

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



March 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) – December 1, 2024 Report and Updates

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). EPA responded to the letter submitted on July 31, 2024 on December 20, 2024. EPA responded in a very similar manner 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 Clean Water Act (CWA). EPA went on to state that since implementation of this legislation would be considered a National Pollutant Discharge Elimination System (NPDES) programmatic change, North Carolina would have to submit these rules to EPA for review and approval; however, given its failure to comply with procedures required by the CWA or by regulations thereunder or by the existing Memorandum of Agreement (MOA) between DEQ and EPA, EPA may object.

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

In accordance with SL 2024-44, the Director of the Collaboratory appointed five members to the Wastewater General Permit Working Group who are actively or have worked in the fields of



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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.**

At the **January 14, 2025** meeting, the work group reviewed a draft NPDES general permit concept that DEQ staff provided as a pilot program to be implemented in the Catawba River Basin. The work group also met with EPA Region 4 staff to discuss various details of the proposed general permit.

At the **February 2, 2025** meeting, the work group provided comments on the revised draft general permit and fact sheet. While the work group felt that the draft general permit could provide time savings for the permittee, some of the work group questioned how much such a permit would be used by the intended constituency. To address greater efficiency in the permitting process, the work group engaged in a discussion of how to reduce time and money involved with the development of engineering alternatives analysis and modeling for domestic wastewater treatment systems of less than 500,000 gpd. Both are EPA permit requirements. In the January meeting with EPA, it was discussed that small wastewater treatment facilities did not require extensive engineering analysis and modeling if discharging to steady-state, non-complex systems. The work group discussed that the development of an Engineering Alternative Analysis checklist of boxes of information to complete on different disposal alternatives in the permit application could allow the applicants to provide adequate analysis to meet EPA required anti-degradation criteria. The group also discussed simplifying the modeling requirements by providing guidance and procedures on desktop modeling for small domestic wastewater systems in non-complex systems. The work group felt that these process improvements would significantly reduce time and cost for the permittee.

The work group has reviewed a draft NPDES General Permit for small wastewater treatment systems, which is limited in the scope of area and requires tight effluent limits that may limit the use of such a permit. The work group focused on the engineering alternative analysis and modeling for smaller wastewater treatment systems that can potentially provide a significant reduction in time and money expended by permittees and enable permittees to get permits with less restrictive limits than would be required in a general permit. A report of the Working Group's findings is planned to be submitted to the Environmental Review Commission before March 15, 2025 as required in SL 2024-44 Section 5.1(e).

