment and hearing on proposed amendments to 15A NCAC 02N. The proposed amendments to 15A NCAC 02N .0406, .0901(d), .0901(k) .0901(o), .0905(g) and .0906(e) would incorporate changes required by Session Laws 2018-114 and 2020-74. Before becoming permanent, the proposed rule amendments must proceed through legislative review after they are adopted. The Session Law provisions would expire once the permanent rules became effective.

A Regulatory Impact Statement was approved by OSBM on February 1, 2021.

The proposed amendments change the frequency of checking operability of overflow prevention equipment installed or replaced after November 1, 2007, from annual to every three years. The proposed amendments require the Department to accept all test methods and testing equipment approved by the Environmental Protection Agency, including the use of a testable drop tube, which is an overflow device. The proposed amendments allow double-wall spill buckets with mechanical liquid-detecting sensors to be installed on tanks that were installed prior to November 1, 2007. Prior to the Session Law, all spill buckets installed or replaced on or after November 1, 2007, had to have continuous electronic leaked detection sensors. The anticipated effective date sometime in September of 2022.

Commissioner Bailey moved to approve going to public comment and hearing and **Commissioner Carter** seconded by the motion. The motion passed unanimously. Staff was given permission to request a staff member to serve as a hearing officer.

III. Information Items

21-IF-08 Environmental Justice and North Carolina DEQ

Chairman Meiburg proceeded to information item 21-IF-08 on environmental justice in North Carolina and that this presentation was one of a great deal of interest for a long time on the part of the Commission. It was great to have this opportunity and he appreciated Jennifer being here to present to the Commission today.

Jennifer Mundt stated that she served as the agency’s Senior Policy Adviser. One of her responsibilities in this role was to lead DEQ’s Environmental Justice program. She outlined 4 main topics and covered them in the presentation, beginning with what was environmental justice and a little bit of its history. She stated that environmental justice (EJ) was defined by the U.S. Environmental Protection Agency as the fair treatment and meaningful involvement of all people, regardless of race, color or national origin, or income with respect to the development,

implementation and enforcement of environmental laws, regulations and policies. Fair treatment and meaningful involvement respectively are emphasized and are fundamental to the practice of EJ.

She stated why there was a need to address environmental justice, and to provide for fair treatment and meaningful involvement in the development, implementation and enforcement of environmental laws, regulations, and policies.

Two and a half years following the people of color environmental summit, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice. The purpose of the EO was to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations, with the goal of achieving environmental protection for all communities. The EO established a federal inter-agency working group on environmental justice, which is chaired by the administrator of EPA, and is comprised of the heads of the 11 departments or agencies as well as several White House officers.

Ms. Mundt stated that looking forward, they would continue to provide and offer training and presentations on environmental justice, Title 6, and how to use the community mapping system and EJ tool to folks internally as well as externally to stakeholders and organizations that request this assistance. They would continue to support and update and maintain our community mapping system and EJ tool. And I would just note that addressing environmental justice and its concepts extends beyond the reach of just our agency.

Ms. Mundt answered questions from the Commission and indicated that her contact information and her colleague, Renee Kramer's (Title 6 and EJ Coordinator) information was listed on the last slide of the presentation.

Chairman Meiburg indicated that environmental justice is a complex topic that affects many things that are in front of the department and the Commission from time to time. One of the key values of the presentation was simply to note that there were many different considerations that have to be taken into account. One of the great advantages of the different mapping tools was that it makes the invisible visible. As in so many other aspects of our social life right now, there are things that some of us by reason of background or lack of awareness, don't see that we should have seen. All the mapping tools and things that DEQ is doing now to help make the invisible visible are a real contribution. Thanks to everybody in the department for those efforts.

Chairman Meiburg asked if there were other questions from the commission. The Commissioners did ask questions and gave more comments in discussion with Ms. Mundt.

Chairman Meiburg stated that in the interest of time, if there were other questions that they follow up with Jennifer. He thanked Jennifer, for taking such a thorough review.

21-IF-09 Per- and Polyfluoroalkyl Substances (PFAS): A Look at Emerging and Legacy Contaminants and Human Health in NC's Cape Fear River Basin.

Chairman Meiburg indicated for the next information item the Commission was privileged to be joined by Dr David Collier from the Department of Pediatrics and Brodie School of Medicine, East Carolina University. He asked **Vice-Chair Lazorick** to introduce Dr. Collier.

Vice-Chair Lazorick stated that she was pleased to welcome her friend and colleague David Collier. He gave a version of this talk at a forum at ECU and given the relevance of Gen-X and PFOA and PFOS, and the work of this commission, she felt like it was a great informational item.

For the past 7 years, he's partnered with NC State in the Center for Human Health in the Environment, which has led to his participation in the research in PFAS exposure in the health in North Carolina, and he was recently funded to study the fate of the PFAS chemicals in the environment and their effects on both human and wildlife health.

