



HENDERSON COUNTY ENGINEERING DEPARTMENT

Environmental Advisory Committee

Thursday, April 1, 2010

The Environmental Advisory Committee met on Thursday, April 1, 2010 at 3:30 pm at the King Street Meeting Room at 100 N. King St.

Committee members present: Mr. Ron Ehlinger, Dr. Richard DeSimone, Mr. Richard Freudenberger, Mr. Anthony Brancato, Mr. Jim Fickes, Dr. Tom Davis, and Mr. David Lowles

Staff present: Ms. Alexis Baker, Environmental Programs Coordinator, Mr. Marcus Jones, Director of Engineering, Mr. Anthony Starr, Planning Director and Ms. Rebecca Coplin, Solid Waste Division Administrative Assistant.

Guest: Larry Rogers (PEP)

CALL TO ORDER/WELCOME

Chairman Ehlinger called the meeting to order.

APPROVAL OF MINUTES

The motion made to pass the minutes was passed unanimously.

DISCUSSION

ECO request further testing performed for the Etowah area because previous test are showing various results.

Richard DeSimone delivered a written proxy on behalf of Marijane Pell in support of whatever direction the committee decided to take with regards to the recommendations that will be presented to the Board of Commissioners.

Update from Planning Director, Anthony Starr regarding the draft stormwater regulations for the Land Development Code:

The public hearing, held by the Board of Commissioners on March 30th, went well in Mr. Starr's opinion with approximately thirty plus people in attendance. The Planning Department gave an overview of the information that had been requested of them from the Board of Commissioners in December, reflecting state standards. The draft developed is the minimum state standards.

Points of interest included low density projects and the regulation of such. Marcus Jones, Director of Engineering, informed the committee that Assistant County Engineer, Natalie Berry will be handling Water Quality Administration as well as her current duties of Soil Erosion Administration. Mr. Starr also mentioned that the Board of Commissioners requested that the Planning Department find out what other surrounding counties are doing as far as their local regulations and report back.

A fee schedule of \$505.00 will be issued for stormwater permits in Henderson County, as is charged by the state. Both low & high density projects are permitted.

Mr. DeSimone inquired about any history of the county being billed for massive erosion cleanup. Mr. Starr responded that there were no incidents to his knowledge. He knew of no liability on the counties part for private property. There could possibly be issue for a county owned property but no incidents to date, come to mind. The county has no legal obligations to an owner but could require someone to take cleanup action if regulations had not been followed. If a public road was involved the NC DOT would take care of the necessary actions needed to correct the problem.

A question was posed to Mr. Starr regarding the handout. Page 7, regarding the section titled Stormwater Project Types, control & treat runoff from 1st inch of rain over a 24-hour period for High Density Projects. The March meeting minutes state that 11% of runoff was not captured by the 1st inch standard. Were the same units of measurement used to obtain these findings? Mr. Starr & Mr. Jones clarified that the data was a 10-year average showing that 89% of rain events would have been captured within the state standards (Editor's note: State stormwater rules did not become effective until July 1, 2007). The objective by state regulations is to capture 80% of the runoff pollution and the historical rainfall data for Henderson County suggests that the state standards meet that objective. If there is a desire to have tougher regulations imposed, the county would have to set them. To capture more than one inch will significantly increase development costs. The area in question is the regulations for Low-Density projects which are not regulated in the same way as the High-Density projects. The state regulations do include criteria for vegetative conveyances for Low Density Projects but the 1st inch of rain over a 24-hour period rule does not apply by state regulations for Low Density projects. stormwater control structures are not required for Low Density Projects. Mr. Starr and Mr. Jones further commented that they do not feel that Low Density projects will become common place in attempts to avoid the regulations in place for High Density Projects.

Tom Davis inquired about the impact of steep slope. Mr. Starr stated that the velocity of the stormwater runoff certainly does impact the land. High Density Projects are under control requirements that must hold and release the water over a minimum of 48 hours. With steeper slope, the greater the controls required to accomplish the same retention standards. Low-Density does not require Structural BMP's.

Also questioned was how will anyone know if the regulations are working or not several years down the line? Mr. Jones answered by stating that inspections are required for permitting and therefore it would be maintained by use of inspections and permitting. Considerations for property that contains septic systems or retention ponds are included in the permitting process and assuring that stormwater runoff regulations are being followed.

The continuing question of regulations being “enough” to stop problems arising such as those in Carriage Park are in question. Mr. Starr reminded everyone that the Henderson County programs such as Erosion Control and Stormwater runoff controls will only do so much and cannot guarantee that there will not be further issues in the future. The standards will hopefully address future projects but the older projects will be grandfathered in with older regulations and the new regulations will not be able to fix any older projects. Mr. Jones said that the county has used grant money awarded to try and address some existing problems but the cost to fix the problems as needed is very high. Mr. Starr also stated that the county has matched several of the grants awarded in effort to fix problem areas in existence.

The City of Hendersonville has a more stringent regulation for stormwater by requiring plans for a threshold of ½ an acre as opposed the 1 acre county requirement. Mr. Jones mentioned that the City is considering letting the county help manage the storm water program. The difference between the county and the city regulations include the fact that the city does not provide the low-density regulations and the City requires stormwater controls for the 1-year, 24 hour storm (approximately 3.3 inches) versus the state 1-inch storm standard. Mr. DeSimone stated that the information he had showed that the City did not distinguish between Low and High-Density projects.

The concern of raising standards to the point of making it too financially difficult for builders as well as private citizens also came into discussion. A balance has to exist in making sure that the health of the local economy goes hand in hand with the environment making sure that neither is neglected.

A motion was made, by David Lowles and seconded by Richard DeSimone, to support the proposed regulations as drafted. The vote was three in favor and four against, so the motion failed. Another motion was made, by Richard DeSimone and seconded by Richard Freudenberger, to recommend approval of the regulations with the elimination of Low Density Option in Section 200A-208.4 thus requiring High Density standards for all projects. The results were: Seven in favor, therefore the motion passed.

No reports were given on the issues of water quality, energy, or fire prevention.

The issue of air quality was mentioned in that ozone level reporting begins for the year on April 1st.

The next meeting will be May 6, 2010 at 3:30 pm.

Meeting Adjourned

Ron Ehlinger, Chairman

Henderson County Environmental Advisory Committee

Rebecca Coplin, Secretary

Minutes submitted by Ms. Rebecca Coplin

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