

ANNUAL REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION

Covering the period from January 1, 2023 to November 9, 2023

Per the requirements of General Statute (G.S.) 143B-282(b), the Environmental Management Commission (Commission or EMC) submits this annual report on the EMC's operation, activities, programs, and progress for the period from January 1, 2023 to November 9, 2023. This report is drawn from agendas and actions published by the Commission. For more information, visit the [NC Environmental Management Commission webpage](#).

I. Overview

The Environmental Management Commission continued work on several issues of importance to the state.

PFAS – Addressing contamination of surface water and groundwater by per- and polyfluoroalkyl compounds continued to be a high priority for research and policy development. The EMC and its committees received several briefings on PFAS during 2023. However, no formal actions were taken by the Commission in 2023.

Other Emerging Contaminants –In March 2022, the EMC adopted a numerical water quality standard for 1,4-dioxane based on an existing narrative water quality standard for toxic substances. The EMC chose to litigate against the RRC rather than revising the rule. The issue, and the rule, remained in flux throughout 2023.

Nutrients – Excess nutrient loading continues to be a challenge across the state. Excess nutrients particularly affect water quality in lakes, reservoirs, and estuaries. Activities related to nutrients in 2023 were led by DEQ and are reflected in Section IV of this report. The EMC did not make any rules or management strategies related to nutrients in 2023.

Wetlands – A wetlands provision in the North Carolina Farm Act of 2023 (S.L. 2023-63) required the EMC to modify the definition of a wetland to meet Federal standards. Under Chair Solomon, the EMC is beginning the rule-making process per the statute. DEQ interprets the wetlands provision in the N.C. Farm Act of 2023 to eliminate the state isolated wetlands permitting program since it excludes all wetlands that are not in federal Clean Water Act jurisdiction from the definition of “waters of the state.”

Air Quality and Climate – In 2020, Clean Air North Carolina and the N.C. Coastal Federation petitioned the EMC to adopt a rule requiring large electric generating units in the state to participate in the **Regional Greenhouse Gas Initiative (RGGI)** as a means of reducing carbon emissions. RGGI requires reduction of carbon dioxide emissions from electric utilities using a market system of allowances. In 2021, Session Law 2021-165 (House Bill 951) assigned the 70% reduction goal to the Utilities Commission for implementation. In 2023, Session Law 2023-134 prohibited the EMC from adopting an allowance system to reduce carbon emissions. As a result, no further rulemaking activity has proceeded.

A 2022 Executive Order directed DEQ to start rulemaking for **Advanced Clean Trucks (ACT)**. Session Law 2023-134 also prohibited the adoption of additional emissions standards for new motor vehicles. Prior to the passage of this legislation, a fiscal note was developed by DEQ. The fiscal note was later certified by OSBM and posted online, but all further rulemaking activity has stopped in accordance with this legislation.

II. EMC Actions

[January 12, 2023 EMC Meeting](#)

Approved Proposed Rule Amendments, Regulatory Impact Analysis, and Proceeding to Public Hearing on the Amendments to Correct Errors Introduced During the Rule Readoption Process and Repeal of 15A NCAC 02D .0960 Part B

[Agenda Item 23-01]

The EMC approved the proposed rule amendments and regulatory impact analysis to correct errors during the rule readoption process and repeal of 15A NCAC 02D .0960 Part B. The EMC also approved proceeding to public hearing on these matters.

Approved Proceeding to Public Comment with Eleven Proposed Reclassifications in the Watauga River Basin to Class High Quality Waters (HQW) or Class Outstanding Resources Waters (ORW)

[Agenda Item 23-02]

The EMC approved proceeding to public comment with eleven proposed reclassifications in the Watauga River basin to Class High Quality Waters (HQW) or Class Outstanding Resource Waters (ORW). The four streams reclassified to HQW are Little Beaverdam Creek, West Fork Rube Creek, Stone Mountain Branch, and Craborchard Creek. The seven streams reclassified to ORW

are Green Ridge Branch, Harrison Branch, Dutch Creek, Shawneehaw Creek, Laurel Creek, Upper Laurel Fork, and South Fork Ellison Branch.

