

ROY COOPER
Governor

MARY PENNY KELLEY
Secretary

RICHARD E. ROGERS, JR.
Director



December 1, 2024

MEMORANDUM

To: Environmental Review Commission
Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources
Senate Appropriations Committee on Agriculture
House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources

From: JD Solomon, Chair Environmental Management Commission
Richard Rogers, Director Division of Water Resources, Department of Environmental Quality

Re: Required Report in Accordance with SL 2024-44 Section 5.1(f)

The following report is the second quarterly report regarding the implementation of SL 2024-44 Sections 5.1(d) and 5.1(e).

SL 2024.44 5.1(d) – December 1, 2024 Report

In accordance with SL 2024-44, the Director of the Division of Water Resources and the Chair of the Environmental Management Commission submitted to Katie Butler, Region 4 Water Division Director of the U.S. Environmental Protection Agency (EPA), a letter on July 31, 2024, requesting EPA's comments on rule modifications proposed in the SL 2024-44 Section 5.1(d). **As of December 1, 2024, EPA has not responded.**

SL 2024.44 5.1(e) – December 1, 2024 Report

In accordance with SL 2024-44, the Director of the Collaboratory appointed 5 members to the work group who are actively or have worked in the fields of environmental regulation, wastewater regulation, water quality regulation, and wastewater treatment regulation. The Department in conjunction with the Collaboratory has held four meetings of the Wastewater General Permit Working Group ("Workgroup") on **August 26, 2024; October 3, 2024; October 30, 2024; and November 22, 2024.**

The Workgroup continues to work on a draft concept for an NPDES General Permit. Over the course of four meetings, the Workgroup has reviewed NPDES General Permits (NPDES GPs) from other states, discussed several of the challenges of developing a single NPDES GP for the entire state, and the size of Wastewater Treatment Plants (WWTPs) covered by an NPDES GP,



as well as how to engage nearby Publicly Owned Treatment Works (POTWs) in the permitting process.

At the November 22nd meeting, an NPDES GP concept was discussed that would limit the NPDES GP to systems discharging less than 500,000 gpd and would be issued for a specific region of the State. The permit concept discussed will not require any rule changes and will require a public comment process followed by EPA approval and review by the Environmental Management Commission's NPDES Committee. Currently, the Workgroup is moving forward to develop this concept into a draft NPDES GP for further review by the workgroup at its next meeting, scheduled for December 19, 2024. After its review of the draft NPDES GP, the Workgroup will invite EPA to its next meeting to solicit their informal comments.

Given the short timeframe to develop the NPDES GP, the current path forward is for workgroup to develop a regional NPDES GP that can be expanded to other regions of the state in the future. The workgroup has also discussed the value of having the General Assembly to provide funding for regional water quality modeling which will provide water quality data to have a better understanding of the assimilative capacity of the rivers and streams in the region covered by the NPDES GP which would simplify the modeling requirements for NPDES GP applicants.

