



N.C. Department of Environment and Natural Resources

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Contact: Jamie Kritzer
Phone: 919-707-8602

DENR's new mission, customer service improvements and coal ash lawsuits among 2013's big environmental stories

RALEIGH – To help journalists with year-end stories, the N.C. Department of Environment and Natural Resources has put together its annual recap of the agency's big environmental news for 2013.

Taking DENR in a new direction

Soon after he took office in January, Governor Pat McCrory selected John Skvarla, a Raleigh businessman, as the new secretary for the N.C. Department of Environment and Natural Resources. In his first days, Skvarla rewrote the department's mission, retaining the emphasis on environmental protection but making DENR more customer service friendly. He then named a leadership team of experienced professionals to guide the new initiative.

To make DENR more responsive to the public, Skvarla streamlined the agency's administrative functions, moved the stormwater program into the state's energy division, and spearheaded the consolidation of its water resources and water quality divisions, and the merger of the state's conservation trust funds with its natural resource programs.

As an example of the increased efficiencies, merging the stormwater permitting and erosion and sediment control programs in the state Division of Energy, Mineral and Land Resources has made it more convenient for customers since they now have one contact for both permitting programs.

Improving customer service

The new customer service focus soon yielded positive results. By expediting authorizations and permitting, DENR staff enabled Vance County to meet a tight deadline so it could secure the \$10 million grant it needed to expand its drinking water facility. Also, DENR staff expedited environmental permits to enable Ashley Furniture to open a plant in Davie County that company officials say will become the largest furniture manufacturing and distribution center in the world.

In May, an online survey revealed significant improvements in how helpful people believe the department is today compared to a similar survey in 2011. DENR's survey of permit holders, consultants and others showed improvements in all nine categories for assistance.

DENR staff members made its websites and interactive electronic tools easier to use. Air quality permits for more than 2,650 facilities in North Carolina were posted on the Division of Air Quality's website. The Division of Water Resources developed a computer application so small laboratories can report federally required data on drinking water faster and cheaper. DENR put in place an electronic payment option to make it easier for towns, industries and others to pay annual wastewater or stormwater fees. The state Division of Waste Management improved access to information on contaminated sites and permitted solid waste facilities by converting most paper files to digital files. Water quality staff published to the division's website nine maps showing the locations of water plants and activities with water quality permits. Another new feature provides online access to about 2.5 million water quality public records. Travelers were able to track fall leaf colors, thanks to state park rangers who made their reports available online at www.visitnc.com.

Addressing coal ash contamination

The state filed lawsuits for injunctive relief this year against Duke Energy Progress Inc. and Duke Energy Carolinas, LLC for claims related to the discharge of wastewater from 14 of the utility's North Carolina coal ash impoundments. The

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lawsuits seek a court order to require the utility to address groundwater and wastewater violations at multiple sites the utility uses to store coal ash residuals. The lawsuits have not been resolved, but the state in July proposed a consent order with the utility regarding the utility's coal ash impoundments in Asheville and Gaston County. DENR's actions represent the first time in state history an administration has filed a lawsuit to address unpermitted discharges from coal ash ponds.

Opening a new state park and making other natural resources advances

In September, Carvers Creek State Park in Cumberland County opened to the public. The 4,332-acre park is the eighth state park opened since 2001.

Lake James State Park opened a new trail segment to be incorporated into the Overmountain Victory National Historic Trail. The park also presented its Holly Discovery Trail, which brings professionally designed, interactive exhibits to the outdoors.

State parks broke ground on a new visitor center and west district office at Lake Norman State Park in Iredell County. Funded by the N.C. Parks and Recreation Trust Fund, the project is designed to green building standards for Leadership in Energy and Environmental Design certification. The project also includes restorative site work and parking area repaving.

A \$700,000 contribution from the state's Clean Water Management Trust Fund helped the Triangle Land Conservancy acquire the historic Walnut Hill Farm in Wake County so it can be protected as a public nature preserve. The Triangle Land Conservancy considers the nature preserve one of the crowning achievements in its 30-year history.