Adopted the Proposed Amendments to Laboratory Certification rule 15A NCAC 02H .0804
[Agenda Item 23-03]

The EMC adopted the proposed amendments to laboratory certification rule 15A NCAC 02H .0804 as recommended in the hearing officer's report.

March 9, 2023 EMC Meeting

Adopted an Amendment to Make a Technical Correction to a Citation in 15A NCAC 02L .0509
[Agenda Item 23-04]

The EMC adopted an amendment to make a technical correction to a citation in 15A NCAC 02L .0509. The correction was changing .0509(e) to .0509(f), which was a re-lettering error from 2019 when the 02L rules were adopted.

Approved the Hearing Officer's Report on Proposed Revisions to 15A NCAC 02D .0516, Sulfur Dioxide Emissions from Combustion Sources, and Approved the Regulatory Impact Analysis
[Agenda Item 23-05]

The EMC approved the rule change and the hearing officer's report on proposed revisions to 15A NCAC 02D .0516, sulfur dioxide emissions from combustion sources. The EMC also approved the regulatory impact analysis. The revisions were proposed to make it clear that the use of supplemental fuel beyond what is needed for combustion cannot be the means of complying with the sulfur dioxide standard in 15A NCAC 02D .0516. The US Environmental Protection Agency (EPA) recommended revising Subparagraph (b)(3) to clarify the determination of normal or permitted operation. The Division of Air Quality revised the subparagraph to remove the terms "normal or permitted operation."

Approved the Revised Updated Water Supply Watershed Protection Model Ordinance
[Agenda Item 23-06]

The EMC approved the revised updated Water Supply Watershed Protection Model Ordinance.

Approved the Proposed Reclassification of Teer Quarry and a Portion of Eno River in Durham County (Neuse River Basin) to Class WS-IV CA (Critical Area)

[Agenda Item 23-07]

The EMC approved the proposed reclassification of Teer Quarry and a portion of the Eno River in Durham County to Class WS-IV CA as described in the hearing officer's report.

Approved the Resolution from the Public Private Partnership Called for in the 2021 CHPP Amendment

[Agenda Item 23-08]

The resolution before the Commission originated from the stakeholder engagement for Collaborative Coastal Habitat Initiative, a stakeholder group formed as a recommendation of the Coastal Habitat Protection Plan (CHPP). As the CHHP Steering Committee received comments for the 2021 CHPP update, it encouraged some stakeholder groups to come together and submit recommendations. The group's recommendations were included in the revised CHPP as Appendix A. One recommendation involved creating a public-private partnership composed of the Department of Environmental Quality (DEQ or Department), the CHHP Steering Committee, and the stakeholder group. The topic of this resolution is a recommendation to encourage additional state funding for voluntary incentive programs to help landowners reduce nutrient impacts into surface waters and ultimately into coastal waters. The resolution requests increased state funding for programs such as agricultural cost sharing for water quality improvements, flood mitigation programs that have water quality benefits, and stormwater programs.

[May 11, 2023 EMC Meeting](#)

Approved Hearing Officer's Report on Proposed Revisions to Allow Electronic Submittal of Documents and Approved Regulatory Impact Analysis

[Agenda Item 23-09]

The EMC approved the hearing officer's report on proposed revisions allowing electronic submittal of documents. The EMC also approved the associated regulatory impact analysis.

[July 13, 2023 EMC Meeting](#)

Approved the Hearing Officer's Report on Proposed Amendments to Correct Errors Introduced During the Rule Readoption Process and Repeal of 15A NCAC 02D .0960 (Part B) and Approved the Regulatory Impact Analysis

[Agenda Item 23-10]

The EMC approved the hearing officer's report on proposed amendments to correct errors introduced during the rule readoption process and repeal of 15A NCAC 02D .0960 (Part B). The EMC also approved the regulatory impact analysis.

