**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING AGENDA**

**November 8, 2017**

**Archdale Building-Ground Floor Hearing Room**

**1:00 PM – 3:30 PM**

General Statute § 138A-15 mandates that the Chair 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.

**Dr. Albert Rubin, Chair, Presiding**

**I. Preliminary Matters**

**1. Approval of September 13, 2017 Water Quality Committee meeting summary**

**II. Agenda Items**

**1. Request for a Major Variance from the Neuse Riparian Area Protection Rule by Sonya and Ahmed Ramadan for construction of a single-family home at 621 Bon Air Avenue in Durham, NC - (Action Item) (Jennifer Burdette, DWR)**

A request has been received for the Water Quality Committee (WQC) to grant a Major Variance from the Neuse Riparian Area Protection Rule to Ms. Sonya and Mr. Ahmed Ramadan for a single-family residence within Zone 1 and Zone 2 of the buffer at 621 Bon Air Avenue in Durham, NC. To mitigate the buffer impact, the applicant proposes to purchase buffer credits from a private mitigation bank. A rain garden is also proposed to treat stormwater runoff from the proposed home. Based on the information submitted, the Division of Water Resources (DWR) staff supports this request for a Major Variance from the Neuse Riparian Area Protection Rule because all the requirements in 15A NCAC 02B .0233 have been met. (Attachments enclosed: Variance Application, DWR Findings of Fact, and PowerPoint Presentation)

**2. Request for a Major Variance from the Neuse Riparian Area Protection Rule by the City of Durham – Department of Water Management for expansion of their Mist Lake facility at 1600 Mist Lake Drive in Durham, NC - (Action Item) (Jennifer Burdette, DWR)**

A request has been received for the WQC to grant a Major Variance from the Neuse Riparian Area Protection Rule to City of Durham for Expansion of their Department of Water Management Mist Lake Facilities within Zone 1 and Zone 2 of the buffer at 1600 Mist Lake Drive in Durham, NC. To mitigate the buffer impact, the applicant proposes to purchase buffer credits from a private mitigation bank. A stormwater management plan is also proposed to treat stormwater runoff from the proposed facility expansion. Based on the information submitted, the DWR staff supports this request for a Major Variance from the Neuse Riparian Area Protection Rule because all the requirements in 15A NCAC 02B .0233 have been met. (Attachments enclosed: Variance Application, DWR Findings of Fact, and PowerPoint Presentation)

**3. Request for a Major Variance from the Jordan Lake Riparian Area Protection Rule by AirDreams, Inc. for construction of a single-family home at 1318 Vickers Avenue in Durham, NC - (Action Item) (Jennifer Burdette, DWR)**

A request has been received for the WQC to grant a Major Variance from the Jordan Lake Riparian Area Protection Rule to AirDreams, Inc. for a single-family residence, detached garage and two rain gardens within Zone 1 and Zone 2 of the buffer at 1318 Vickers Avenue in Durham, NC. Durham County has been designated authority to administer the Jordan Lake Riparian Area Protection Rule. To mitigate the buffer impact, the applicant proposes to purchase buffer credits from the Division of Mitigation Services. Two rain gardens are also proposed to treat stormwater runoff from the proposed home and detached garage. Based on the information submitted, Durham County and the Division of Water Resources staff support this request for a Major Variance from the Jordan Lake Riparian Area Protection Rule because all the requirements in Section 8.5.12 of the Durham Unified Development Ordinance have been met. (Attachments enclosed: Variance Application, DWR Findings of Fact, DWR Supplemental Findings of Fact, and PowerPoint Presentation)

**4. Request Approval of the 2018 - 2020 North Carolina Coastal Habitat Protection Implementation Plan – (Action Item) (Jimmy Johnson, DEQ/APNEP)**

