

**ENVIRONMENTAL MANAGEMENT COMMISSION
WATER QUALITY COMMITTEE MEETING SUMMARY**

**Archdale Building-Ground Floor Hearing Room
July 11, 2012**

BRIEF

At the July 11, 2012 meeting of the Environmental Management Commission (EMC) Water Quality Committee (WQC), the WQC:

- approved sending the Falls Lake watershed and Jordan Lake watershed State and Federal Stormwater Nutrient Accounting Tools and Baseline Loads for existing NCDOT development for the Falls Lake watershed to the EMC.
- approved a major variance request from the Neuse River Riparian Area Protection Rules for a single family property at 526 Oakland Drive in Raleigh, NC.
- denied a major variance request from the Neuse River Riparian Area Protection Rules for Laura Duncan Parkway Townhomes at 2580 Laura Duncan Road in Cary, NC.

WQC Members in Attendance:

Dr. Charles H. Peterson (Chairman)
Ms. Amy Pickle
Mr. Tom Ellis
Mr. Kevin Martin
Mr. Steve Tedder
Mr. Stephen Smith
Dr. Ernest Larkin
Mr. William Les Hall, Jr

WQC Members Not in Attendance:

Mr. Jeffrey Morse
Mr. Dickson Phillips III

Others Present:

Mr. Chuck Wakild, DWQ Director
Mr. Ted Bush, DWQ Deputy Director
Mr. Frank Crawley, Attorney General Office

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. Mr. Martin recused himself from render a decision on action items No. 2 and 3 on the July 11, 2012 WQC agenda.

1. Request to Proceed to the Environmental Management Commission (EMC) with Falls Lake watershed and Jordan Lake watershed State and Federal Stormwater Nutrient Accounting Tools and Baseline Loads for Falls Lake watershed – (Action Item) (John Huisman)

Description

The Falls and Jordan Lake watershed stormwater rules for state & federal entities, 15A NCAC 2B .0281 and 15A NCAC 2B .0271, respectively, call on the Division of Water Quality (DWQ) to submit a nutrient accounting framework to the EMC for approval. The framework includes a tool that will allow subject parties to account for loading from new and existing developed lands and loading changes due to BMP implementation. DWQ proposes to use the Falls Lake and Jordan Lake Stormwater Accounting Tool approved by the EMC in March 2011 for non-DOT state and federal entities and a modified version of the tool developed through a collaboration with NCDOT and North Carolina State University for use on NCDOT development. As a part of the accounting framework, the Falls Lake watershed stormwater rule also requires the development of baseline nutrient loads for NCDOT roadways and industrial facilities using stormwater runoff nutrient load characterization data collected through the NPDES Research Program under NCS0000250 Permit Part II Section G. In accordance with these requirements, the NCDWQ and NCDOT developed an approach for calculating baseline nutrient loads for NCDOT in the Falls Lake watershed. The approach is based on existing data and models used to develop the Falls Lake watershed rules. DWQ requested to proceed to the EMC with the Falls Lake watershed and Jordan Lake watershed State and Federal Stormwater Nutrient Accounting Tools and Baseline Loads for existing NCDOT development for the Falls Lake watershed.

Discussion

Chairman Peterson asked whether NCDOT impervious surfaces with higher loading of toxic or nutrient related substances in surface water are considered in the development of the NCDOT model. DWQ staff said yes. Chairman Peterson also asked whether spatial land use information is included in the stormwater accounting tool and how. Staff explained that the tool is used to calculate the effluent runoff from a development site to the edge of that site and does not capture loss from site to the surface waterbody. Ms. Pickle asked if the fixed BMP effluent concentrations varied overtime to consider operation of maintenance issues or do they represent what is expected from accepted BMPs.

Motion

Ms. Pickle made a motion to move the Falls Lake watershed and Jordan Lake watershed State and Federal Stormwater Nutrient Accounting Tools and Baseline Loads for existing NCDOT development for the Falls Lake watershed to the EMC. Mr. Ellis seconded the motion and the WQC passed it.

2. 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)

Description

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 (Lots 3 D.L. Jordan Subdivision), in

Raleigh, NC. Due to the size of the property and the presence of Big Branch creek running through the property, the proposed residence and home will need to encroach into Zone one and Zone two of the buffers. The applicant is proposing mitigation and use of rain barrels/cisterns to offset the proposed buffer impacts. DWQ supports this major variance request. However, DWQ recognizes that the applicant does not comply with the evaluation criteria 15A NCAC 02B .0233(9)(a)(i)(E), since the owner purchased the property after the effective date of the rule.

Discussion

Mr. Ellis asked how much water from the property would the rain barrels collect. Staff said that without having seen the final stormwater plan for the property it did not know. Mr. Hall wanted to know if there was room at the property to do bioretention. Staff said yes.

Motion

Mr. Tedder made a motion to approve DWQ staff's recommendations. Dr. Larkin seconded the motion and the WQC passed it.

3. Request for a Major Variance from the Neuse River Riparian Area Protection Rules for the Laura Duncan Parkway Townhomes to Mr. Dess Langdon of R.L. Properties at 2580 Laura Duncan Road, in Cary, NC - (Action Item) (Amy Chapman)

Description

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 Mr. Dess Langdon of R.L. Properties for the Laura Duncan Parkway Townhomes at 2580 Laura Duncan Road in Cary, NC. Due to size of the property, Town of Cary setbacks, and the amount of buffer on this property, the applicant will need to impact Zone one and Zone two of the buffers. The applicant is proposing mitigation and bioretention to offset the proposed buffer impacts. DWQ staff supports this major variance request. However, DWQ recognizes that the applicant does not comply with the evaluation criteria 15A NCAC 02B 0233(9)(a)(i)(E), since the owner purchased the property after the effective date of the rule.

Discussion

Dr. Larkin wanted to deny the variance based on the dumpster needing to be removed from the buffer entirely and to make the applicant pursue other remedies such as a variance from the Town of Cary's buffer setbacks. The applicant would be welcome to come back after he had done those two things.

Motion

Dr. Larkin made a motion to deny the major variance request based on his discussion above. Ms. Pickle seconded the motion and the WQC passed it.

This summary was prepared by Adriene Weaver, John Huisman, and Amy Chapman in August 2012.