Protecting our water

McCrory signed into law in June the Private Well Water Education Act as part of his ongoing effort to promote clean drinking water for the millions of North Carolinians who rely on private wells. The law directs the Commission for Public Health to adopt rules for testing existing private wells and reporting the results. It also included a requirement that local health departments provide information on constructing new wells to meet drinking water standards. The Governor also appeared in a public service announcement, encouraging people to have their private wells regularly tested for contamination. The TV spot was produced and distributed for free by WNCN-TV.

July was the 10-year anniversary of the N.C. Ecosystem Enhancement Program, a DENR program that restores and protects wetlands and waterways and offsets unavoidable environmental impacts from economic development. The program has conserved, restored or enhanced 640-plus miles of streams, nearly 30,000 acres of wetlands and about 700 acres of buffers.

The Governor announced in March the state's plans to sign a brownfields agreement that will enable the launch of the region's largest eco-industrial park on a former Superfund site in Charlotte. ReVenture West is the contaminated acreage within ReVenture Park, which is expected to become a unique hub for renewable energy projects and generate more than 700 new jobs. Prior to its cleanup, the park was the site of a textile dye manufacturing complex. The brownfields agreement with ReVenture Park removes cleanup liabilities in a way that permits suitable redevelopment while continuing cleanup actions required to make the site safe for the proposed reuse.

Including ReVenture Park, the state Division of Waste Management produced the most brownfields agreements (41) since the program started during the annual reporting period.

The N.C. Ecological Flows Science Advisory Board developed recommendations on the amount of water needed to sustain aquatic life in surface waters. The board advises DENR on how to provide sufficient streamflows that protect the ecological integrity of streams and rivers as required by state law.

The Albemarle-Pamlico National Estuary Partnership supported the North Carolina Coastal Federation on a wetland restoration effort on 1,350 acres in Hyde County. The effort will significantly reduce stormwater output from canals, reduce bacteria levels in local waters and improve water quality for the shellfish industry.

Protecting our air

North Carolina in 2013 recorded the lowest annual ozone levels since the state began monitoring air quality in the early 1970s, due to decreasing emissions and favorable weather conditions. Statewide, ozone levels exceeded the standard of 0.075 ppm on

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only one day, compared to about 22 days per year on average during the previous five years. Ozone levels continue to decline in the state due to ongoing implementation of various emissions control programs.

North Carolina demonstrated compliance with a new, more stringent air quality standard for sulfur dioxide in February. The EPA adopted a stricter, one-hour standard of 75 parts per billion for sulfur dioxide in June 2010 due to concerns about its effects on public health and the environment.

The EPA recognized the Charlotte area in November as complying with the 1997 federal air quality standard for ozone. The EPA published a notice in the Federal Register announcing its final action to re-designate Charlotte as a maintenance area for the 8-hour ozone standard, meaning it now complies with the standard but must continue programs aimed at ensuring future compliance. Those efforts are also needed because the area remains in violation of the more stringent 8-hour ozone standard the EPA adopted in 2008.

Reports show that North Carolina utility companies surpassed the Clean Smokestacks Act's requirements, with emission cuts greater than 80 percent for sulfur dioxide and NOx. The Division of Air Quality submitted two progress reports on the act this year with help from the state Utilities Commission and the Environmental Management Commission. The N.C. law required coal-fired power plants to reduce their ozone, haze and particle-forming emissions by three-fourths by this year.

The state Division of Air Quality established an air monitoring station in Lee County to collect baseline air quality conditions in an area most likely to see shale gas exploration. The division also installed a "near road" air quality monitor in Research Triangle Park to measure nitrogen dioxide levels near a major highway (Interstate 40), as required by the EPA.

