

Chatham County Environmental Review Board (ERB)
Minutes for February 18, 2010
Dunlap Classroom

ERB members present: Elaine Chiosso, Tara Allden, Catherine Bollinger, Raj Butalia, Steve Wing, Lin Andrews, Vic D'Amato, Martha Girolami

Staff present: Fred Royal

1. Approval of meeting minutes from January 28
Elaine moved to approve. Steve seconded. All approved.
2. Public Input
Peter Theye thanked the ERB for their work and effort.

He asked the ERB if they knew that Briar Chapel was going to deed a park to the County and expressed concerns about use of reuse water that would be used to irrigate the ball fields. What about pharmaceuticals and other substances in the reuse water?

Peter also expressed frustration with DWQ at their lack of response to his concerns about NOV's and other construction issues at The Parks at Meadowview, Briar Chapel and Westfall. He said that DWQ has no follow through to catch problems and make sure problems are fixed.

Fred responded that the Parks at Meadowview is in Chapter 11 bankruptcy and this is a statewide issue getting banks to comply with the permit conditions. Tara pointed out that 401 permits require financial assurance by developers (performance bonding). But in non- 404/401 projects only roads require bonding. So the County has no financial protection. Fred expressed the hope that someday there could be a system in the County to be reimbursed or levy fines after first stopping further environmental impacts when problems arise.

3. Staff Report (Fred Royal)
 - a. NE Big Woods Park

Fred came with the 90% project plans. He gave a response to each concern raised by the ERB in the past. In summary, the ball field was raised and moved to save two out of the three large trees. The County Sedimentation and Erosion Control Division will have Jim Willis and Rachel Thorn oversee construction to make sure the erosion control plan is followed (even though this is a public project under state enforcement).

Construction is scheduled to begin in August 2010; no bids yet. They were able to get a reduction in capacity for septic system flow and eliminated unneeded bioretention ponds resulting in less disturbance to the area and another savings.

Catherine will send Fred an improved list of plantings for trees and shrubs since the project plant list was unsuitable for average to dry conditions and did not consider what was growing well on the site at present.

b. Jordan Buffers

Chatham must submit to DWQ a draft buffer ordinance for compliance with The Lake Jordan nutrient reduction rules. Some changes will be made to the County buffer rules, for example a mitigation section will be added. Several counties and towns impacting the Upper New Hope Arm of Jordan Lake will be working together to develop a management plan for nitrogen and phosphorus for this portion of the Lake.

c. Possible contractor for ERB minutes

There has been no action yet. Perhaps one person will take minutes for several County boards.

d. GIS-based watershed planning initiative

This project involves the identification of sub-watersheds and development of management plans for these into a geodata base. There is no funding yet.

e. 401/404 permit compliance update (Preserve and Chapel Ridge WQ)

Water quality data for the past three years was submitted to Fred in a report from Kilpatrick Stockton LLP and Smart & Associates. He has not had a chance to look at the data. Raj will get a PDF file of these data and evaluate them. He noted some high conductivity values. The Preserve has asked DWQ to be released from further testing. DWQ wrote that once their list of questions were answered their request would be considered. The ERB is missing DWQ's response to this request once the questions were answered.

f. Monitoring reports and Briar Chapel permit violation mitigation work

The Restoration Plan meeting took place without the Corps attending due to snow. Backwater Environmental will monitor all progress at the site. Their site elevation survey was incorrect and was recently redone. This caused the errors in culvert installation. Culverts being too high will require stream bed modification to change the hydraulic grade lines. Nevertheless, these culverts will fill in 5-10 years and require clean-out.

4. Review current Environmental Documentation Submittal Form.

No action.

5. Watershed Review Board Draft Procedures

The Watershed Review Board appeal Application Form was located and distributed to the ERB by Fred. A point of clarification is that Charlie Horne is the WRB administrator and Fred is his designated representative. Charlie has been sworn in and Fred will be before the first case.

6. Sludge subcommittee update

This subcommittee has not had a chance to develop website materials. There are no rules governing what can be put on the web in the public domain. Steve plans to talk further with George Lucier about the need for legal advice from Jep on whether the county can legally require sludge application companies to notify the County about scheduled application sites.

7. Report from Climate Change Subcommittee

Elaine gave the ERB the booklet from Environmental Defense Fund "Understanding Global Warming for NC". The ERB made some final edits to the Climate Change resolution to clarify the co-benefits of actions taken that reduce greenhouse gas emissions. This resolution will now be offered to other advisory boards for their review and possible support. She will send the ERB the final draft.

8. Announcements, and updates from ERB members

Fred reported that the large Oak Tree at the Law Enforcement Center has been inspected by an arborist and is considered too infirm to be able to preserve without drastic measures. Catherine noted that Paul Horne should be notified about this oak as he may wish to use the wood in public benches, etc.

Elaine reported that she has heard that a large natural gas deposit has been identified in the Deep River watershed in Lee and Chatham counties and suggests we find out more about this as there are environmental concerns about extraction methods.

Fred said that Progress Energy may be planning to convert its Moncure Cape Fear coal plant to natural gas (coal operations slated to close by 2017). When this coal plant is closed, how will their ash pit be managed? Fred recently toured the site and said this site appeared much safer than the Tennessee coal pit that failed and has adequate berms and dikes.