

# **Report to the North Carolina General Assembly's Environmental Review Commission**



## ***Environmental Management Commission Annual Report***

**January 1, 2026**

**Submitted by the North Carolina Department of Environmental Quality  
On Behalf of the Environmental Management Commission**

**Pursuant to G.S. 143B-282(b)**

## 2025 ANNUAL REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION

Covering the period from January 1, 2025 to November 13, 2025

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, 2025 to November 13, 2025. This report is drawn from agendas and actions published by the Commission. For more information, visit the [NC Environmental Management Commission webpage](#) or consult the meeting minutes, which are available online via the links in Section II for each EMC meeting.

### I. Overview

The Environmental Management Commission continued work on several issues of importance to the state. These are six of the top issues that received the most public interest in 2025.

**PFAS** – The EMC approved the rules for three PFAS chemicals (PFOS, PFOA, and GenX) in groundwater.

The EMC continued a two-pronged approach for PFAS rules in surface water. Addressing PFAS through Monitoring and Source Minimization Plans was approved by the Water Quality Committee in November 2025. The proposed rules will be considered for going to public comment by the full EMC in January 2026. The longer-term approach includes meeting with US Food and Drug Administration to verify and align data for quantitative water quality standards. A conference call was conducted in August 2025 with the FDA; however, the new administration was still considering actions and the federal government shutdown in latter Fall 2025 delayed further follow-up.

**1,4 Dioxane** – Similar to PFAS, the other contaminant of emerging concern that is being considered by the EMC is 1,4 Dioxane. The EMC continued a two-pronged approach for 1-4 Dioxane rules in surface water. Addressing 1,4 Dioxane through Monitoring and Source Minimization Plans was approved by the Water Quality Committee in November 2025. The proposed rules will be considered for going to public comment by the full EMC in January 2025. The longer-term approach of developing quantitative water quality standards will continue in 2026, with the primary issue being reevaluation at the federal level and pending court cases.

**Nutrients** –The EMC finalized new Tar-Pamlico rules in 2025. The EMC began receiving updates relative to stakeholder processes and studies related to Falls, Jordan, and High Rock Lakes. In addition, the EMC heard updates on potential clarity standards for coastal waters and transfer-factors update related to nitrogen credit trading in the Neuse River Basin.

**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. The EMC completed the rulemaking in 2025. It is noted that the statute made the changes in law and they are in effect until the new rule was approved.

**Water Interbasin Transfer**—The Interbasin transfer requested by Fuquay-Varina began the public hearing phase for the Environmental Impact Statement (EIS) in late 2025 and will be completed in 2026. Subsequent steps will be executed in 2027 before a potential IBT certificate can be issued. Separate IBT requests from Charlotte Water and the town of Mooresville are on-going. The next step for Mooresville is submittal and approval of the EIS. Charlotte water is waiting for additional studies to be completed and its EIS is not likely to be submitted until calendar year 2027.

**Rule Review and Readoption** – The new cycle continued throughout 2025. The Rules Review Commission is on track with scheduling all of the EMC's rules. The first rules review and readoption of the new cycle is expected in January 2026.

Looking forward to calendar year 2026, PFAS, 1,4 Dioxane, nutrient management strategies, IBTs, and rules review and readoption will dominate the EMC's activities. Other potentially controversial issues include the rulemaking for allowance of domestic wastewater discharge to low-flow and zero-flow streams (per session law) and potential modifications at the federal level to provisions of the Clean Air Act. The EMC will also continue to address lessons learned from the Hurricane Helene Recovery efforts.

## II. EMC Actions

### January 9, 2025 Meeting

**Approved Proceeding to Public Notice with the Periodic Review of Existing Rules Reports for 15A NCAC 02L, 02N, 02O and 02P**  
[Agenda Item 25-01]

The EMC approved to proceed to public notice with the Periodic Review of Existing Rules Reports for 15A NCAC 02L, 02N, 02O and 02P.

