**ENVIRONMENTAL MANAGEMENT COMMISSION**

**WATER QUALITY COMMITTEE MEETING SUMMARY**

**July 11, 2018**

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| **BRIEF**   |  | | --- | | The Water Quality Committee (WQC) of the Environmental Management Commission (EMC) at its July 11, 2018 meeting:   * approved the draft minutes for May 9, 2018 WQC meeting. * approved a request for a Major Variance from the Neuse Riparian Area Protection Rule from Mr. Eugene Molnar for construction of a wooden deck to an existing single-family dwelling. * approved a request for a Major Variance from the Goose Creek Riparian Area Protection Rule from Charlotte Water for construction of the Stevens Creek Trunk Sewer in Mint Hill, NC. * was provided with updates on the status of the development of the 2018 303(d) List and the Division of Water Resources (DWR) Algal Blooms Assessment Program and an overview of the 2018 Watauga River Basin Water Resources Plan. | |

**WQC Members in Attendance:**

Dr. Albert R. Rubin, WQC Chairman

Ms. Marion Deerhake, WQC Vice Chair

Dr. Suzanne Lazorick, EMC

Mr. Steven Keen, EMC

Dr. Stan Meiburg, EMC  
Mr. J.D. Solomon, EMC Chairman

**WQC Members not in Attendance:**

Mr. Mitch Gillespie, EMC

Ms. Julie Wilsey, EMC Vice Chair  
**Others Present:**Mr. Bill Puette, EMC  
Mr. Charles Elam, EMC

Mr. George Pettus, EMC

Ms. Shannon Arata, EMC

Mr. Charles Carter, EMC

Mr. Phillip Reynolds, EMC Counsel

**I. Preliminary Matters**

WQC Chairman Rubin read the conflict of interest statement under General Statute 138A-15. No conflict of interest was identified by the members with respect to any item on the July 11, 2018 WQC agenda.

WQC Chairman Rubin asked the members for a motion to accept the draft minutes for the May 9, 2018 WQC meeting as presented. Commissioner Keen made a motion to approve the minutes. EMC Chairman JD Solomon seconded the motion. Then Chairman Rubin asked members if they had any objections to the minutes. EMC Counsel provided for clarification regarding Commissioner Meiburg’s suggestion to eliminate the second ‘Deerhake’ on page 3 in the discussion for agenda item number 2. He noted that the minutes need to reflect this amendment. All the WQC members present voted in favor of approving the minutes as amended.

**II. Agenda Items**

**1. Request for a Major Variance from the Neuse Riparian Area Protection Rule by Mr. Eugene Molnar for Construction of a wooden deck attached to an existing Single-Family Residence in Cary, NC)**

**Description**  
Mr. Paul Wojoski, in DWR’s 401 & Buffer Permitting Branch, requested the WQC grant a major variance from the Neuse Riparian Area Protection Rule to Mr. Eugene Molnar for the construction of a wooden deck attached to an existing single-family residence within Zone 1 of the buffer at 110 Bebington Drive, Cary, NC. To mitigate the buffer impact, the applicant proposes to 2 plant native hardwood species in Zone 1 of the buffer. The applicant proposes to install two splash pads on the home’s downspouts to provide diffuse flow and treatment for previously untreated stormwater runoff. 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.

**Discussion**Several members expressed concern over the challenges of the existing riparian area protection rules for single family properties.

**Motion**Commissioner Meiburg made a motion to approve this variance. Commissioner Elam seconded the motion. The motion passed unanimously.

**2. Request for a Major Variance from the Goose Creek Riparian Area Protection Rule by Charlotte Water for construction of the Stevens Creek Trunk Sewer - Phase I in Mint Hill, NC**

**Description**Ms. Karen Higgins, in DWR’s 401 & Buffer Permitting Branch, requested the WQC grant a major variance from the Goose Creek Watershed Riparian Area Protection Rule to Charlotte Water for the construction of 9,902 feet of sanitary sewer within the buffer along Stevens Creek and a tributary to Stevens Creek west of I-485 in Mint Hill, NC. The applicant proposes permittee responsible mitigation. Based on information submitted, the DWR staff supports this request for a major variance from the Goose Creek Watershed Riparian Area Protection Rules because all the requirements in 15A NCAC 02B .0606 have been met.