Approved the Hearing Officer's Report of Proceedings on Amendments to 15A NCAC 02B .0305 "Watauga River Basin" to Reclassify Surface Waters in the Watauga River Basin to Class High Quality Waters (HQW) or Class Outstanding Resource Waters (ORW) and Technical Changes for 15A NCAC 02B .0305

[Agenda Item 23-11]

The EMC approved the hearing officer's report of proceedings on amendments to 15A NCAC 02B .0305 "Watauga River Basin" to reclassify surface waters in the Watauga River Basin. The four streams reclassified to HQW are Little Beaverdam Creek, West Fork Rube Creek, Stone Mountain Branch, and Craborchard Creek. The seven streams reclassified to ORW are Green Ridge Branch, Harrison Branch, Dutch Creek, Shawneehaw Creek, Laurel Creek, Upper Laurel Fork, and South Fork Ellison Branch. The EMC also adopted technical changes for 15A NCAC 02B .0305. Those changes were address changes to DEQ offices, correction of index numbers, and addition of commas after certain dates. Details of those changes are [available online](#).

Approved Appointments of Members to the Water Pollution Control System Operators Certification Commission (WPCSOCC)

[Agenda Item 23-12]

The EMC approved the reappointments of Arnold Allred and Matthew Haynes to positions on the WPCSOCC. The new terms would become effective July 1, 2023 and expire on June 20, 2026.

[September 14, 2023 EMC Meeting](#)

There were no action items during this meeting.

[November 9, 2023 EMC Meeting](#)

Approved Nineteen Revised Local Programs for Neuse and Tar-Pamlico New Development Stormwater Implementation

[Agenda Item 23-13]

The EMC approved nineteen revised local programs for Neuse and Tar-Pamlico New Development Stormwater Implementation. For each jurisdiction, the EMC requested that the

Division of Water Resources' (DWR) written notification letter or email be transmitted to the town/county manager, the planning director, and DWR's local government contacts. This letter should advise local governments that their approved plan meets minimum requirements, but that DWR has not reviewed the plan against this year's adopted legislation. The letter should also list the new parts of the statute that DWR recommends they review against their ordinances. Those nineteen programs are:

Cary:	Cary Draft Local Program 2022 (nc.gov)
City of Durham:	Durham Neuse Draft Local Program 2022 (nc.gov)
Durham County:	Durham Co Draft Local Program 2022 (nc.gov)
Edgecombe County:	Edgecombe Co Draft Local Program 2022 (nc.gov)
Franklin County:	Franklin County Tar-Pamlico Draft Local Program 2022
Garner:	Garner Draft Local Program 2022 (nc.gov)
Goldsboro:	Goldsboro Draft Local Program 2022 (nc.gov)
Havelock:	Havelock Neuse Draft Local Program 2022 (nc.gov)
Kinston:	Kinston Draft Local Program 2022 (nc.gov)
New Bern:	New Bern Draft Local Program 2022 (nc.gov)
Orange County:	Orange Co Draft Local Program 2022 (nc.gov)
Oxford:	Oxford Draft Local Program 2022 (nc.gov)
Raleigh:	Raleigh Draft Local Program 2022 (nc.gov)
Rocky Mount:	Rocky Mount Draft Local Program 2022 (nc.gov)
Smithfield:	Smithfield Draft Local Program 2022 (nc.gov)
Wake County:	Wake Draft Local Program 2022 (nc.gov)
City of Washington:	Washington Draft Local Program 2022 (nc.gov)
Wayne County:	Wayne Co Draft Local Program 2022 (nc.gov)
City of Wilson:	Wilson Draft Local Program 2022 (nc.gov)

Approved the Fiscal Note and Approved Proceeding to Public Hearing on Amendments to 15A NCAC 02Q .0802, Gasoline Service Stations and Dispensing Facilities
[Agenda Item 23-14]

The EMC approved proceeding to public hearing on amendments to 15A NCAC 02Q .0802 regarding gasoline service stations and dispensing facilities. The EMC also approved the associated fiscal note.