**Approved the Final Determinations and Response to Public Comments for the Periodic Review of Rules Report for 15A NCAC Subchapter 02R -Division of Mitigation Services**  
[Agenda Item 25-02]

The EMC approved the final determinations and responses to public comments for the Periodic Review of Rules Report for 15A NCAC Subchapter 02R.

**Approved the 30-day Waiver and Approved Proceeding to Public Comment on the Initial Determinations regarding the Periodic Review of Existing Rules Report for 15A NCAC 02I**  
[Agenda Item 25-03]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved proceeding to public comment with the initial determinations regarding the Periodic Review of Existing Rules Report for 15A NCAC 02I.

**Approved the Hearing Officer's Report on Amendments to 15A NCAC 02D .0410, PM2.5 Particulate Matter, and final approval of Regulatory Impact Analysis (562)**  
[Agenda Item 25-04]

The EMC approved the Hearing Officer's Report and Regulatory Impact Analysis for amendments to 15A NCAC 02D .0410, PM2.5 Particulate Matter.

**Approved Proceeding to Public Notice and Hearings with Proposed Triennial Review Amendments to Select Rules in 15A NCAC 02B .0200**  
[Agenda Item 25-05]

The EMC approved to proceed to public notice and hearing with the proposed amendments to 15A NCAC 02B .0219 and .0226 and the associated Regulatory Impact Analysis as part of the 2023-2025 Surface Water Triennial Review.

**Approved the Hearing Officer's Report of Proceedings for Adoption of the Proposed Revisions to the Yadkin-Pee Dee River Basin Rule, 15A NCAC 02B .0309, and final approval of the Associated Regulatory Impact Analysis**  
[Agenda Item 25-06]

The EMC approved the Hearing Officer's Report of Proceedings and the associated Regulatory Impact Analysis and adopted the proposed revisions to the Yadkin-Pee Dee River Basin Rule, 15A NCAC 02B .0309.

**Approved Proceeding to Public Notice with the Periodic Review of Existing Rules Reports for 15A NCAC 02G**  
[Agenda Item 25-07]

The EMC approved to proceed to public notice with the Periodic Review of Existing Rules Report for 15A NCAC 02G.

**Approved the 30-day Waiver and Approved the Schedule for Readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02B, 02H, 02T and 02U**  
[Agenda Item 25-08]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02B, 02H, 02T and 02U.

**Approved the 30-day Waiver and Approved the Schedule for Readoption as part of the Periodic Review of Existing Rule for 15A NCAC 02K**  
[Agenda Item 25-10]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rule for 15A NCAC 02K.

**Review and Consideration of Amendments to the EMC Bylaws**  
[Agenda Item 25-11]

Following an overview given by Counsel Young of the proposed amendments to the EMC bylaws to comply with current statute, the EMC approved the amendments to the EMC bylaws.

**March 13, 2025 Meeting**

**Approved the Hearing Officer's Report and Final Approval of Regulatory Impact Analysis for Rule Amendments to Permit Review Timelines and Definitions Pursuant to Session Law 2023-134, Section 12.11(a)-(c), as amended by Session Law 2024-1, Section 4.13 (564)**  
[Agenda Item 25-12]

The EMC approved the Hearing Officer's Report, the Regulatory Impact Analysis, and adopted the amendments to 15A NCAC 02Q .0303, .0304, .0305, .0312, .0503, .0505, .0507, .0515 and .0525 pursuant to Session Law 2023-134, Section 12.11(a)-(c), as amended by Session Law 2024-1, Section 4.13.

**Approved the 2024 Broad River Basin Water Resources Plan**  
[Agenda Item 25-13]

The EMC approved the 2024 Broad River Basin Water Resources Plan. The EMC also approved a motion that the Department return with a presentation at the July EMC meeting to update the Commission on continued assessments and again at the November EMC meeting with a more detailed assessment.