Protecting the fisheries and other coastal resources

In September, the N.C. Division of Marine Fisheries received a statewide incidental take permit for sea turtles in the estuarine large and small mesh gill net fisheries from the National Marine Fisheries Service. The permit authorizes the limited take of sea turtles in these fisheries, which allows these fisheries to continue on a limited basis while protecting threatened and endangered sea turtles. It is the only statewide incidental take permit of its kind in the nation.

The Division of Marine Fisheries completed amendments to four of the state's fishery management plans that aim to protect the striped bass, southern flounder, blue crab and oyster fisheries.

An agreement inked this year again allows dredging in North Carolina's coastal waters so fishing and transportation vessels can more easily move through shallow inlets and channels. Due to reduced federal funding, the state's shallow-draft navigation channels haven't been maintained to authorized depths and dimensions. The U.S. Army Corps of Engineers and DENR agreement continues maintenance dredging of the state's federally authorized shallow-draft inlets and channels. It runs through September 2017.

The Division of Coastal Management helped state transportation officials with emergency repairs of the Bonner Bridge by providing emergency permit modifications to allow deposition of dredge materials and the installation of sandbags and "A-jacks" around the affected pile supports.

The Coastal Resources Commission approved amendments to its rules governing the use of sandbag structures in communities pursuing beach nourishment, inlet relocation or inlet stabilization projects. The changes would extend the time limit for sandbag structures from five to eight years and remove the once-per-structure restriction for sandbags provided the property becomes imminently threatened again.

Newly installed local elevation monitoring networks and updated habitat maps at the Currituck Banks, Rachel Carson, Masonboro Island, and Zeke's Island reserves track changing coastal conditions and will provide information about coastal ecosystem trends to state and federal agencies, researchers and others.

The Division of Coastal Management certified three new Clean Marinas as part of the division's continuing effort to protect coastal water quality by helping marinas and boatyards use best management and operation practices.

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The division also worked with the General Assembly to amend the Dredge and Fill Law to allow signed statements of no objection by adjacent property owners to be considered as an acceptable alternative to certified mail requirements for adjacent property owner notification for Coastal Area Management Act major permits.

Finding and expanding on energy opportunities

In May, Governor McCrory signed into law landmark legislation that creates a regulatory framework for establishing wind energy facilities in North Carolina and signaled the Governor's continued support for an "all-of-the-above" energy plan. The legislation states that DENR must issue a permit before a wind energy operation can begin in North Carolina. The law also provides a framework for DENR to help wind developers identify suitable locations for wind energy facilities and the permitting steps needed to site a facility.

The N.C. Mining and Energy Commission this fall released reports on compulsory pooling, potential sources of funding and regulation of oil and gas by local governments. The commission, which is supported by the state Division of Energy, Mineral and Land Resources, is responsible for developing a modern regulatory program for the exploration and development of oil and gas. The commission's recommendations will be provided to the General Assembly, which will make the final determination about laws for natural gas exploration and development.

Reaching more people with education, making new discoveries and expanding initiatives

In October, Governor McCrory opened the Innovation Center, a working lab in DENR's Green Square office building where state employees, students and others can test new computers, software and other technology before buying it. McCrory opened the center to make state government more efficient and save taxpayers money.

The N.C. Office of Environmental Education and Public Affairs surpassed the 1,000 mark in the number of educators who have attained their environmental education certification.

More than 3,200 students, teachers and others participated in training workshops, educational programs, and other public outreach events conducted by the staff of the N.C. Coastal Reserve and National Estuarine Research Reserve. Participants learned about estuaries, environmental stewardship, and other coastal issues.

Twenty-one members of the federal AmeriCorps program started service in December with DENR to improve the agency's environmental education efforts in North Carolina's underserved areas. The Mountains to the Sea AmeriCorps members will serve as interpreters at state parks, tour guides at the state aquariums and other educational functions.

The new Soundside Pier at the North Carolina Aquarium on Roanoke Island opened to the public June 21. The 200-foot-long pier connects aquarium visitors to Croatan Sound, and is ideal for fishing and other educational programs.