III. Other EMC Activity

EMC vs. RRC Litigation

[\[May 11, 2023 EMC Meeting\]](#), Agenda Item 23-IF-01]

During the May 11, 2023, EMC meeting, Commissioner Harris made a motion that the Commission go into closed session pursuant to GS 143- 318.11(a)(3) to consult with Counsel about the Commission's action seeking judicial review of Rules Review Commission objections to the EMC's 1,4-Dioxane rules. Commissioner Weese seconded the motion. Chair Smith asked Ms. Thomas to call the roll and the vote was unanimously approved. Commissioner Harris made a motion to go back into open session and Commissioner Duggan seconded. After returning to open session, Counselor Reynolds stated for the record that the Commission went into closed session to discuss the EMC's request for judicial review of Rules Review Commission objections to the 1,4-Dioxane rules. The Commission took no votes related to the litigation update. Counsel Reynolds noted that the length of the closed session was extended because of technical difficulties linking Commission members into the closed session.

Wetlands Provision in the North Carolina Farm Act of 2023 (S.L. 2023-63)

[\[July 13, 2023 EMC Meeting\]](#), Agenda Item 23-IF-02]

During the July 13, 2023, EMC Meeting, Chair Smith asked DWR Director Rogers to brief the EMC on the wetlands provision in the recently passed NC Farm Act of 2023 ([S.L. 2023-63](#)). Director Rogers indicated that prior to the new legislation, DWR had a program to permit impacts to isolated wetlands in North Carolina. That program covered impacts to wetlands falling outside federal permitting jurisdiction under Section 404 of the Clean Water Act. DEQ interprets the wetlands provision in the N.C. Farm Act of 2023 to eliminate the state isolated wetlands permitting program since it excludes all wetlands that are not in federal Clean Water Act jurisdiction from the definition of "waters of the state." The Department is seeking additional guidance from federal partners and consulting stakeholders, but not issuing permits for isolated wetlands at this time.

Indicating that a formal motion probably isn't necessary, Chair Smith asked DEQ to come back to the EMC with the best advice the department has on the legal scope of the Farm Act provision and how it affects EMC rules. She also asked DEQ to develop some interim communication with property owners to remind them that there are other state laws (such as the Sedimentation Act) that are not affected by the Farm Act provision that will still apply to wetlands whether they are federally jurisdictional or not.

Director Rogers further clarified that in the past the state has only decided whether a wetland was regulated under state rules *after* the US Army Corps of Engineers (Corps) determined that

the wetland fell outside federal jurisdiction. At this time, the Corps is not doing federal jurisdictional determinations while EPA and the Corps develop jurisdictional guidance based on the *Sackett* decision. As a result, there is a backlog of projects waiting for jurisdictional determinations by the Corps.

Coastal Habitat Protection Plan Update

[[September 14, 2023 EMC meeting](#), Agenda Item 23-IF-03]

During the September 14, 2023, EMC meeting, Jimmy Johnson, Albemarle-Pamlico National Estuary Partnership (APNEP), and Anne Deaton, Division of Marine Fisheries (DMF), presented an update to the EMC regarding North Carolina's Coastal Habitat Protection Plan (CHPP). Mr. Johnson began with a history behind the plan and how it ties into the Fisheries Reform Act of 1997. He updated the EMC on the 5-year reviews and revisions, the most recent being an amendment to the 2016 CHPP. Mr. Johnson reviewed what information the CHPP was required to contain and how the three regulatory commissions were required to work together to implement the CHPP. He also reviewed the governance behind the CHPP with the CHPP Steering Committee and its makeup of two commissioners from the three commissions as well as the CHPP Team made up of agency staff.

Ms. Anne Deaton updated the EMC on the status of implementation matters. She also reviewed some of the past accomplishments of the CHPP including Coastal Stormwater rules, Oyster Restoration Strategic Habitat Areas, Living Shorelines and Habitat Mapping. Ms. Deaton reviewed the five Priority Actions found in the 2021 CHPP Amendment and where we are today implementing the following priorities: SAV Protection and Restoration through Water Quality Improvements, Wetland Protection and Restoration Through Nature-Based Solutions, Environmental Rule Compliance to Protect Coastal Habitats, Wastewater Infrastructure Solutions to Improve Water Quality, and Habitat Mapping and Monitoring to Assess Status and Trends. Ms. Deaton also explained the Stakeholder Engagement for Collaborative Coastal Habitat Initiatives (SECCHI), a Public-Private Partnership also recommended by the 2021 amendment.