**Approved the Hearing Officer's Report of Proceedings for Adoption of the Proposed Amendments to 15A NCAC 02T .0114 and 15A NCAC 02T .0118 pursuant to SL 2023-55, SL 2023-134, and SL 2023-137, and Final Approval of the Associated Regulatory Impact Analysis [Agenda Item 25-14]**

The EMC approved the Hearing Officer's Report, the Regulatory Impact Analysis, and adopted the amendments to 15A NCAC 02T .0114 and 15A NCAC 02T .0118 pursuant to Session Law 2023-55, Session Law 2023-134, and Session Law 2023-137.

**Approved to Proceed to Public Notice and Hearing with Proposed Amendment to 15A NCAC 02B .0202 and Associated Regulatory Impact Analysis pursuant to SL2023-63 [Agenda Item 25-15]**

The EMC approved to proceed to public notice and hearing for the proposed amendment to 15A NCAC 02B .0202 and the associated Regulatory Impact Analysis pursuant to Session Law 2023-63.

**Approved Sending to the Rules Review Commission (RRC) a Request to Reschedule the 15A NCAC 02A Reports for Earlier Review as Part of the Periodic Review and Expiration of Existing Rules**

[Agenda Item 25-16]

The EMC approved sending to the RRC a request to reschedule the 15A NCAC 02A Reports for Earlier Review as part of the Periodic Review & Expiration of Existing Rules.

**May 8, 2025 EMC Meeting**

**Approved Proceeding to Public Comment and Hearing on Proposed Revisions to 15A NCAC 02D .1904, Air Curtain Incinerators, and 15A NCAC 02Q .0810, Air Curtain Burners, and Fiscal Note (567)**

[Agenda Item 25-17]

The EMC approved proceeding to public comment and hearing on the proposed revisions to 15A NCAC 02D .1904, Air Curtain Incinerators, and 15A NCAC 02Q .0810, Air Curtain Burners, and the associated fiscal note.

**Approved Proceeding to Public Comment on Agency Determination Reports for Periodic Review of Rules in 15A NCAC 02D and 02Q (568)**

[Agenda Item 25-18]

The EMC approved proceeding to public comment on the Agency Determination Reports for Periodic Review of Rules in 15A NCAC 02D and 02Q.

**Approved the Schedule for Readoption as Part of the Periodic Review of Existing Rules for  
15A NCAC 02S**  
[Agenda Item 25-19]

The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02S.

**Approved the Amendments to the Tar-Pamlico Wastewater Discharge Requirements Rule  
(15A NCAC 02B .0733)**  
[Agenda Item 25-20]

The EMC approved the Hearing Officer's Report and the associated Regulatory Impact Analysis and adopted the amendments to 15A NCAC 02B .0733, the Tar-Pamlico Wastewater Discharge Requirements Rule.

**Approved the Water Supply Watershed Program Joint Resolution between by Moore County and the Town of Southern Pines, dated October 1, 2024, to transfer rights for 5/70 Density Option Allocation within the Little River (Intake No. 2) Water Supply Watershed from the County of Moore, North Carolina, to the Town of Southern Pines**  
[Agenda Item 25-21]

The EMC approved the October 1, 2024 Joint Resolution to transfer rights for 5/70 Density Option Allocation within the Little River (Intake No. 2) Water Supply Watershed from the County of Moore, North Carolina, to the Town of Southern Pines for the future development and expansion of existing Continuing Care Retirement Communities, Bell Meade and Penick Village, located within the Town's zoning jurisdiction and within the Little River Intake Number 2 watershed.

**Approved Proceeding to Public Hearing with Proposed Amendments to Laboratory Certification Rule 15A NCAC 02H .0804 to Add Additional Parameters**  
[Agenda Item 25-22]

The EMC approved to proceed to public notice and hearing with the proposed amendments to the Laboratory Certification Rule 15A NCAC 02H .0804 and the associated Regulatory Impact Analysis.

