ENVIRONMENTAL MANAGEMENT COMMISSION
WATER QUALITY COMMITTEE MEETING
AGENDA

September 7, 2011

Archdale Building-Ground Floor Hearing Room

1:30 PM - 3:00 PM

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.

1:30 PM-Opening Comment **Chairman Peterson**

1. Request for a Major Variance from the Neuse River Riparian Area Protection Rules for an Addition to a Single Family Residence to Expand a Home Business for Bob Lantry at 312 S Tunstall Ave in Apex, NC - (Action Item) (Amy Chapman)

A request has been received for the Water Quality Committee (WQC) to grant a Major Variance from the Neuse River Riparian Area Protection Rules (15A NCAC 2B .0233) to Bob Lantry for his proposed addition to his home to expand his business at 312 S Tunstall Ave in Apex, NC. The applicant received prior approvals from the Town of Apex for his proposed addition. After spending time and money towards his addition plans, he was then told there were protected riparian buffers on his property by the Town. Due to property lines and the stream location, a small portion of the addition will encroach into Zone 1 of the buffers. He is proposing mitigation and stormwater treatment to offset the proposed buffer impacts. The Division of Water Quality (DWQ) staff does not object to the overall concept of this major variance request. (Attachments enclosed: Variance Application and DWQ Findings of Fact)

2. Update on the Draft Consolidated Buffer Rule and Draft Consolidated Buffer Mitigation Rule – (Information Item) (Amy Chapman)

Due to Session Law 2011-398, the timetable for taking the draft consolidated buffer rules (Rules 02B .0290-0294) and the draft consolidated buffer mitigation rule (Rule 02B .0295) to public hearing has changed. In addition, a study is required per Section 17 of Session Law 2011-394 that will have an effect on the draft consolidated buffer rules. An update on the estimated timetable for taking the draft buffer rules to public hearing and an overview of the study design will be presented. (Attachments enclosed: Session Law 2011-394 and Public Notice for Study of the Neuse and Tar-Pamlico Riparian Buffer Rules)

3. Request Approvals of Coastal Habitat Protection Plan's 2011 Annual Report and 2011-2013 Biennial Implementation Plan – (Action Item) (Matt Matthews)

The Fisheries Reform Act of 1997 requires an Annual Report be submitted to the Environmental Review Commission and the Joint Legislative Commission on Seafood and Aquaculture regarding

activities directly related to NC's Coastal Habitat Protection Plan (CHPP). The report is due in September of each year. The CHPP Steering Committee, a committee with a membership of two commissioners from the EMC, CRC, MFC and WRC, has approved this CHPP Annual Report for the year 2011. Each of the respective commissions is now being asked to approve the report before it is sent to the General Assembly. The CHPP Steering Committee is also charged with developing biennial implementation actions that address the goals and recommendations of the CHPP. The implementation actions developed by DWQ for 2011-2013 will be summarized. DWQ requests that the WQC approve the Coastal Habitat Protection Plan's 2011 Annual Report and 2011-2013 Biennial Implementation Plan. (Attachment enclosed: 2011 Coastal Habitat Protection Plan Annual Report including the 2011-2013 Coastal Habitat Protection Plan Implementation Plan)

Closing comments – Chairman Peterson
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