



Chatham County Environmental Review Board Meeting Minutes

Meeting Date: November 18, 2010

Location: Dunlap Classroom

Board Members Present:

Raj Butalia	Sonny Keisler
Elaine Chiosso	Martha Girolami
Vic D'Amato	Tara Alden
Allison Weakley	Lin Andrew

Present: Fred Royal, PE, CFM, Director, Environmental Resources Division

Copy:

Note: Motions and resolutions are noted in **red**. Other actions are noted in **blue**.

1. Approval of meeting minutes in October.

Tara moved to accept the October 18, 2010 ERB minutes. Raj seconded. All approved.

Review of **Blue** action steps from October 18th ERB meeting:

Elaine will write (has written) a memo to Sally Kost, about two ERB vacancies.

Tara wrote a request to the NC DWQ, Point Source Section, asking for an extension on the public comment period for the Pittsboro waste water treatment plant discharge permit. The extension was denied. She also asked for a public hearing on this permit which is under consideration. Due to time constraints, a verbal approval was provided to ERB by the BoC for this extension request.

2. Public Input

Peter Naylor attended to speak on the proposed landfill sites. Peter Naylor spoke against a landfill near his home in Hickory Mountain since the water quality and environment are very good. He was concerned about a spring fed pond and streams if Landfill sites #7 & 12 were chosen. He proposed that the ERB go to visit the sites.

3. Presentation about Natural Gas Hydraulic Fracturing (fracking) leases by Jordan Treacle from RAFI, and comments from ERB members

RAFI, a farmer advocacy organization based in Pittsboro, is reaching out to farmers to educate them about hydraulic fracturing (fracking) for natural gas and predatory leases from gas companies. Underground shale containing natural gas is found in 14 NC counties in the Triassic Basin which may involve about 1 million acres of farm and timber land. In

other areas of the country, this is a lucrative and unregulated energy industry.

Fracking and horizontal drilling have been illegal since 1954 in NC. Since the Halliburton Loophole in the Energy Bill of 2005 which exempts fracking from drinking water standards, this type of gas extraction has proliferated in the Western US and now is impacting large areas of Pennsylvania and NY. These states have no laws regulating or preventing this type of energy industry. In fact, there is no model for regulating this industry. EPA is beginning a study of environmental impacts due to this mining in January 2011. But for now with little or no regulation, gas companies have rapidly industrialized rural areas with well sites after leasing mineral rights. The environmental impact is considerable in these areas to forests, rivers, ground (well) water, air quality, game species and other wildlife.

Out of state gas companies are now rushing to obtain mineral rights in Lee and Chatham counties from often cash poor landowners. These companies have sent letters to landowners which includes a contract and a \$2000 check and the promise of wealth to the unsuspecting landowner. In fact in the fine print, the landowner is often unknowingly obligating himself to significant financial obligations. The landowner may be required to build access roads, remove timber and provide large volumes of water. Also there is no time limit on this transfer of mineral rights. Landowners in other parts of the country are being offered thousands of dollars per acre and a percentage of the future revenues whereas in NC the landowners are offered two or three dollars an acre. Landowners, often absentee, who have seen the "60 Minutes" show on fracking and "shale -ionaires" may want to sign leases ASAP to cash in, without knowing all the facts.

Fracking sites are heavy industry. One well can involve miles of road construction, thousands of truck trips to bring on site water and equipment, timber removal, and large holding ponds for contaminated waste water. Fracking involves drilling wells thousands of feet into the shale layer, injecting water, diesel fuel, sand, drilling mud, surfactants, dispersants and other proprietary chemicals into the shale to cause fissures. Fissures release the natural gas and other toxic petroleum chemicals. The injection water requirements are huge --- 3 to 5 million gallons of water per well.

Injection of toxic drilling liquid can easily pollute aquifers and contaminate wells -- drinking water for humans and livestock. Only approx. one third of the injected waters are retrieved from underground. Surface waters, agriculture livestock and wildlife can be damaged from large storage impoundments of used injection water which picks up benzene, ethylbenzene, toluene and other hydrocarbons that are also in the shale with the natural gas.

HRA, EDF, Nature Conservancy, Clean Water for NC, Sierra Club, RAFI and other non-profit organizations in NC are concerned about Fracking. They will lobby for good regulations and try to educate the public, towns, legislature, home building associations, and counties. They would like to see a moratorium on any change in the current NC prohibition on fracking and horizontal drilling until the EPA study is complete (end of 2012).

4. Update on ERB recommendations to Chatham County Board of Commissioners (BoC) (Elaine, Fred)
 - The BoC voted to pass a resolution to opt out of the additional 1 year extension to permits that the NC legislature passed last session, with "opt-out" provision for local

governments. The County has stated that it will work with developers on a case by case basis, giving extensions where it is appropriate.

- The BoC passed the revised Watershed Protection Ordinance that reflects compliance with Jordan Lake buffer rules.
- The BoC voted to approve \$6000 for the Rocky River Heritage Foundation study with NCSU.
- The status of the Sludge Application document and the Chatham Climate Change Resolution is not known. Tara will review our minutes to determine what steps should be taken next to advance these projects.

5. Staff Report (Fred Royal, PE, CFM, Director of Environmental Resources Division)

Jordan Lake Rules Up-date

Q & A document on the Jordan Lake Buffer Rules: Fred asked for input by next Tuesday and will send this to the ERB in a Word document for changes.

Status Update document: Jordan Lake Model Stormwater Ordinance for New Development: Fred will send this document in a Word document for ERB input by next Tuesday.

Both documents are being placed on the Environmental Resources Division (ERD) website:

<http://www.chathamnc.org/Index.aspx?page=882>

Fred and legal must develop the Stormwater Ordinance for New Development by July 2011.

He will not ask the BoC for a consultant in order to save the county money. However, this is a complex and time consuming project that involves significant staff resources for startup and later to manage the program when it is up and running.

In 2011, the ERB needs to form a sub committee to meet and work with Fred on this.

6.. Update by Allison Weakley on Chatham Conservation Plan

Fifty to sixty people attended her presentation on the 16th; some of these attendees were new to the planning process, including farmers and others. There were four resource stations – Forests, Agriculture, Biodiversity and Wildlife Habitat, and Water Resources (focused on water supplies). Maps, modeling, draft impacts and recommendations were made available.

The Appendices have been posted to the CCP wikispace:

(<http://chathamconservation.wikispaces.com/Conservation+Plan+Committee>).

They are still working on how to get maps on the space (currently they are large files). The Draft Plan should be on the site by 11/30. Comments are needed by 12/7 to

be considered in the final draft. The contract ends 12/15. The BoC presentation is planned for January at which time she will ask for approval of a resolution to adopt the Plan as the guide to be used in land use planning and decisions. Fred will use this plan as the best available data for EA's.

The contract requires one hard copy and an electronic copy. Fred will make 2 copies -- 1 for the library and one for the Dunlap building.

Future work may include a parcel density analysis. A discussion board on the wikispace can be used to post comments. Allison will send out this link again. Perhaps a Facebook account will be set up?

7. Announcements from ERB members

Elaine noted that DAQ will require Stericycle Medical Waste Incinerators in Haw River, NC to come into compliance with the new, tougher EPA regulations by 2013 and make other improvements. Sixteen local governments, including Chatham County, asked for Stericycle to comply with the new EPA regulations by 2012 instead of 2014.

Sonny reported that the Rocky River Heritage Foundation has two new members and hopes they can help raise funds for the river clean up without any state assistance.

Martha moved to adjourn at 8:32 pm. Sonny seconded. All approved.