**July 10, 2025 EMC Meeting**

**Election of Vice-Chair**  
[Agenda Item 25-23]

The EMC elected Commissioner Joe Reardon as Vice-Chair through November 2025, following a nomination by Commissioner Bumgarner and unanimous support.

**Approved Appointments of Members to the Water Pollution Control System Operators Certification Commission (WPCSOCC)**  
[Agenda Item 25-23a]

The EMC approved one new appointment (Alan Moore) and two reappointments (Marchell Adams-David and Martha E. Groome) to the Water Pollution Control System Operators Certification Commission. Their new terms would become effective July 10, 2025 and expire on June 30, 2028.

**Approved the Final Determinations for the Periodic Review of Existing Rules for 15A NCAC 02L, 02N, 02O, and 02P**  
[Agenda Item 25-24]

The EMC approved the final determinations for the Periodic Review of Existing Rules for 15A NCAC 02L, 02N, 02O, and 02P.

**Approved the 30-Day Waiver on Proposed Rules and Regulatory Impact Analysis to Incorporate the Pre-Permitting Construction Activity Provisions of Session Law 2023-134, Section 12.11(e)-(g) as amended by Session Law 2024-1, Section 4.13 (566)**  
[Agenda Item 25-25]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws.

**Approved to Proceed to Public Comment and Hearing on Proposed Rules to Incorporate the Pre-Permitting Construction Activity Provisions of Session Law 2023-134, Section 12.11(e)-(g) as amended by Session Law 2024-1, Section 4.13, and the Accompanying Regulatory Impact Analysis (566)**  
[Agenda Item 25-26]

The EMC approved the proposed rule 15A NCAC 02Q .0114 and the proposed amendments to 15A NCAC 02Q .0501 and .0507, and the associated Regulatory Impact Analysis to proceed to public comment and hearing as mandated by Session Law 2023-134, Section 12.11(e)-(g) as amended by Session Law 2024-1, Section 4.13.

**Approved the Final Determinations regarding the Periodic Review of Existing Rules Report for 15A NCAC 02I**  
[Agenda Item 25-27]

The EMC approved the final determinations for the Periodic Review of Existing Rules Report for 15A NCAC 02I.

**Approved the 30-day Waiver and Approved to Public Comment on the Initial Determinations regarding the Periodic Review of Existing Rules Report for 15A NCAC 02A**  
[Agenda Item 25-28]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved proceeding to public comment on the initial determinations regarding the Periodic Review of Existing Rules Report for 15A NCAC 02A.

**Approved the Final Determinations for the 2024 Periodic Review of Rules Report for 15A NCAC 02G**

[Agenda Item 25-29]

The EMC approved the final determinations for the 2024 Periodic Review of Rules Report for 15A NCAC 02G.

**Approved the Schedule for Readoption for the Periodic Review and Expiration of Existing Rules 15A NCAC 02R**

[Agenda Item 25-30]

The EMC approved the schedule for readoption for the Periodic Review of Existing Rule 15A NCAC 02R.

**Approved the Revised Amendments to the Tar-Pamlico Wastewater Discharge Requirements Rule (15A NCAC 02B .0733)**

[Agenda Item 25-31]

John Huisman with DWR presented an update on the Tar-Pamlico wastewater discharge requirements rule 15A NCAC 02B .0733. The RRC objection to the 15A NCAC 02B .0733 was addressed. The rule was revised to reference permits instead of including individual permit limits in the rule text and the Regulatory Impact Analysis was updated.

The EMC adopted the revised amendments to 15A NCAC 02B .0733 and the updated Regulatory Impact Analysis to satisfy the RRC objection and approved the changes to proceed to public comment should the RRC determine that additional public notice and comment are required.