The Coastal Habitat Protection Plan (CHPP) Steering Committee made up of two members from the Environmental Management Commission (EMC), Coastal Resources Commission (CRC), and the Marine Fisheries Commission (MFC) has met and recommends the biennial implementation Plan be approved. This plan is the means by which the recommendations and actions found within the revised 2016 CHPP are implemented. The implementation actions developed by DWR and Division of Energy Mining and Land Resources (DEMLR) staff for the 2018-2020 Implementation Plan will be summarized.  DWR requests that the WQC approve the Coastal Habitat Protection Plan’s 2018-2020 Biennial Implementation Plan. (Attachment enclosed: 2018-2020 Coastal Habitat Protection Plan Implementation Plan and DWR and DEMLR Implementation Actions)

**5. Request Approval to Proceed to the Environmental Management Commission with the Draft Environmental Management Commission and Department of Environmental Quality 2017 Annual Basinwide Water Management Plans ERC Report per GS 143-215.8B (d) - (Action Item) (Ian McMillian, DWR)**

The Division of Water Resources requests approval to proceed to the Environmental Management Commission with the Draft Environmental Management Commission and Department of Environmental Quality 2017 Annual Basinwide Water Management Plans ERC Report per GS 143-215.8B(d). (Attachments enclosed: 2017 Annual Basin Planning Report and PowerPoint Presentation)

**6. Annual Progress Reports on the Tar-Pamlico and Neuse Agricultural Rules – (Information Item) (Jim Hawhee, DWR)**

The Tar-Pamlico and Neuse Agriculture Rules (15A NCAC 2B .0256 and .0238) require their respective Basin Oversight Committees to report to the EMC regarding annual implementation progress. These reports demonstrate agriculture’s ongoing collective compliance with each rule. The reports estimate cumulative nitrogen loss reductions from crop agriculture of 56% in the Tar-Pamlico basin and 52% in the Neuse basin relative to the baseline time period of each strategy.  These reductions are slightly down in relation to those achieved last year, which were the highest reported to date.  An evaluation of qualitative indicators also shows no increased risk of phosphorus loss into the Tar-Pamlico basin. (Attachments enclosed: 2017 Annual Progress Report (Crop Year 2016) on the Tar-Pamlico Agricultural Rule (15A NCAC 02B .0256), 2017 Annual Progress Report (Crop Year 2016) on the Neuse Agricultural Rule (15A NCAC 02B .0238, and PowerPoint Presentation)

**7. Update on DWR Stakeholder Activities for re-adoption of 15A NCAC 02B and 02H Rules Explanation – (Information Item) (John Huisman and Jeff Manning, DWR)**

The Division of Water Resources is providing an update on the status of stakeholder engagements requested by the Water Quality Committee for the re-adoption of the subject rules.  The draft rules will be separated into two packages: John Huisman will lead the re-adoption process for the current 15A NCAC 02B .0232 - .0261 rules; and Jeff Manning will lead the re-adoption process for the draft 02B (except for 02B .0232 - .0261) and 02H rules.  October 2017 stakeholder events for each of the two rule sets will be summarized.  Both rule sets are currently planned to be brought to the WQC meeting in January 2018 for approval to move forward to public notice and public comment.

**8. Updates on NC Nutrient Criteria Development, and on Implementation of Falls and Jordan Nutrient Strategies, for Environmental Review Commission Annual Report - (Information Item) (Brian Wrenn and Rich Gannon, DWR)**

Session Law 2005-190 (as amended by SL 2006-259 and 2009-486) requires the Commission to report quarterly to the Environmental Review Commission (ERC) its progress in developing and adopting nutrient control criteria for drinking water reservoirs, and in implementing nutrient strategies for Falls and Jordan Lakes. Session Law 2017-10 reduces the frequency of these reports to annual, January 1st. Accordingly, DWR staff will update the WQC on the history of these initiatives and brief it on current activities after the last quarterly report submitted to the ERC in April 2017.

**9. Algal Blooms - (Information Item) (Mark Vanderborg, DWR)**

DWR staff will provide an overview of DWR’s algal bloom assessment and its response to harmful algal blooms. (Attachment enclosed: PowerPoint Presentation)

**III. Closing Comments – WQC Chair, Dr. Albert Rubin**