Periodic Review and Expiration of Existing Rules

[[September 14, 2023 EMC meeting](#), Agenda Item 23-IF-04]

During the September 14, 2023, EMC meeting, Ms. Jennifer Everett, DEQ rulemaking coordinator, presented the Periodic Review and Expiration of Existing Rules process mandated by S.L. 2013-413. The Session Law requires all agencies to review its rules every 10 years. Specifically, rules need to be categorized as either necessary or unnecessary followed by a 60-day comment period. The EMC completed the first cycle by 2017 when the process began in 2014. Ms. Everett presented the schedule established by the Rules Review Commission of the

deadlines for this second cycle which begins in 2024. The first EMC rules on the schedule are the dam safety rules and will be presented at the November 2023 Water Quality Committee and then to the full EMC in January 2024.

Wetland Definition Discussion

[[September 14, 2023 EMC meeting](#), Agenda Item 23-IF-05]

Taylor Crabtree, an Assistant Attorney General with the NC Department of Justice, summarized written responses by the Department of Environmental Quality to questions in a memorandum from Chair Smith regarding the effect of [Session Law 2023-63](#) on the Commission's rules. In the memorandum, the Department was asked whether the definition change in the session law will affect the application of wetland water quality standards currently set forth in 15A NCAC 2B .0231. Mr. Crabtree explained that the Department's answer was yes. 2B .0231 sets standards for wetlands as that term is defined in 2B .0202. Because the session law changes the scope of the term wetlands under 2B .0202, it narrows the category of wetlands to which wetland standards apply.

Second, the Department was asked whether this legislation impacted regulatory coverage for isolated wetlands, including basins and bogs, that fall outside of federal Clean Water Act jurisdiction. Mr. Crabtree explained that the Department's answer was yes. The regulations for basins and bogs are found in 2H .1301 et seq. Like 2B .0231, those regulations also refer back to 2B .0202 for their definition of wetlands, and thus the change to the definition in 2B .0202 is automatically incorporated into the .1300 rules.

The Department was also asked if, because the 2H .1400 temporary rules also rely on the definition of wetlands found in 2B .0202, whether these rules are rendered unenforceable with respect to any wetlands that do not require a federal Clean Water Act permit. Mr. Crabtree explained that the Department's answer is that because S.L. 2023-63 limits the definition of wetlands to federally jurisdictional wetlands, there are no longer any wetlands to which 2H .1400 applies. Finally, the Department was asked whether the definition change will affect the implementation of other EMC rules. Mr. Crabtree explained that the Department's conclusion was that any other rule that relies on the definition of wetlands in 2B .0202 would likely be affected. Mr. Crabtree then addressed clarifying questions from certain Commissioners and the Commissioners discussed what future actions the Commission might need to take and when those actions should occur.

PFAS Water Quality Standards Rulemaking Updates

[[November 9, 2023 EMC Meeting](#), Agenda Item 23-IF-06]

PFAS are synthetic chemicals, including per- and poly-fluoroalkyl substances, used in consumer products such as food packaging, stain- and water-repellant fabrics, fire-fighting foam, non-stick products and more. PFAS can persist over long periods of time in water, soil, and other media, causing human health and environmental concern. Reproductive, developmental, liver, kidney and immunological effects have been documented.

The EMC received the following information related to the adoption of surface water and ground water quality standards for PFAS compounds where human health toxicity assessments have been published.

The U.S. Environmental Protection Agency (EPA) released a PFAS Roadmap in 2021 describing EPA's plan to address PFAS in the environment. North Carolina's experience addressing PFAS contamination in several parts of the state has helped DEQ develop priorities for its work on PFAS.

