

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



June 1, 2025

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) – June 1, 2024, Report

In accordance with SL 2024-44 the Director of the Division of Water Quality 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 EPAs comments on rule modifications proposed in the SL 2024-44 Section 5.1(d). EPA responded to the letter on December 20, 2024. EPA responses was very similar to their previous response to Session Law 2023-134 citing the lack of a requirement for an application identifying all pollutants, lack of data justifying effluent limits, lack of public participation in the permitting process, and lack of adherence to the CWA. EPA went on to state that since implementation of this legislation would be considered a NPDES programmatic change, NC would have to submit these rules to EPA for review and approval; however, given its failure to comply with procedures required by CWA or by regulations thereunder or by the MOA, EPA may object.

At its March 12th meeting the Water Quality Committee of the EMC instructed staff to revise the draft rule sent to EPA to address comments in their December 20, 2024, letter and to present the revised draft rule to the Water Quality Committee in May. At the May 7th meeting of the Water Quality Committee staff reviewed the revised draft rule and received comments and feedback from the Committee. Staff were instructed to revise the draft rule



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to retain the legislative intent and addressing concerns related to compliance with the Clean Water Act and to present the revised proposed draft rule and its Regulatory Impact Analysis to the Water Quality Committee for action at its next meeting on July 8, 2025.

SL 2024.44 5.1(e) – June 1, 2025, Report

In accordance with SL 2024-44 the Director of the Collaboratory appointed 5 members to the work group who are actively working 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 six meetings of the Wastewater General Permit Working Group on **August 26, 2024, October 3, 2024, October 30, 2024, November 22, 2024, January 14, 2025, and February 2, 2025.**

The final report was submitted by the North Carolina Collaboratory to the Environmental Review Commission on March 14, 2025, which provides a summary of the work group meetings and their findings.

