

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

**Archdale Building-Ground Floor Hearing Room
September 12, 2012**

BRIEF

At the September 12, 2012 meeting of the Environmental Management Commission (EMC) Water Quality Committee (WQC), the WQC:

- approved a request from the Tar-Pamlico River Riparian Area Protection Rules for an addition to an existing single family residence to Garry and Carol Keech at 300 Sunnyside Drive in Washington, NC.
- did not hear the presentation on the Consolidated Buffer Mitigation Rule (15A NCAC 2B .0295) and the proposed repeal of Buffer Mitigation rules (15A NCAC 02B. 0242, .0244, .0252 .0260, .0268, and .0609) and draft fiscal analysis.
- approved to send Pittsboro's Jordan Lake local new development stormwater program to the EMC and to delegate authority to the Division of Water Quality (DWQ) Director to approve subsequent program amendments that Pittsboro may propose.
- approved of the North Carolina Coastal Habitat Protection Plan 2012 Annual Report.

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. Bennie Hutson
Mr. Steven Keene
Mr. William Less Hall, Jr.
Mr. Dickson Phillips III

WQC Members Not in Attendance:

Mr. Jeffery Morse

Others Present:

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

Under the authority of the General Statute § 138A-15 the Chairman inquired as to whether any member of the WQC knows of any known conflict of interest or appearance of conflict with respect to any of the matters on the September 12, 2012 WQC agenda. No WQC member had recused him or herself from any matter on the September 12, 2012 WQC agenda.

1. Request for a Major Variance from the Tar-Pamlico River Riparian Area Protection Rules for an addition to an existing single family residence to Garry and Carol Keech at 300 Sunnyside Drive in Washington, NC - (Action Item) (Amy Chapman)

Description

The WQC received a request to grant a Major Variance from the Tar-Pamlico River Riparian Area Protection Requirements (15A NCAC 02B .0259) for the proposed addition to a single-family home located at 300 Sunnyside Drive in Washington, NC. The addition would impact 198 square feet (ft²) of Zone one and 780 square feet (ft²) of Zone two of the protected riparian buffers for an expansion of a breakfast area and covered deck. The DWQ staff does not support this Major Variance request.

Discussion

The presentation closed with recommendations that the applicant will have to adhere to if the variance is granted, including:

- Deed Restrictions
- Applicant must receive stormwater plan approval from DWQ (gutter system redirected)
- Mitigation = 19 trees to be planted in the 60-foot buffer on this property. Applicant is proposing live oaks and cypress.

A WQC member expressed concern that if the variance is granted, the applicant will have to give up its property rights. The staff presenter pointed out that the applicant will in the future be able to request a variance. There was discussion around mitigation. The presenter pointed out that the applicant will need to maintain the tree plantings for five years and provide photos every year for five years showing that the plantings are surviving. The applicant and DWQ are currently working together on the stormwater plan.

Motion

Mr. Martin motioned to approve the request to grant the major variance with DWQ's recommendations. Mr. Ellis seconded the motion. All but one of the WQC members present at the September 12, 2012 WQC meeting had approved of the request.

AGENDA ITEM NUMBER 2 REMOVED FROM AGENDA

2. Request for Waiver of 30 day Rule and Approval to Proceed to the EMC with Revisions to the Consolidated Buffer Mitigation Rule (15A NCAC 02B .0295) That Was Approved for Public Notice and Hearing by the EMC in the July 2012 Meeting; and for the Proposed Repeal of Buffer Mitigation Rules for the Neuse River (15A NCAC 02B .0242), Catawba River (02B .0244), Randleman Lake (02B .0252), Tar-Pamlico River (02B .0260), Jordan Lake (02B .0268), and Goose Creek Watersheds (02B .0609) and Associated Fiscal Note - (Action Item) (Amy Chapman)

Attachments enclosed: Consolidated Buffer Mitigation Rule (15A NCAC 2B .0295), Buffer mitigation rules being repealed (15A NCAC 02B. 0242, .0244, .0252 .0260, .0268, and .0609) and draft fiscal analysis)

3. Request to Proceed to the EMC for Approval of Pittsboro's Local Program Implementing the Jordan Lake New Development Stormwater Rule, and Delegation of Further Approval Authority to the Division of Water Quality Director- (Action Item) (Jason Robinson)

Description

The Jordan 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 the new development within their respective jurisdictions. In May 2012, the EMC approved 32 of the 33 local programs and required revisions to Pittsboro's program. Staff's report and slide presentation from the May 2012 WQC meeting can be found at <http://portal.ncdenr.org/web/emc/may-9-wqc> Staff has reviewed Pittsboro's revised program and requests that the WQC recommend the following actions to the EMC:

- Approve Pittsboro's Jordan Lake local new development stormwater program as meeting the minimum requirements established in Item (3) of the rule.
- Delegate authority to the DWQ Director to approve any subsequent program amendments that Pittsboro may propose from time to time. The DWQ Director will forward unique future program revisions of concern to the WQC for review.

Discussion

None

Motion

Mr. Hall motioned to approve Pittsboro's Jordan Lake local new development stormwater program and send it to the EMC and delegate authority to the DWQ Director to approve subsequent program amendments that Pittsboro may propose. Mr. Martin seconded the motion. He also reminded staff to make the EMC aware of any proposed changes to the Pittsboro program. The WQC unanimously passed the motion.

4. Request Approval of Coastal Habitat Protection Plan 2012 Annual Report - (Action Item) (Jimmy Johnson)

Description

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 2012. Each of the respective commissions is now being asked to approve the report before it is sent to the General Assembly. DWQ requested that the WQC approve the Coastal Habitat Protection Plan's 2012 Annual Report.

Discussion

One WQC member asked if the WRC has seen the CHPP annual report. The presenter said that the report was received by the WRC and they took no action on it.

Motion

Mr. Ellis motioned that the WQC accept the CHPP 2012 Annual Report, approve it and pass it onto the secretary for the Department of Environment and Natural Resources for submittal to the Environmental Review Commission. Mr. Larkin seconded the motion and the WQC unanimously passed it.

This summary was prepared by Adriene Weaver and each presenter approved of his/her summary.