**Approved the 30-day Waiver and Approved Proceeding to Public Notice and Hearing with the Proposed Rule Amendments to 15A NCAC 02B .0206 and 02H .0107 and Associated Regulatory Impact Analysis**  
[Agenda Item 25-32]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved proceeding to public notice and hearing with the rule amendments to 15A NCAC 02B .0206 and 02H .0107 regarding the allowance of domestic wastewater discharge to zero-flow streams, and the associated Regulatory Impact Analysis.

September 11, 2025 EMC Meeting

**Approved the Final Agency Determination Reports for Periodic Review of Rules in 15A NCAC 02D and 02Q (568)**

[Agenda Item 25-33]

The EMC approved the final determination for Periodic Review of Rules Reports for 15A NCAC 02D and 02Q.

**Approved the Hearing Officer's Report and Adopted 15A NCAC 02B .0202 as amended pursuant to SL2023-63**

[Agenda Item 25-34]

The EMC approved the Hearing Officer's Report and adopted 15A NCAC 02B .0202 as amended to align the state's wetlands definition with the federal "waters of the United States" definition, as mandated by Session Law 2023-63.

**Approved the Hearing Officers' Report, Regulatory Impact Analysis, and Adopted the Rule Amendments for 15A NCAC 02L .0202 Groundwater Quality Standards**

[Agenda Item 25-35]

The EMC approved the Hearing Officers' Report and the Regulatory Impact Analysis and adopted the rule amendments for 15A NCAC 02L .0202 Groundwater Quality Standards to establish groundwater standards for three PFAS: PFOA, PFOS, and GenX.

**Approved the Hearing Officer's Report of Proceedings and Adopted the 2023-2025 Surface Water Quality Standards Triennial Review amendments to 15A NCAC 02B .0219 & .0226**

[Agenda Item 25-36]

The EMC approved the Hearing Officers' Report and the Regulatory Impact Analysis and adopted the 2023-2025 Surface Water Quality Standards Triennial Review amendments to 15A NCAC 02B .0219 and .0226.

November 13, 2025 EMC Meeting

**Approved the Hearing Officer's Report, Regulatory Impact Analysis, and Adopted the Rule Amendments of 15A NCAC 02H .0804**

[Agenda Item 25-39]

The EMC approved the Hearing Officers' Report and the Regulatory Impact Analysis and adopted the rule amendments for 15A NCAC 02H .0804 Laboratory Certification rule to add additional parameters to the list of Certifiable Parameters.

**Approved the 30-Day Waiver and Approved the Schedule for Readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02I**  
[Agenda Item 25-40]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02I.

**Approved the Final Determination Report as part of the Periodic Review of Existing Rules for 15A NCAC 02A**  
[Agenda Item 25-41]

The EMC approved the Final Determination Report as part of the Periodic Review of Existing Rules for 15A NCAC 02A.

**Approved the 30-Day Waiver and Approved the Schedule for Readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02G**  
[Agenda Item 25-42]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02G.

**Approved the 30-Day Waiver and Approved the Schedule for Readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02L, 02N, 02O, and 02P**  
[Agenda Item 25-43]

The EMC approved waiving the 30-day requirement between rulemaking actions in the EMC by-laws. The EMC approved the schedule for readoption as part of the Periodic Review of Existing Rules for 15A NCAC 02L, 02N, 02O, and 02P.

### **III. Other EMC Activity**

**Falls Lake Rules Update**  
[January 9, 2025 EMC Meeting, Agenda Item 25-IF-01]

John Huisman with the Division of Water Resources (DWR) presented an update on the Falls Lake Rules readoption process. He provided an overview of the Falls Lake watershed nutrient strategy rules, including the implementation of the nitrogen and phosphorus reduction requirements and the adaptive management approach for these requirements. He covered the collaboration between DWR, the Upper Neuse River Basin Association (UNRBA), and its member local governments to refine rule revision concepts and draft rule language.

Forrest Westall with the UNRBA then presented an overview of UNRBA's reexamination efforts of Falls Lake. He provided an overview of the watershed and discussed the data from the organization's water quality monitoring study conducted between 2012 and 2022. He emphasized the interest in cooperation and collaboration with the Division.

