

## Minutes of the Chatham County Environmental Review Advisory Committee (ERAC) Meeting

March 24, 2016

### **Attendance**

*Committee members:*

Present: Jerry Cole, David Mattison, Victor D'Amato, Terry Schmidt, Ray Bode, Sherri Stuewer (via skype), Graham Swift

Absent: Elaine Chiosso, Fran DiGiano, Mary Beth Koza

Staff: Dan LaMontagne, Assistant County Manager; Brian Burkhart, Environmental Quality Director

### **Call to order**

6:30 PM by Chairman Terry Schmidt for meeting to begin following the published Agenda.

### **Introductions**

Dan introduced Brian Burkhart the County's new Environmental Quality Director

### **Recording Secretary**

Vic D'Amato was designated by Chairman Terry Schmidt as recording secretary for the meeting.

### **Approval of minutes of the January 14, 2015 meeting**

Graham Swift moved to accept the minutes and Dave Mattison seconded the motion. All members of committee present voted to approve the motion.

### **Annual Report for 2015**

Jerry Cole drafted the Annual Report. Dan e-mailed it to the ERAC during the meeting for review.

### **EIA Reviews**

#### Golf Cart Guys

- Jerry Cole suggested that sulfuric acid may be used. If they are charging batteries, they will need ventilation for hydrogen. If they are using liquid fuels (e.g., gasoline), fuel spills are a concern.
- We should ask for details on battery disposal provisions and secondary containment.
- Dave Mattison wondered how they are going to operate shop in the facility (e.g., degreasers, parts cleaning). Dave will send language to Dan to add to the comments.
- Sherri had concerns about the vegetated buffer along street.
- Vic had some questions about the wastewater system dispersal areas shown on the plan.
- ERAC should review and provide comments due to Dan in one week (see Dan's follow-up e-mail)

## Extra Garage IV

- Someone asked whether fuel storage would be below or above grade. Dan clarified that fuel storage has to be above grade. It also has to be accessory to use. They will have to submit a spill control and containment plan to Dan, as part of the watershed requirements.
- Sherri asked if property for meeting impervious area requirements needs to be contiguous. Answer is no, but non-contiguous properties have to be reviewed by the Watershed Review Board (WRB) and provisions must be included in the deeds for both properties. Dan thinks these properties have been recombined.
- ERAC should review and provide comments due to Dan in one week (see Dan's follow-up e-mail)

The group had some discussion about how we should address EIAs in the future and the value of our review. Dan said County authority to require EIA may have gone from 2 to 10 acres of disturbance based on recent legislation. Their attorney is reviewing the session law. Jerry noted that our comments do go into the public record. Dan indicated that our comments can be useful for the applicant. Additionally, our comments could be used by the Board of Commissioners (BOC) for establishing conditions for Conditional Use Permits. However, these two EIA were triggered by the 2 acre disturbance threshold. They require rezoning but not Conditional Use.

Ray Bode commented on the EIA template: could include a questions about impacts to buffers? Dan clarified that the items noted in the template come straight from the ordinance, so it is not an easy change to add things. He also noted that buffers are regulated so impacts won't be missed. We can always comment on buffer impacts even if not specifically called out in the review template.

## **Solar Bee Presentation follow-up and discussion of resolution for the BOC**

- Jerry Cole said that the main point was that we want to prevent more money from being spent on this pilot project
- Several resolution text changes were proposed and approved by the ERAC
  - Change "remove the SolarBees" to "discontinue the SolarBee pilot project"
  - change "our best hope" to "currently the most efficient means of"
- Graham moved, Jerry seconded and all present approved.
- Dan will make changes and send out to everyone for final confirmation
- Brian and Dan will also check on the 300,000 number (people who rely on Jordan Lake for their water supply) prior to finalizing

## **Updates from County Staff**

### Legislation

- Stream buffers still up in the air. The County feels like we can keep buffers as part of our watershed ordinance. They are hearing that we would have to reduce buffers in the Jordan Lake watershed to 50' (because Jordan was specifically targeted by the session law). Wake County is submitting a study to

support 100' buffers and Chatham might sign on. It was unclear whether the study was something existing or something new that Wake is working on. Dan has some concerns about drawing attention to the County on this issue.

- Stormwater ordinance. Chatham enacted Jordan nutrient rules early. Session law requires removal of the nutrient rules. However, because of the County's low density requirements, most developers don't have to do buy-downs for nutrients. There could be an effect in the Upper New Hope arm, but the impact would be more to payment into NC DEQ Mitigation Services. The County will need to adopt an ordinance to address these requirements. The stormwater ordinance does not require WRB approval. Dan plans to present a draft for the BOC to consider in April. It will probably be enacted in June.

#### Coal Ash – Air, Water, and Biosolids

- The County is planning to do another round of rail air sampling next week. Most of the shipments are at night, so the consultant will have to sample at night.
- County is waiting for a proposal for doing split samples (County and Charah) for onsite groundwater monitoring wells and for raw ash. Dan will be developing an analyte list. They will do monthly split samples of ash coming in for the first year, then quarterly, unless results suggest more frequent sampling is warranted. There could be lots of variability in coal ash and leachate composition over time.
- Sherri sent an e-mail today to Dan and Terry to respond to the Sanford WWTP response to our questions about leachate treatment at the plant and the fate of leachate constituents in biosolids. We should thank them but communicate our interest in continued monitoring and ask how we can get those results. Some will come from Charah for leachate samples and some will come from the WWTP for biosolids. If we want to go one step further, there are a number of chemicals that are not being monitored at all, but were shown to be prevalent in samples in the EPRI study report. Dan will pull together a letter based on Sherri's e-mail and send it out to the group. Dan will also put Sanford's response to the ERAC's list of questions up on website.

#### **Announcements and updates from ERC members**

##### Coal Ash Hearing - Terry Schmidt

- Terry reported on the recent coal ash hearing, which Dan also attended. The Cape Fear site is currently classified as "medium risk" by DEQ. Most speakers spoke in favor of reclassifying it to be high risk. There were 25 speakers in total.

##### Comp Plan Status – Jerry Cole

- Jerry attended the recent steering committee meeting in Terry's stead. It was a well-attended meeting and consisted mostly of the consultant, LandDesign's Phase 1 report-out. The Phase 1 report itself will be submitted to the BOC April 18<sup>th</sup>. The next Steering Committee meeting is scheduled for May 19<sup>th</sup>.
- Jerry summarized some highlights from LandDesign's presentation:
  - They are producing a land use map, not a zoning map
  - Environment is one of the major concerns - water resources was the number 1 issue
  - They like and are using the Chatham Conservation Plan
  - Agriculture is thriving, but there are concerns about development conflicts

- They noted that regarding utilities, Chatham has adequate water supply, but limited sewer

### **Public Comment Period**

- There was a question about where the funding for coal ash sampling was coming from. Dan responded that it was from the coal ash settlement monies. There was a follow-up comment about costs for sampling, but Dan didn't know exactly yet, but that the costs would be pretty modest.
- Sonny Keisler passed out a summary of problems with the Rocky River written by Connie Allred and edited by Sonny. The County needs to purchase an option on 500 (out of 1,800) acres of the proposed megasite in Siler City for the NC Commerce Department to market the megasite. Sonny indicated that the megasite was based on the assumption that the site has adequate water and sewer, but he and others believe that is not the case. The ERAC might want to comment to the BOC. The BOC deferred the required public hearing and vote till next month so that all commissioners could be present.

### **Conclusion of agenda items**

**Jerry moved, Graham seconded and all approved adjournment at 7:50 pm.**