

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION  
GROUNDWATER AND WASTE MANAGEMENT COMMITTEE  
MEETING AGENDA**

**March 9, 2022**

**Archdale Building - Ground Floor Hearing Room**

**11:30 a.m. – 12:30 p.m.**

**Yvonne Bailey, Chair Presiding**

*This meeting will occur in the Ground Floor Hearing Room of the Archdale Building at 512 N. Salisbury St, Raleigh, NC. Commissioners, staff, and scheduled speakers will attend in-person. Limited seating will be available to the public. Face coverings are optional for employees and visitors. Meeting audio and presentations will be broadcast via the [state web conferencing link](#) posted on the [Environmental Management Commission \(EMC\) website](#).*

*In the event that the previously scheduled Committee meeting adjourns prior to the estimated adjournment time, the Groundwater and Waste Management Committee (GWWMC) meeting may be called to order by the GWWMC Chair fifteen minutes after the previous meeting adjourned.*

**I. Preliminary Matters**

**1. Call to Order and Notice of NCGS §138A-15**

**Chair Yvonne Bailey**

*General Statute §138A-15 mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Environmental Management Commission's Groundwater and Waste Management Committee. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.*

**2. Approval of [Summary from the GWWMC meeting on January 12, 2022](#)**

**II. Actions Items - None**

**III. Information Items**

**1. Overview of the Request for the EMC to Adopt Rule Text Modifications to 15A NCAC 02L .0202 Groundwater Quality Standards Made in Response to RRC's Objection Based upon Ambiguity**

(DWR) Bridget Shelton

The proposed amendments to 15A NCAC 02L .0202 Groundwater Quality Standards that were approved by the EMC in November 2021 were reviewed by the Rules Review Commission (RRC) at their February 17, 2022 meeting. The RRC objected to the rule due to clarity and ambiguity concerns. DWR has modified the text to 15A NCAC 02L .0202

Groundwater Quality Standards in response to satisfy this objection and is requesting approval of these rule text modifications by the EMC at their March 10, 2022 meeting.

#### PRESENTATION

Attachment A: [15A NCAC 02L .0202 Technical Changes](#)

Attachment B: [RRC Staff Opinion](#)

Attachment C: [RRC Objection Letter](#)

### **2. Status of Pending IMAC Requests Submitted to the Division of Water Resources - (DWR) Bridget Shelton**

DWR staff will give an update on the Interim Maximum Allowable Concentration (IMAC) requests that have been received and are pending.

Attachment A: [DWR Pending IMAC Requests](#)

### **3. Update on the Plan Required by SL 2021-165 (H951) for Financial Assurance for Decommissioning of Utility-Scale Solar Facilities (DEQ) Michael Scott**

The Department of Environmental Quality (DEQ) will give an update on the DEQ plan required by S.L. 2021-165 (H951) Section 3 to ensure that adequate financial resources will be available for the decommissioning of utility-scale solar projects. DEQ was required to submit this plan to the General Assembly for legislative action by March 1, 2022.

DEQ will also briefly summarize S.L. 2019-132 (H329), pertaining to utility-scale solar facilities and key portions of the January 2021 DEQ and EMC report required by S.L. 2019-132 (H329) titled “The Activities Conducted to Establish a Regulatory Program for the Management and Decommissioning of Renewable Energy Equipment” since these items are relevant to the DEQ plan for S.L. 2021-165 (H951).

#### PRESENTATION

Attachment A: [S.L. 2019-132 \(H329\)](#)

Attachment B: [S.L. 2019-132 \(H329\) Final Report \(January 2021\)](#)

Attachment C: [S.L. 2021-165 \(H951\)](#)

Attachment D: [S.L. 2021-165 \(H951\) Final Plan \(March 2022\)](#)

### **4. March 10, 2022, EMC Meeting Agenda Items**

*These items will be presented orally at the GWWMC meeting only if requested by a GWWMC member and the members approve the request as a group.*

- Request Approval to Proceed to Public Notice and Hearing on Amendments to 15A NCAC 02P “Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund” and the Regulatory Impact Analysis - (DWM) Wayne Randolph
- Request Adoption of Amendments to 15A NCAC 13B Rule .0832 “General Provisions” for Septage Management and Approval of the Hearing Officer’s Report and the Regulatory Impact Analysis - (DWM) Perry Sugg or Ed Mussler
- Request Approval to Proceed to Public Notice and Hearing on Amendments to 15A NCAC 13B Rules for C&D and MSW Landfill Facilities and the Regulatory Impact Analysis - (DWM) Sherri Stanley or Ed Mussler
- Request Approval of Hearing Officer’s Report for the Readoption of the 15A NCAC 02L .0100 “Groundwater Classification and Standards - General Considerations” - (DWR) Morella King
- Request for Adoption of Rule Text Modifications to 15A NCAC 02L .0202 Groundwater Quality Standards Made in Response to RRC's Objection Based upon Ambiguity - (DWR) Bridget Shelton (*see the overview of this EMC agenda item provided as information item #1 above*)

**5. Future Committee Interests**

**Chair Yvonne Bailey**

*Upcoming Agenda Items for the GWWMC expected May or July 2022 (subject to change):*

- Proposed Amendments of 15A NCAC 13A to add solar panels as a universal waste and to clarify hazardous waste requirements (DWM)
- Proposed Adoption of New Rules 15A NCAC 13B .2000 for CCR Landfills and Impoundments (DWM)

**6. Director’s Remarks**

**Michael Scott, DWM  
Danny Smith, DWR**

**IV. Closing Remarks**

**Chair Yvonne Bailey**

Adjournment March 9, 2022