Dr. Collier discussed Gen-X and other per- and polyfluoroalkyl substances, which are generally referred to as PFAS and they were going to look at the emerging and legacy contaminants, human health and North Carolina's Cape Fear River basin.

His main topics for discussion were describing what per- and polyfluoroalkyl substances were, identify some health effects of PFAS exposure and East Carolina University's, role in and the findings of North Carolina State University's Gen-X study, which is involving citizens in the Cape Fear River basin.

Because of the time constraints, **Chairman Meiburg** thanked Dr. Collier and asked if it would be possible for and if he was willing for people to reach out to him with specific questions? Dr. Collier replied, absolutely and gave his email address CollierD@ecu.edu.

Chairman Meiburg indicated that the slides had been posted to the website and expressed his appreciation to Dr. Collier and Dr. Lazorick. He thanked Dr. Collier for the very provocative and interesting presentation with a lot of background information on what was going on in a very complex area.

IV. Concluding Remarks

Chairman Meiburg indicated that although we normally return to directors for comments, in the interest time, he suggested that they do that by exception and that the concluding remarks are posted on the website. He would recognize any director that has something urgent to share. He thanked **Commissioner Carter** for stepping in at the last minute, when the previous hearing officer decided late in the process that he couldn't serve on the hearing for the Blue Ridge Paper permit.

Chairman Meiburg asked if there were any directors that wanted to speak on their prepared remarks.

Deputy Director, Michael Pjetra stated that he wanted to share that beginning in early to mid-March, residents in Southern Mecklenburg and Southwestern Union counties reported

experiencing intense sulfur, rotten egg odors. Through investigation and consultation with the South Carolina Department of Health and Environmental Control and US EPA and Mecklenburg County Air Quality. The North Carolina believes these reports were associated with emissions from the new NV container Board Facility that's located in Catawba South Carolina. Over 17,000 odor complaints from South Carolina and North Carolina had been lodged through South Carolina's online odor complaint tool as of yesterday. South Carolina DEAC is the lead environmental regulator for the facility and the US EPA is also conducting a multimedia investigation. The EPA's investigation is both inspections on-site and offsite monitoring. The North Carolina DAQ has established two community monitors, monitoring H2S emissions, one in Union County and one in Mecklenburg County. South Carolina DEAC issued an order to new NV on Friday, May 7 requiring the mitigation of activities at the facility and future community model monitoring. South Carolina DEAC approved the facility to restart an airstrip, or they had ceased using back in February. That air stripper controls five common states and that has come back online. As of this morning USEPA has issued a Clean Air Act Section 303 emergency order associated with the facility and that has been sent to the facility as well as a 114 information request letter. He just wanted to update the Commission on that regarding the numerous complaints that originated due to this facility.

Chairman Meiburg thanked Mr. Pjetra and asked any other directors who'd like to amplify their remarks as in the record. Hearing none he proceeded to hear from the Committee Chairs.

Commissioner Bailey stated on behalf of the Groundwater & Waste Management Committee, in the interest of moving along, she wasn't going to report anything.

Commissioner McAdams stated the Water Allocation Committee did not meet so no report.

The Chairman asked **Commissioner Arata** if there was anything else she wanted to report from the Air Quality Committee. **Commissioner Arata** indicated that Patrick Knowlson reminded her that meeting materials going back to 2012 had been posted to the Division of Air Quality Committee's webpage specifically.

Commissioner Deerhake stated that the Water Quality Committee did meet. They heard a request to proceed to the EMC with amendments for site specific chlorophyll ice, surface water quality standards for the High Rock Reservoir. They agreed to bring it to the Commission in July as presented. They had the 303d methodology that was heard today and an information on the 2020 integrated report 303d list.

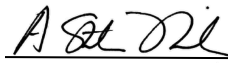
Vice-Chair Lazorick expressed appreciation for Dr. Collier's presentation and offered to collect questions for him if that would be easier for commissioners.

Commissioner van der Vaart pointed out that was one of the best presentations that the Commission has had. He hoped that the SAB could benefit from his expertise and that the Department could then take away from that which may be a way of trying to narrow down their attack from 8,000 some odd compounds to a much more manageable group.

Counsel Reynolds commented that he appreciated the discussion regarding the Commission's authority and welcomed the opportunity to talk to any member regarding that issue in an effort to answer the Commission's questions. He also noted that the Commission's decision to grant the Special Order by Consent to the City of Greensboro had been challenged by two petitioners, the Fayetteville Public Works Commission and the Haw River Assembly. He reminded the members that a "litigation hold memorandum" had been sent to each member with respect to that litigation and asked that the members be sure to review the memorandum and respond to him, as requested.

With no further business before the Commission, the **Chairman** adjourned the meeting at 2:00 p.m.

Approved this 9th day of September 2021.



Dr. A. Stanley Meiburg, Chairman
Environmental Management Commission