

EMC WATER QUALITY COMMITTEE MEETING SUMMARY

February 12, 2003
Archdale Building - Ground Floor Hearing Room
11:00 A.M. - 1:00 pm

Executive Order No. 1 mandates that the Chair inquires as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

Members in Attendance:

Chairman Peterson, Waldroup, Ray, Martin, Brewer, Green, Fowler, Besse, Jenkins, Barnes, Abernethy

Members not in Attendance:

Moreau, Jennings

Staff in Attendance: Sullins, Crawley, et. al.

11:00 AM - Opening Comments

Chairman Peterson

Mr. Martin recused himself from agenda item # 3 regarding the major variance request. (*)Asterisk indicates consensus item; staff were available if there were any questions, but there was no presentation for those items. Agenda items were re-arranged into the following order:

***1. Request for Approval of Lincoln County's Revised Water Supply Watershed Protection Ordinance in Compliance with the Water Supply Watershed Protection Rules - (Consensus Action Item)
(Steve Zoufaly)**

Local Government Assistance Unit staff worked with Lincoln County to revise their Water Supply Watershed Protection ordinance. Minor corrections were needed to bring it into compliance with State rules. Lincoln County submitted a revised ordinance that meets or exceeds the State's minimum requirements. Staff recommended that the Water Quality Committee approve the proposed ordinance (see attachment). The motion was approved by consensus.

***2. Request Permission to Send the Draft Broad River Basinwide Water Quality Plan to the EMC - (Consensus Action Item) (Cam McNutt)**

DWQ staff requested permission from the Committee to take the draft *Broad River Basinwide Water Quality Plan* to the EMC the following day. Copies of the revised plans were sent to the Committee as part of the EMC package. The plan may also be viewed online at <http://h2o.enr.state.nc.us/basinwide/>. A summary of the public comments and DWQ responses is attached (see attachment). The motion was approved by consensus.

3. Consideration of a Request for a Major Variance from the Neuse River Riparian Area Protection Rule - (Action Item) (Bob Zarzecki)

A request was received for the WQC to consider granting a variance from the Neuse River riparian area protection rule (15A NCAC 2B .0233) for the HWB, Inc. "Rosewood Industrial Park" project in Goldsboro, Wayne County, NC. The project is located south of the intersection of Hwy 70 and 581, west of Goldsboro. The applicant, HWB, Inc., is proposing to impact approximately 0.96 acres of buffers along a modified stream to redevelop an existing commercial property with a gas station and a

fast food restaurant. The unnamed stream is a tributary to the Little River (classified as "WS-IV NSW"). Stormwater management and buffer restoration on an adjacent property are proposed to mitigate the impacts. DWQ staff presented slides showing the existing conditions of the property, the area proposed for buffer restoration by the applicant, and the recommendation that the Major Variance be approved as long as conditions are met for an approved stormwater management plan, buffer restoration plan and an approved 401 application, if needed. Dr. Ray asked about the quantity of water proposed to drain to the stormwater pond, there were some additional details discussed regarding topography, and then the request was approved (see attachment).

4. Recommendations to Modify the Major Variance Request Procedures - (Action Item) (Bob Zarzecki)

Staff presented that in December 2002, the WQC approved a modification to a major variance that was initially approved by the full EMC in May of 1999. The Committee stipulated that staff has the authority to approve future modifications to the variance if certain conditions are met. At that time, the Committee had instructed staff to present draft conditions that if met will allow staff to approve modifications to all previously approved major variances. Staff presented four conditions and clarified that the fourth condition, which was added to the three conditions previously sent to the Committee, was that the purpose of the project would have to be unchanged. Chairman Peterson asked staff to remove vagueness from the condition that says, "the modifications comply with the conditions of the original variance approval". Chairman Peterson asked to clarify that "the conditions" are the actual conditions that the Committee requested to be met for approval of the original variance. With that change to be made to clarify "conditions", the request was approved (see attachment and additional handout).

5. Request to Proceed to EMC for Approval of Tar-Pamlico Model Local Stormwater Program - (Action Item) (Rich Gannon)

As part of the Tar-Pamlico Nutrient Sensitive Waters strategy, the Tar-Pamlico stormwater rule requires the Commission to approve a model local stormwater program that DWQ staff has developed in cooperation with subject local governments. Following this approval, using the model as guidance, those jurisdictions are to design their programs over the ensuing year for submittal to the Commission. Since February 2002, staff has met regularly with the affected local governments and others to develop this model, which builds on a similar product created for the Neuse basin. The group, with contracted facilitation and technical support, addressed unique rule elements and improved on Neuse methods. Staff presented the consensus recommendation of the stakeholder group to the Committee and requested that the Committee endorse the Tar-Pamlico model program to the full Commission the next day for approval. Please note that the full report and model document were not included within the WQC package, but were included only in the full EMC package. Also, appendices to the model were not provided due to their size. The appendices can be viewed or downloaded from the Tar-Pamlico web page at <http://h2o.enr.state.nc.us/nps/tarpam.htm>. Staff distributed a letter received from City of Oxford earlier that week stating several concerns with the model development and rule designation processes. Staff offered verbal responses to those comments at Chairman Peterson's request. The item was approved to go to the EMC the next day.

6. Request to Proceed to EMC for Approval of Full Tar-Pamlico Agricultural Accounting Method - (Action Item) (Rich Gannon)

In October 2002, as part of the Tar-Pamlico Nutrient Sensitive Waters strategy, the Commission approved a cropland nitrogen accounting method for the Tar-Pamlico agriculture rule, which was effective September 1, 2001. Session Law S.L. 2001-355, a product of legislative review of the rule, requires that the EMC approve a combined accounting method that incorporates accounting for pasture-based operations. Staff worked with the Basin Oversight Committee (BOC), experts from North Carolina State University, and pasture representatives to develop a combined accounting process, and presented the BOC's recommendation to approve this method. The method will be used by Local