Revised May 3, 2012
ENVIRONMENTAL MANAGEMENT COMMISSION
WATER QUALITY COMMITTEE MEETING AGENDA

May 9, 2012
Archdale Building-Ground Floor Hearing Room
1:30 PM – 4:00 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 Environmental Management Commission's 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**

(THIS ITEM HAS BEEN REMOVED)
1. Request for a Major Variance from the Neuse River Riparian Area Protection Rules for a single family residence to Lindsay Veit and John Bayer at 526 Oakland Drive in Raleigh, 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 Lindsay Veit and John Bayer for a single family residence at 526 Oakland Drive in Raleigh, NC. Due to the size of the property and the presence of Big Branch creek running through it, the proposed residence and home will need to encroach into Zone one and two of the buffers. The applicant is proposing mitigation and use of rain barrels/cisterns to offset the proposed buffer impacts. Although the Division of Water Quality (DWQ) recognizes that the applicant does not comply with the evaluation criteria 15A NCAC 02B .0233 (9)(a)(i)(E) because the owner purchased the property after the effective date of this rule, it supports this major variance request. (Attachments enclosed: Variance Application and DWQ Findings of Fact)

2. Request for a Major Variance from the Neuse River Riparian Area Protection Rules for a 22 Unit Condominium Development to Flamingo Development LLC at 1113 Chelsea Road in New Bern, NC - (Action Item) (Amy Chapman)

A request has been received for the WQC to grant a Major Variance from the Neuse River Riparian Area Protection Rules (15A NCAC 2B .0233) to Flamingo Development LLC for the proposed condominium development at 1113 Chelsea Road in New Bern, NC. Due to property lines, presence of 404 wetlands and the stream location, a small portion of one of the condos will encroach into Zone one of the buffers. The applicant is proposing mitigation and stormwater treatment to offset the proposed buffer impacts. Although DWQ recognizes that the applicant does not comply with the evaluation criteria 15A NCAC 02B .0233 (9)(a)(i)(E) because the owner purchased the property after the effective date of this rule, it supports this major variance request. (Attachments enclosed: Variance Application and DWQ Findings of Fact and Power Point Presentation)

3. Request Permission to Proceed to the Environmental Management Commission (EMC) with the Proposed Consolidated Buffer Mitigation (Flexible) Options Rule - (Action Item) (Amy Chapman)

DWQ is proposing to consolidate several Riparian Buffer Mitigation Rules (15A NCAC 02B.0242, .0244, .0260, .0268, .0609 and .0252) into one Riparian Buffer Mitigation Rule (0295). The purpose of this consolidation is to make these rules easier to use and also to comply with requirements in Session Law 2009-

337. Also included in this consolidation of existing rules are new rules addressing Flexible Mitigation Options as required by the North Carolina General Statute 143-214.20. DWQ presented these draft rules to the WQC in January 2012, September 2011, July 2011, March 2011, January 2011 and November 2010 and will present a summary of the draft fiscal analyses for these rules. DWQ will request to proceed to the July 2012 EMC meeting with the proposed consolidated buffer and buffer mitigation rules for approval. (Attachments enclosed: Draft Rule .02B .0295, draft fiscal analysis and Power Point Presentation)

4. Summary of the Savannah, Hiwassee and Little Tennessee River Basinwide Water Quality Plans and a Request for Approval to Send these Final Plans to the EMC for Approval – (Action Item) (Heather Patt)

DWQ staff requests permission to take the final drafts of the *Savannah, Hiwassee and Little Tennessee River Basinwide Water Quality Plans* to the EMC for approval. Staff will present the fourth edition of these plans with an emphasis on new water quality impairments and restoration activities. (Attachments enclosed: final draft Savannah, Hiwassee and Little Tennessee River Basinwide Water Quality Plans and Power Point Presentation)

5. Request to Proceed to the EMC for Approval of Local Programs Implementing the Jordan Lake New Development Stormawater Rule and Delegation of Further Approval Authority to the DWQ Director – (Action Item) (Jason Robinson)

The Jordan Lake New Development stormwater rule, 15A NCAC 2B .0265, requires 33 local governments to prepare, adopt, and implement programs to achieve nutrient control on runoff from new development within their respective jurisdictions. In March 2011, the EMC approved a model local program developed by staff with input from stakeholders. The Jordan watershed communities submitted proposed programs for DWQ staff review in September 2011 and have made subsequent revisions based on staff comments. Staff requests that the WQC recommends that the Commission take the following actions:

- Approve 32 of these local programs as meeting the minimum requirements established in Item (3) of the rule, and disapprove Pittsboro's program. If disapproved, Pittsboro will have two months to resubmit a program for staff's review, and staff will provide recommendations to the Commission within two months of that submission.
- Delegate authority to the DWQ Director to approve any subsequent program amendments that these communities may propose from time to time.

The DWQ Director will forward unique future program revisions of concern to the WQC for review. Attachments enclosed: draft new local development programs for counties – Alamance, Caswell, Chatham, Durham, Guilford, Orange, Rockingham, Wake, and municipalities Alamance Village, Apex, Burlington, Cary, Carrboro, Chapel Hill, Durham, Elon, Gibonsville, Graham, Green Level, Haw River, Kernesville, Mebane, Morrisville, Oak Ridge, Ossippee, Pleasant Green, Pittsboro, Reidsville, Sedalia, Stokesdale, Summerfield, Whitsett, summary report to the EMC on draft documents of local stormwater programs, and Power Point Presentation)

6. Overview of DWQ Random Ambient Monitoring System (RAMS) and Results from 2007-2010 - (Information Item) (Steven Kroeger)

In 2007 DWQ initiated a statistically based water quality monitoring program known as RAMS, which evaluates the condition of all freshwater streams and rivers in NC. An overview of how statistically based monitoring differs from traditional monitoring programs will be presented, along with a summary of the RAMS results obtained between 2007-2010. (Attachments enclosed: Power Point Presentation)

Closing comments – Chairman Peterson
This agenda is available on the internet at http://portal.ncdenr.org/web/emc/may-9-wqc