On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six PFAS including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). Through this proposed rule, EPA is leveraging the most recent science to limit PFAS to provide a health-protective level for these specific PFAS in drinking water.

DEQ provided a summary of drinking water systems in North Carolina including the quality of drinking water for over 9 million residents that are affected by PFAS. Based on the most current data collected by DEQ, it is estimated that about 40 percent of public water systems (PWS) receiving water from surface intakes exceed EPA's proposed drinking water standards. Twenty percent of PWS receiving source water from groundwater wells would not be meeting the proposed Federal standards. DEQ conveyed that EMC's consideration of setting surface water and groundwater standards would protect drinking water supply and reduce the clean-up burden for PWS.

The EMC received information on the rulemaking timelines and a summary of key milestones. Other DEQ staff presented information on the types of sources that are associated with PFAS releases to the environment. An extensive dialogue between the Commissioners and presenters allowed a variety of questions to be answered and increased the knowledge to support future consideration of PFAS standards.

Leadership Changes

[\[November 9, 2023 EMC Meeting\]](#)

During the November 9, 2023, EMC meeting, Commissioner Solomon was elected to the position of EMC Chair, and Commissioner Duggan was elected to the position of EMC Vice-Chair.

Wetland Definition Discussion

[November 9, 2023, EMC Meeting, Commissioner Comments]

Based on comments by Commissioners Baumgartner and Ellison, Chair Solomon requested that Commissioner Baumgartner develop a 2-page memo on what could and could not be done on the wetland issue. Chair Solomon encouraged Commissioner Baumgartner to seek advice from the two other commissioners with extensive wetlands experience (Ellison and Tweedy). Chair Solomon stated he would evaluate the memo by the January 2024 EMC meeting.

EMC vs. RRC Litigation

[November 9, EMC Meeting, No Agenda Item and No Discussion]

Counsel Reynolds informed Chair Solomon after the meeting that the EMC complaint had been re-filed. Chair Solomon learned the following week through court documents that past-Chair Smith had authorized the action on November 9, 2023, and the court filing did not occur until after Chair Solomon took office. Chair Solomon worked throughout the balance of November and December 2023 with the Attorney General's office to understand the issues and options. An information item is included in the January 2023 EMC agenda to bring the Commission up to speed.

IV. Nutrient Control Strategies Sections 2, 3, and 4 of S.L. 2005-190 (as amended by S.L. 2006-259, S.L. 2009-486, S.L. 2017-10, and S.L. 2018-5)

Session Law 2005-190, as amended, requires the EMC to identify any nutrient control criteria necessary to prevent excess nutrient loading in each drinking water supply reservoir and periodically report on monitoring and nutrient management strategies necessary to protect the drinking water supply reservoirs and their designated uses. This section is presented by reservoir.

Falls Lake Reservoir

The EMC is required to report its progress in adopting and implementing a nutrient control strategy to reduce excess nutrient loading to the Falls Lake water supply reservoir. Following an extensive stakeholder and rule-making process, the Falls Lake nutrient rules went into effect Jan. 15, 2011, and have been implemented accordingly since. Major reduction actions are being implemented over a 10-year first stage, with additional steps scheduled for a 15-year second stage. In July 2016, the General Assembly passed S.L. 2016-94, calling for an evaluation of the Falls and Jordan nutrient strategies, separating these rules from the rest of the periodic rules re-adoption process, and setting later rulemaking timelines. The legislation called on the University of North Carolina at Chapel Hill (UNC) to study the Jordan and Falls strategies and report recommendations to guide further rulemaking to the ERC, EMC and DEQ. Most recently, S.L. 2018-5 revised the due date for the Falls UNC Study to December 2023, and this report was received on December 20. This legislation also extended the deadline for initiating Falls rules re-adoption to December 31, 2024.