Mr. Huisman then presented the readoption timeline. The Commission discussed this matter further and Mr. Huisman and Mr. Westall answered questions from the Commissioners.

**Discussion of the Recommendation to Initiate Rulemaking to Establish Groundwater Quality Standards for Bentazon, Boscalid, Fluometuron, and Metolachlor in Place of the Established IMACs**

[January 9, 2025 EMC Meeting, Agenda Item 25-IF-02]

Bridget Shelton with DWR presented an information item on the DWR Director's recommendation to initiate rulemaking to establish groundwater quality standards for four compounds in place of the established interim maximum allowable concentrations (IMACs). She provided an overview of what an IMAC is and how it is established, including the guidelines for establishment. Within 12 months of the establishment of an IMAC, in accordance with the rule, the DWR Director makes a recommendation to the EMC whether a new groundwater standard in place of the IMAC should be established, or whether the IMAC should expire. Once that recommendation is presented, the EMC then makes the decision on whether or not to initiate rulemaking. She provided background on the established IMACs for bentazon, boscalid, fluometuron, and metolachlor and presented the Director's recommendation that the Commission adopt health-based standards for bentazon, boscalid, fluometuron, and metolachlor in place of the IMACs.

**Hurricane Helene Update**

[January 9, 2025 EMC Meeting, Agenda Item 25-IF-04]

Assistant Secretary for the Environment Sushma Masemore provided an update to the Commission on DEQ's response to Hurricane Helene. She presented information about the hurricane's impact and DEQ's involvement including highlighting actions taken by each Division. She answered questions from Commissioners.

**Falls Lake and Tar Pamlico Rules Update**

[March 13, 2025 EMC Meeting, Agenda Item 25-IF-05]

John Huisman with DWR presented an update on the Falls Lake Rules readoption process. He provided an overview of the Falls Lake watershed nutrient strategy rules, including a summary of the information received from additional studies from the NC Policy Collaboratory and the UNRBA. He presented an updated expedited timeline for the rule readoption. The Commission then discussed this matter further and Mr. Huisman and Forest Westall with the UNRBA answered questions from the Commissioners.

Mr. Huisman then presented an update on the Tar Pamlico wastewater rules. The rule went out to public comment on January 2, 2025 and the public comment period ended on March 3, 2025. A public hearing was held on February 6, 2025. Three sets of comments were received and are currently being reviewed.

### **Helene Update**

[March 13, 2025 EMC Meeting, Agenda Item 25-IF-06]

Shadi Eskaf with the Division of Water Infrastructure (DWI) provided an update on DWI's response to Hurricane Helene including information on emergency loan funds and other funding resources. He answered questions from Commissioners.

### **Helene Recovery: Haywood County Soil and Water Conservation District Update**

[May 8, 2025 EMC Meeting, Agenda Item 25-IF-07]

Chair Solomon clarified that the western North Carolina fire hazard update has been postponed and will be presented at the July meeting.

Commissioner Yarborough presented an overview on Hurricane Helene recovery as the Haywood County Soil and Conservation District Chairman. A discussion followed, including a discussion regarding the development of a framework or protocol within the EMC's authority that would allow the Department to better react to state of emergency declarations. DEQ Deputy Secretary Sushma Masemore answered questions from Commissioners.

### **Falls Lake and Neuse Watershed Model Update**

[May 8, 2025 EMC Meeting, Agenda Item 25-IF-08]

Rich Gannon with DWR presented an update on the Neuse Watershed Model and on the status of the Falls Lake rules readoption process. He stated that the current Neuse watershed modeling effort was called for by a 2020 Session Law that states the EMC may adopt, if warranted, refined transport factors into rule. The status of the modeling effort was presented. A draft model was delivered by a contractor (RESPEC) in December 2024, DWR held a stakeholder meeting in January 2025, and a few comments were received by April 1, 2025. Modeling staff and the contractor are determining final refinements to model products to address those comments. For the Falls Lake readoption process, DWR is working on the rule drafts with the intent to finalize them and complete a fiscal analysis in order to bring the rules to the EMC in early 2026 to stay on approved readoption timelines.

