**Revised September 8, 2010**

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING AGENDA**

**September 8, 2010**

**Archdale Building-Ground Floor Hearing Room**

**12:00 Noon - 2:00 p.m.**

*General Statute § 138A-15 mandates that the Chairman inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the EMC Water Quality Committee. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.*

**12:00 Noon-Opening Comments** **Chairman Peterson**

**1. Request to Approve or Disapprove Jordan Local Buffer Programs and to Delegate Subsequent Approval of Revised Programs to the Director – (Action Item) (Jason Robinson)**

As required by Item 15(b) of Rule 15A NCAC 02B .0267 (Jordan Buffer Protection Rule), the Division of Water Quality (Division) prepared a Jordan Model Buffer Ordinance that was approved by the Environmental Management Commission (Commission) at its September 2009 meeting. Item 15(c) required local governments to submit buffer programs to the Division within six months after the Commission's approval of the model ordinance. According to Item 15(d), the Division shall provide recommendations to the Commission on the local buffer programs within one year after the Commission's approval of a model buffer ordinance. If approved, local governments shall begin implementing local buffer programs within two months of approval. Should the Commission require changes, local governments shall have two months to submit revisions. Once programs are approved, local governments shall subsequently submit annual reports summarizing their buffer program activities. Division staff requests permission to proceed to the September 9, 2010 EMC meeting with recommendations for approval/disapproval of the submitted Jordan Local Buffer Programs as indicated on the list provided by staff. The Division also seeks delegation to the Director from the Commission for authority to approve revised programs and future program revisions. (Attachments Enclosed: Jordan Buffer Ordinance Table (Revised), Ordinances for Alamance County, Village of Alamance, Town of Apex (Revised), Burlington, Town of Carrboro (Revised), Town of Cary (Revised), Caswell County, Town of Chapel Hill (Revised), Chatham County (Revised), City of Durham/County, Town of Elon, Town of Gibsonville, City of Graham, Town of Green Level, City of Greensboro, Guilford County, Town of Haw River, Town of Kernersville, City of Mebane, Town of Morrisville (Revised), Town of Oak Ridge, Orange County, Town of Pittsboro, Town of Pleasant Garden, City of Reidsville, Rockingham County, Town of Sedalia, Town of Stokesdale, Town of Summerfield, Wake County and Town of Whitsett)

## THIS AGENDA ITEM NUMBER 2 HAS BEEN REMOVED

**2. Request to Proceed to EMC with Draft Rules for Chlorophyll-a Thresholds for Nutrient-Enriched Waterbody Management – (Action Item) (Matt Matthews)**

Draft rules will be presented that establish Chlorophyll-a threshold levels, a mechanism for identifying affected waterbodies, and implementing management strategies to proactively address nutrient enrichment. DWQ will request that the WQC grant approval to proceed to the Commission the next day to request permission to proceed to public hearing with proposed rules for Chlorophyll-a Thresholds for Nutrient Enriched Waterbody Management (15A NCAC 02B .0611, .0612, .0613) and recommend that the Commission waive the "30 day" bylaw. (Attachments Enclosed: Nutrient Threshold Rules Cover Memo, August 18th revision of the subject rules – "marked up", August 18th revision of the subject rules – "clean", Commissioner Forrest Westall's most recent comments, and NC League of Municipalities comments)

**3. Request Permission to Proceed with Proposed Reclassifications of Surface Waters in the French Broad River Basin: 1) Shut-In Creek in Madison County from Class C Tr to Class C ORW Tr, 2) Cherryfield Creek in Transylvania County from Class C Tr to Class C ORW Tr, and 3) Middle Fork French Broad River in Transylvania County from Class B Tr to Class B HQW Tr - (Action Items) (Elizabeth Kountis)**

Staff have reviewed these requests and determined that these waters meet the qualifications for the proposed reclassifications. The WQC will be asked to approve these reclassification requests in order for staff to proceed to the full Commission for permission to send the proposed reclassifications out to public hearings. (Attachments Enclosed: Reclassification Memo and Reclassification Maps for Shut-In Creek and Cherryfield Creek and Middle Fork French Broad River)

**4. Update on Nutrient Management Strategy Development for High Rock Lake – (Information Item) (Pamela Behm)**

The Division is in the early stages of developing a Nutrient Management Strategy for High Rock Lake, an impoundment of the Yadkin River. The entire lake is currently impaired for chlorophyll-a. Since 2005 the Division has been working with a Technical Advisory Committee (TAC) comprised of state and local agencies to develop the tools that will be used to support the strategy. Tools include both watershed and nutrient response models. The Division expects to seek approval of the nutrient response model from the Commission sometime in 2011, as required by Session Law 2005-190 and G.S. 143-215.1(c5). The purpose of this information item is to provide background information and discuss the next steps. (Attachments Enclosed: High Rock Lake Nutrient Management Strategy Development Update Sheet & Slide Presentation)

Closing comments – Charles P. Peterson
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SEPT2010WQCAGENDASUMMARY