During the December 2022 - December 2023 period, DWR staff:

- Continued collaboration with the Upper Neuse River Basin Association (UNRBA) on their reexamination process of the Stage II rule requirements. This included providing technical input on the UNRBA's efforts to develop new lake, watershed, and statistical models for Falls Lake by the end of 2023. The UNRBA submitted the resulting report in December 2023.
- Participated in the UNRBA and UNC Collaboratory's 2nd Annual Joint Research Symposium in April 2023. The symposium provided updates on the ongoing studies and the re-examination of the Falls Lake Nutrient Management Strategy and provided technical stakeholders the opportunity to provide feedback and ask questions.
- Reviewed the first set of Interim Alternative Implementation Approach Reports submitted by Falls local governments to document their compliance with Stage I of the Existing Development Rule.
- Reviewed and provided comments on the UNRBA's updated Falls Lake Watershed Model Report.
- Attended model training sessions for the new Falls Lake Watershed and Lake models hosted by the UNRBA's modeling contractors in February and November 2023.

- Reviewed the Interim Update Report of the UNC Collaboratory’s multi-year Falls Lake study pursuant to Session Law 2016-94 section 14.13(c). The final report and recommendations are due to DWR in December 2023.

Jordan Lake Reservoir

Section 4 requires the EMC to report on progress toward developing and implementing a nutrient management strategy for reservoirs including Jordan Lake. After a several-year stakeholder process, the Jordan Lake rules went into effect in August 2009. Since then, there have been nine session laws that have revised or delayed the rules. Most recently, S.L. 2018-5 added a lake and watershed modeling component to the Collaboratory Study and extended the deadline for the EMC to initiate rules re-adoption to Dec 31, 2019.

During the December 2022 - December 2023 period, DWR staff:

- Filled the vacant Jordan nutrient strategy coordinator position and provided orientation and training.
- Developed a new timeline for Jordan rules readoption and planned, arranged, and conducted a joint stakeholder kickoff meeting with non-profit Jordan Lake One Water (JLOW).
- Participated in JLOW stakeholder meetings, including initial meetings of a subcommittee developing recommendations for Jordan rules readoption.
- Provided an update on the Jordan rules readoption process to the EMC Water Quality Committee during its November meeting.
- Obtained the contract close-out report from UNC-Charlotte Professor Jim Bowen on refinements completed for regulatory application purposes to the Jordan Reservoir nutrient response model. Refinements include use of additional data for improved calibrations, development of nutrient standards curves for both lake arms, peer review and revision. DWR staff also conducted an internal review of model products.
- Began planning with a contracted third-party neutral facilitation team for stakeholder engagement on the Jordan rules readoption process slated for 2024.

High Rock Lake Reservoir

A site-specific standard for chlorophyll-a for High Rock Lake was adopted by the Environmental Management Commission and Office of Administrative Hearing’s Rules Review Commission with an effective date of September 1, 2022. The US Environmental Protection Agency provided a decision document supporting the establishment of this site-specific standard dated December 7, 2022. A stakeholder engagement process began which is intended to inform nutrient strategy rule development for compliance with the chlorophyll-a standard.

During the December 2022 - December 2023 period, DWR staff:

- Conducted informal outreach with numerous individual stakeholders of various

- interest groups across the watershed, as well as members of the public.
- Contracted a third-party neutral facilitation team to guide Phase I of the stakeholder engagement process.
 - Worked with the facilitation team to form a Nutrient Strategy Steering Committee to oversee development of a report of recommendations for rulemaking.
 - Worked with the facilitation team to form Technical Advisory Groups to serve as technical experts on the issues of agriculture, riparian buffers, stormwater, and wastewater, and to provide rule concept recommendations to the Steering Committee.
 - Held meetings of the Steering Committee and Technical Advisory Groups twenty-nine times over the course of the year to develop regulatory proposals and gain stakeholder feedback.
 - Held two meetings for broader public stakeholders to report out ongoing work by the Steering Committee and Technical Advisory Groups and receive feedback and questions.

V. Closing

This report has been prepared based on the 2023 EMC agendas and meeting minutes. A more detailed description of this information can be found on the [EMC website](#).

To the best of my knowledge, the information contained in this report is accurate and complete.

JD Solomon, Chair, Environmental Management Commission