**Discussion**Commissioner Keen asked the project manager for Charlotte Water who would be responsible for conducting the leakage test for wastewater that would be sent outside of the Goose Creek watershed once the US Army Corps of Engineers approves the 401water quality certification and 404 permit for the Stevens Creek project. The project manager replied that Charlotte Water would. EMC Chairman Solomon asked Charlotte Water with respect to the leakage testing what it is doing more than what it normally does.  WQC Chairman Rubin asked if there was Discharge Monitoring Report (DMR) data on the existing package plant that is going to be replaced.   WQC Vice-Chair Deerhaake asked Ms. Higgins why the applicant is given the option to purchase mitigation credits if existing pumps are not replaced with a regional pump and the proposed stream restoration is not completed. Ms. Higgins explained that the variance is for buffer impacts and these other activities require other approvals, but if for some unforeseen issue the applicant could not complete these activities to offset the buffer impacts then it could use mitigation credits to meet its ‘permittee’ responsible mitigation.    WQC Vice-Chair Deerhaake stated “I am not clear why we are giving this option especially not shutting down the package plant which was the motivation for the replacement anyway.  So, I am concerned about that that they should be mandatory it seems in order to be given this variance, especially given the ecosystem that is there.”  WQC Vice-Chair asked for additional details about the Carolina Heelsplitter, positioning of the pipe, the PVC inspection schedule and contingency plan if there is a leak, and failing septic tanks in the Steven’s Creek watershed.

**Motion**Commissioner Meiburg made a motion to approve the major variance request with the condition that “if these activities are not completed” phrase be removed from Charlotte Water’s mitigation plan.  Commissioner Keen seconded the motion conditions. The motion passed unanimously.

**3. 303(d) Listing and Delisting Update**

**Description**Mr. Cam McNutt, in DWR’s Modelling Branch, provided the WQC with a progress update on the status of development of the 2018 303(d) list.

**Discussion**EMC Chairman Solomon asked Mr. McNutt if unintended consequences identified as a result of the assessment data. He replied no.

**Motion**Not Applicable

**4.** **Algal Blooms Assessment Program Update**

**Description**

Mr. Mark Vander Borgh, in DWR’s Water Sciences Section, provided the WQC with an update on the Division’s Algal Bloom Assessment Program. Mr. Vander Borgh provide information various projects, including cyanotoxin testing development and fish kill and bloom reporting, and the occurrence of algal blooms in North Carolina.

**Discussion**Commissioner Keen asked when the history on Lake Mattamuskeet started. Mr. Vander Borgh stated that DWR has monitored the lake as part of the basinwide assessment program for over twenty years and periodically receives algal samples from the Fish and Wildlife Service analysis. Commissioner Lazorik asked whether algal toxins are harmful to humans, mammals, flora and fauna. There are a number of toxins that algae can produce which have different effects on different types of organisms.

**Motion**

Not Applicable

**5. Overview of the 2018 Watauga River Basin Water Resources Plan**

**Description**Ms. Michelle Raquet, in DWR’s Basin Planning Branch, provided the WQC with an overview ofthe draft 2018 Watauga River Basin Water Resources Plan. The presentation included a general overview of various elements of the plan, including plan requirements, geography, land use, population, nonpoint source pollution, water quality protection programs, permits, water use, monitoring data and water quality assessment, and watershed chapters. Additionally, a rollout of an interactive map on a basin plan for the public was provided.

**Discussion**Commissioner Lazorik inquired what the timeline is for getting the interactive maps for the remaining basins completed. Ms. Raquet explained that the basin maps will be developed on a rotating schedule. WQC Vice Chair Deerhaake stated that it would be useful for the basinwide plans to integrate national atmospheric deposition data layers for nitrogen, sulfur and mercury to understand where atmospheric depositions could have a potential impact on water quality.

**Motion**Not Applicable

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

This draft summary was prepared by Paul Wojoski, Karen Higgins, Cam McNutt, Mark Vander Borgh, Michelle Raquet, and Adriene Weaver