A discussion followed by the Commission, with Mr. Gannon and Alix Matos from the UNRBA answering questions from Commissioners.

### **Helene Recovery: Western NC Fire Hazard Update and Update on Hurricane Helene No Action Assurance (NAA) for Air Curtain Incinerator Title V Permit Requirements**

[July 10, 2025 EMC Meeting, Agenda Item 25-IF-09]

Assistant Fire Chief Stuart Scott of the North Carolina Forest Service presented on the aftermath of Hurricane Helene and its impact on North Carolina's forest landscapes. In western North Carolina, over 822,000 acres of forest were affected. Mr. Scott explained that traditional firefighting tactics are no longer viable in many areas due to blocked access and hazardous terrain which has led to larger, more intense wildfires, as seen in the spring of 2025, which marked the worst fire season in 55 years with over 16,000 acres burned.

Taylor Hartsfield, Deputy Director of the Division of Air Quality (DAQ), then provided an update on EPA's No Action Assurance (NAA) for air curtain incinerators (ACIs) used to process clean wood waste, yard waste, and clean lumber following Hurricane Helene. The NAA exempts certain ACIs from Title V permitting and is currently effective through September 1, 2025. DAQ has developed a streamlined online application for a general Title V permit, which simplifies the process and reduces fees to 10% of the standard rate. EPA is considering rulemaking that may address long-term regulatory reform for ACIs. She then provided clarification on the regulatory status of TigerCat carbonizers. DAQ determined that these carbonizers when producing biochar from clean biomass are not subject to Clean Air Act Section 129 or Title V Permitting, following a June 2025 letter from EPA. DAQ is reviewing emissions data submitted by TigerCat to determine appropriate permitting pathways.

#### **Upper Neuse River Basin (UNRBA) Update**

[July 10, 2025 EMC Meeting, Agenda Item 25-IF-10]

Forrest Westall with the UNRBA presented an update on the Falls Lake Rules Readoption Process. A discussion followed by the Commission.

#### **Nutrient Criteria Development Plan – A Summary and Status Update**

[July 10, 2025 EMC Meeting, Agenda Item 25-IF-11]

Elizabeth Liebig with DWR presented an update on the North Carolina Nutrient Criteria Development Plan (NCDP) including an outline on current activities and next steps. The NCDP established a Scientific Advisory Council (SAC) who has developed scientifically based criteria for water clarity standards to protect Submerged Aquatic Vegetation (SAV). The Criteria Implementation Committee (CIC) is now working with DWR to assess the broader economic, scientific, and stakeholder impacts of the developed criteria. DWR is also currently collecting baseline water clarity data using Photosynthetically Active Radiation (PAR) meters and collaborating with monitoring teams to support future rulemaking.

Clifton Bell with Brown and Caldwell and the North Carolina Water Quality Association (NCWQA) presented concerns about the proposed water clarity criteria for estuarine SAV developed by the SAC. He stated that the current draft is unrealistically stringent, especially in low-salinity areas. He also criticized the lack of a frequency component and raised concerns about the SAC process.

A discussion followed by the Commission with Ms. Liebig and Mr. Bell answering questions from Commissioners.

**Status Update on High Rock Lake Nutrient Management Strategy Rule Development**  
[November 13, 2025 EMC Meeting, Agenda Item 25-IF-13]

Joey Hester with DWR presented an update on the High Rock Lake Nutrient Management Strategy rule development status. He provided an overview of the watershed including its 2022 impairment status and ongoing issues. The stakeholder engagement process was emphasized.

