

Chatham County Environmental Review Advisory Committee (ERAC)

Meeting Minutes for June 11, 2015

Attendance

Committee members:

Present: Jerry Cole, Mary Beth Koza, Ray Bode, Sherri Stuewer, Terry Schmidt, Vic D'Amato

Absent: David Mattison, Francis DiGiano, Graham Swift, Joan McLean, Humberto Garrido

Guests: County Commissioner Hales

Staff: Dan LaMontagne, Chatham County Public Works Director

Call to Order

At 6:37 p.m. Chairman Jerry Cole called for the meeting to begin following the published agenda.

Recording Secretary

Ray Bode was designated by Chairman Jerry Cole as recording secretary for the meeting.

Approval of Minutes of May 20, 2015 Meeting Jerry Cole moved to vote, Mary Beth Koza voted to approve, Terry Schmidt seconded, all were in favor.

Public Input

There was no public input at this session.

Builders FirstSource Environmental Impact Assessment (EIA)

- Review of comments made by board members on EIA:
 - Clarification was asked concerning a member's comment concerning outdoor storage of leachable materials (ie treated lumber) in concentrated quantities. It is proposed that this material will be stored in quantities, and the facility will be fabricating items from it, potentially generating sawdust. More explanation should be given as to whether or not they will be manufacturing on site. The applicant should clarify if this waste would be considered de minimis, and, if not, give a plan to manage the potential waste.
 - Jerry Cole moved to approve our comments, sending it back to applicant so that they have the opportunity to revise. Mary Beth Koza and Vic D'Amato seconded, all attendees voted in favor.

- Committee members had conversation regarding general ERAC processes:
 - Stormwater permitting approval and how it figures in to the ERAC review. EIA documents are produced as a planning/zoning documents and not as engineering documents or permit applications. The County reviews permit applications separately, and he felt that the applicant has covered that requirement. Dan LaMontagne offered to review applicable ordinances and permitting processes at a later date with committee. All attendees said that would be helpful.
 - The ERAC review comments for EIA documents are submitted to the County Planning Board, if approved, however, at this time, the ERAC role in plan approval/disapproval is not clearly defined, and it is unclear what effect ERAC comments have on the planning process. The following suggestions were made:
 - ERAC comments should influence discussion at the planning board.
 - ERAC review comments should be returned to the applicant prior to formal submittal of the document so that revisions can be made.
 - ERAC review comments should be made in a more formal process, using a template/form. Project and applicant be listed in header of form.
 - A submittal timeline should be provided to applicants prior to commencement of application process, and applicants should receive a notification letter when the ERAC initiates the review.
 - ERAC review should have some regulatory weight requiring applicants to address the ERAC comments. Currently there is no requirement for the applicant to do anything with ERAC comments. The ERAC role in the planning/review process needs to be clearly defined. Otherwise, applicants may submit substandard documents as a formality, enabling them to bypass the ERAC. If a legal process is involved, the County attorney should be part of this conversation.
 - Dan LaMontagne will investigate the timeline for zoning, subdivision, and other county applications, also, discuss with the county planner to define the ERAC responsibility. Applications go to planning, not to the Division of Environmental Quality, some amount of coordination will be needed.
 - The alternatives section seemed lacking in this and the other EIA currently in front of the committee (see below). It is unclear what standards applicants should be held to for this documentation. This should be clarified in the template.
 - The ERAC could put a 15 day draft stamp on our comments, with the opportunity for the applicant to revise and address. If no action is taken

in that 15 day period, the comments will be regarded as final comments to be submitted to commissioners.

Beaver Creek Storage EIA

- General discussion regarding the EIA submitted for the proposed Beaver Creek Storage facility:
 - Could site design be rearranged to better minimize wetland impacts? Wetland buffers required by the County's Watershed Protection Ordinance may be an impediment to redesigning, however, this was not discussed in the document.
 - The document should have a better assessment/discussion of potential hazardous material storage related to boat or vehicle storage. The expectation is that it should be similar to shopping mall needs for spill or other contaminant control.
 - The ERAC proposes that the document is reviewed, and comments be submitted using the County's review form in time to discuss for approval during the next ERAC session. The committee set a date of 7/2/2015 for comments to be submitted to Dan LaMontagne.

ANNUAL REPORT

- General discussion regarding the 2014 ERAC Annual Report:
 - A comment was made that the ERAC had 4 minuted meetings, and one additional in September with no quorum totaling 5 committee meetings. This appears to be incorrect in the report. The report will be revised to reflect this.
 - On the second page, under "barriers and challenges", the second bullet should be replaced with revised language.
 - Suggestion was made that Chatham Park and the proposed coal ash fill should be included as carry over items for ERAC to monitor in the coming year.
- Jerry Cole recommend adopting changes. Mary Beth Koza motioned to accept, Sherri Stuewer seconded, all voted in favor, and this revised version will be presented to commissioners.

Updates from County Staff

- Dan LaMontagne:
 - Chatham County issued notice of Violation (NOV) to Chara for an unpermitted start of clearing timber on the rail spur at the Brickhaven coal ash landfill site. An NOV from DENR was also issued for clearing at mine site, and commencing work with no approved erosion control permit (ESC) in place. No fines were

levied, but Chara was required to get an approved ESC and stabilize riparian buffer zones before resuming work.

- No 404/401 permit is in place yet for this site.
- The rail line is over a mile long, and will have bridging to avoid stream impacts. Chara will likely be applying for buffer impact permits.
- Commissioner Hales:
 - Commission is working on a fracking moratorium to be tied to development. Watching exploratory drilling currently underway near Winston Salem on public land.

Comments from ERAC Members

- None

Adjournment

Vic D'Amato moved to adjourn the ERAC meeting, and JC seconded the motion. The next meeting of the ERAC is July 9, 2015.