

# **NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**

**November 18, 2021  
9:00 a.m.**

## **EMC Agenda**

*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 required for employees and visitors. Meeting audio and presentations will be broadcast via the state web conferencing link posted on the Environmental Management Commission website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>*

## **EMC Chair Presiding**

### **I. Preliminary Matters**

#### **1. Call to Order**

North Carolina General Statute § 138A-15 mandates that at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under this Subchapter. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

#### **2. Approval of minutes from:**

- July 13, 2021 ([attached](#))
- September 9, 2021 ([attached](#))

### **II. Action Items**

- 1. [21-30](#) Request Approval to Proceed to Public Notice and Hearing on Amendments to 15A NCAC 13B Rule .0832 “General Provisions” for Septage Management**  
(DWM) Adam Ulishney

#### **[POWERPOINT PRESENTATION](#)**

Attachment A – Regulatory Impact Analysis and Rule Text

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- 2. [21-31](#) Request Approval of Hearing Officer’s Report, Regulatory Impact Analysis, and Adoption of Rule Amendments for 15A NCAC 02N “Underground Storage Tanks”**  
(DWM) Ruth Strauss

### **POWERPOINT PRESENTATION**

[Attachment A – 15A NCAC 02N Rule Text](#)

[Attachment B - Session Law 2018-114 Sections 19.\(a\)-\(e\) and 19.1\(a\)-\(e\), and Session Law 2020-74 Section 17.\(a\)-\(e\)](#)

[Attachment C - 15A NCAC 02N Impact Analysis](#)

[Attachment D - Hearing Officer's Report](#)

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3. **21-32** Request Approval of Hearing Officer's Report on Proposed Rule Re-adoptions to 15A NCAC 02E Water Use Registration and Allocation Rules  
(DWR) Linwood Peele/Gabrielle Chianese

### **POWERPOINT PRESENTATION**

[Attachment A – Hearing Officer's Report](#)

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4. **21-33** Request Approval of Hearing Officer's Report on Proposed Rule Amendments to 15A NCAC 02L .0202 Groundwater Quality Standards”  
(DWR) Bridget Shelton

### **POWERPOINT PRESENTATION**

[Attachment A – Hearing Officer's Report](#)

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5. **21-34** Request Review of Public Input and Request Approval of the 2021 Coastal Habitat Protection Plan  
(DMF) Jimmy Johnson/Anne Deaton

### **POWERPOINT PRESENTATION**

[Attachment A – CHPP 2021 Amendment Appendix C Written Public Comment](#)

[Attachment B – CHPP 2021 Amendment Final 20211029](#)

[Attachment C – CSC Meeting Minutes 10252021D](#)

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6. **21-35** Request for Approval to Proceed to Public Hearing on the Amendments to the Title V Rules, 15A NCAC 02Q .0103 and .0500 and Accompanying Regulatory Impact Analysis (553)  
(DAQ) Katherine Quinlan

### **POWERPOINT PRESENTATION**

[Attachment A – Title V Proposed Amendments](#)

Attachment B – Regulatory Impact Analysis

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7. **21-36** Request for Approval of Technical Corrections to 15A NCAC 02D .1204, Sewage Sludge Incineration Units (539)  
(DAQ) Patrick Knowlson

**POWERPOINT PRESENTATION**

Attachment A - Revised 15A NCAC 02D .1204

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8. **21-37** Request Approval of the 2021 White Oak River Basin Water Resources  
(DWR) Robin Hoffman

**POWERPOINT PRESENTATION**

Attachment A - 2021 Executive Summary White Oak River Basin

Attachment B - 2021 White Oak River Basin Water Resources Plan (NC DEQ):

<https://deq.nc.gov/about/divisions/water-resources/water-planning/basin-planning/water-resource-plans/white-oak/draft>

Attachment C - 2021 White Oak River Basin Public Comments and Responses

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9. **21-38** Petition for Declaratory Ruling, Optima TH, LLC  
Commission Counsel Phillip T. Reynolds

**POWERPOINT PRESENTATION** (TBD)

Attachment A – Optima’s Petition, Cover Letter, and 15 Exhibits

- A1 Exhibit 01 Optima’s Initial 2020 Air Permit Application
- A2 Exhibit 02 May 25, 2021, Optima Letter to DAQ
- A3 Exhibit 03 July 30, 2021, Optima Title V Air Permit Application
- A4 Exhibit 04 February 25, 2021, DAQ Air Permit Application Review for Optima
- A5 Exhibit 05 Air Permit No. 10673R00 to Optima TH May 4, 2021
- A6 Exhibit 06 July 28, 2021, Optima Notice Letter to DAQ with Attachments
- A7 Exhibit 07 June 29, 2021, DAQ Letter to Optima Counsel
- A8 Exhibit 08 August 19, 2021, DAQ Signed Incomplete Letter to Optima (deemed modification)
- A9 Exhibit 09 A-1
- A10 Exhibit 10 September 17, 2021, DAQ Response to Facility Compliance and Permitting Questions Optima TH 0900096
- A11 Exhibit 11 DAQ Instructions for 2Q0318 – Changes Not Requiring Permit Revisions
- A12 Exhibit 12 January 2021 Air Permit No. 10644R00 Issued to Align RNG, LLC - BF Grady Road
- A13 Exhibit 13 February 26, 2020, Align BF Grady Road Air Quality Permit Application
- A14 Exhibit 14 January 17, 2020, DAQ Letter to Align

A15 [Exhibit 15 January 5, 2021, DAQ Application Review Align BF Grady Road](#)

[Attachment B – DAQ’s Initial Completeness Response \(October 18<sup>th</sup>\)](#)

[Attachment C – Optima’s Completeness Reply and Updated Attachment 6 \(October 25th\)](#)

[Attachment D – Chair’s Completeness Decision](#)

[Attachment E – DAQ’s Brief in Response to Petition](#)

[Attachment F – 10.25. Optima Letter to DAQ’s 10.18.21 Letter to Chairman Meiburg](#)

[Attachment G – Updated Exhibit 6 – July.28.2021 Optima Notice Letter to DAQ with attachments](#)

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**10. [21-39](#) Haw River Assembly and Fayetteville Public Works v. NCEMC and The City of Greensboro (OAH Case Nos. 21 EHR 01770 and 01771) – (Closed Session)**

Commission Counsel Phillip T. Reynolds

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### **III. Concluding Remarks**

By Directors ([Comments](#))

By Committee Chairs

By Commission Members

By Counsel

By Chairman

Adjournment 11-18-2021