**Department of Environmental Quality Biosolids Study (PFAS) Report**  
[November 13, 2025 EMC Meeting, Agenda Item 25-IF-14]

Julie Gryzb, Deputy Director of DWR, presented an overview of DEQ's Biosolids Study Report. She covered the study objectives, which are to investigate the prevalence of PFAS in wastewater treatment systems at select sites in NC, examine PFAS in wastewater influent, effluent, biosolids, and soil from areas where biosolids from sampled facilities have been repeatedly land applied, and to generate foundational knowledge of PFAS in wastewater and biosolids for public information, future minimization efforts and to inform regulatory decision making. She presented the data summary from the different types of permitted facilities sampled and the concentrations of PFAS found in the sampled biosolids and soils.

**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 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. 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. More recently, S.L. 2018-5 revised the due date for the Falls UNC Study to December 2023. This legislation also extended the deadline for initiating Falls rules re-adoption

to December 31, 2024.

During the December 2024 - December 2025 period, DWR staff:

- Continued collaboration with the Upper Neuse River Basin Association (UNRBA) on the reexamination of the Falls Lake rule requirements, including participation in 19 workgroup sessions focused on developing draft revised rule concepts with watershed stakeholders.
- Reviewed UNRBA's Final Falls Lake Model Report and recommendations for a revised Falls Lake Nutrient Management Strategy and rules readoption.
- Provided rule readoption status updates to the Environmental Management Commission in January, March, and May 2025.
- Convened a virtual, all-parties stakeholder meeting to review draft rule revision concepts and gather feedback from watershed partners.
- Completed preliminary draft revisions of the current Falls Lake Rules.
- Initiated development of the Regulatory Impact Analysis for the revised rules.
- Convened the Falls Lake Basin Oversight Committee to review and approve the Falls Lake Agriculture Annual Report, documenting agricultural sector compliance with the Falls Agriculture Rule.
- Reviewed the fourth annual Interim Alternative Implementation Approach reports submitted by Falls Lake local governments demonstrating compliance with Stage I of the Existing Development Rule.

#### **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. Subsequently a number of session laws revised or delayed the rules. Notably 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. The lake model was completed Spring 2024 after supplemental contracting and shared for external review. Staff provided an update on the Jordan rules readoption process as well as lake model results to the EMC Water Quality Committee in November 2023. An additional update on the Jordan rule readoption process and the lake model was presented to the EMC Water Quality Committee in November 2025.

During the December 2024 - December 2025 period, DWR staff:

- Participated in Jordan Lake One Water (JLOW) stakeholder meetings and provided written feedback to their comments and reports, including the JLOW Draft Rule Recommendation.
- Held Technical Advisory Group (TAG) meetings (five TAGs this year), and stakeholder meetings to solicit input on current Jordan rules and new rule concepts.
- Completed preliminary draft rules for riparian buffer protection, existing development stormwater, wastewater, and agriculture.

- Began fiscal note development for rule proposals.
- Continued implementation of Jordan Wastewater, Agriculture, Stage I Existing Development, Riparian Buffer, and Fertilizer Management rules.

### **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. During 2023 and 2024, DWR conducted a facilitated informal stakeholder engagement process to inform policy development for nutrient strategy rules. The stakeholders' Steering Committee approved a final report of recommendations for rulemaking in April 2024. DWR staff began drafting rules in 2024 and conducted follow-on technical meetings with agriculture and stormwater experts into 2025.

During the December 2024 - December 2025 period, DWR staff:

- Held additional meetings and communications through 2025 with agricultural and wastewater technical experts as well as industrial dischargers to share proposals and facilitate draft rule refinements, as well as providing two updates to the Steering Committee;
- Participated regularly in bi-monthly meetings of the Yadkin-PeeDee River Basin Association of dischargers;
- Completed preliminary draft rules in all subject areas; and
- Provided a rulemaking process update to the NC EMC Nov 13, 2025.

### **V. Closing**

This report has been prepared based on the 2025 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