The state aquariums broke ground on the Sea Turtle Assistance & Rehabilitation Center this year, thanks to aquarium staff and volunteers with the Network for Endangered Sea Turtles volunteers. Completion of the center is expected in 2014.

The N.C. Aquarium at Pine Knoll Shores released three sea turtles at Fort Macon State Park beach in June. The three turtles were among more than 80 cold-stunned sea turtles brought to the aquarium for care since January. Staff also cared for dozens of weak sea turtle hatchlings until they were strong enough for release.

The director of the Museum of Natural Sciences' Paleontology Lab led the discovery of the first new mega-predatory dinosaur species in North America in 63 years, *Siats Meekerorum*.

The U.S. Department of State selected the N.C. Museum of Natural Sciences as the nation's sole representative for an international conference about improving science education through technology. The conference was in March.

Scientists at the Museum of Natural Sciences were integral in the discovery of the olinguito, the first new carnivore species announced worldwide in 35 years.

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North Carolina has for the second straight year set a record for the lowest solid waste disposal rate since measurement of tonnage deposited in landfills began in 1991. This can be attributed, in part, to the Division of Environmental Assistance and Customer Service's work with local recycling programs and the Division of Waste Management's permitting of construction and demolition landfills.

The Division of Waste Management streamlined its permitting process for underground storage tanks, resulting in more cost savings and less disruptions for business owners.

Spreading our environmental messages to record-setting crowds

The N.C. Museum of Natural Sciences continues to be the most visited cultural attraction in North Carolina, with 1.2 million visitors a year.

Visitation at North Carolina's state parks and state recreation areas continued at a record level in 2012, with 14.2 million visits, matching attendance set in 2009 and 2011.

Spurred in part by its popular dinosaur exhibit, the North Carolina Zoo set a new attendance record for the Memorial Day Weekend. The three-day (Saturday-Monday) total of 37,165 visitors shattered the 2008 mark by nearly 5,000 people.

The N.C. Aquarium at Pine Knoll Shores experienced record-breaking attendance (4,400 people) during its Trick or Treat Under the Sea, a children's community Halloween event at the N.C. Aquarium at Pine Knoll Shores.

More than 1 million people visited the Jennette's Pier complex, which was opened in Nags Head in May 2011.

Honoring DENR employees, programs and efforts

The N.C. Museum of Natural Sciences in downtown Raleigh was awarded top-20 status among the nation's 17,500 museums in 2013 for outstanding community service.

The North Carolina state parks system was named one of four finalists for the 2013 National Gold Medal Award for Excellence in Parks and Recreation Management. The award is the most prestigious award a park and recreation agency can receive and recognizes service excellence.

In October, North Carolina state parks director Lewis Ledford announced he is retiring from the agency he has led for the past decade to become the executive director for the National Association of State Park Directors. Ledford helped spearhead the state's purchase of Chimney Rock and Grandfather Mountain. He retires Dec. 31.

One of this year's Governor's Awards for Excellence honored the late Wanda West, a former DENR administrative assistant whose determination to continue working while battling terminal cancer inspired her colleagues.

DENR's headquarters achieved LEED Platinum Certification, the nation's highest building standard in environmental design. The Green Square office building has many features that save energy and water.

Tracy Davis, director of the N.C. Division of Energy, Mineral and Land Resources, was named the National Government Engineer of the Year.

Lacy Presnell, the department's general counsel, was named the N.C. Bar Association's 2013 Citizen Lawyer Award.

The N.C. Natural Heritage Program received the NatureServe Award for Outstanding Scientific and Technological Achievement for its innovative work in improving the interpretation of conservation information. The honor recognizes the program's achievements in revising its process for ranking sites of biological significance, by ranking the best locations for supporting the state's natural diversity.

The N.C. Aquarium at Fort Fisher was named to the Travel Channel's "Best Aquariums in the US."

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