Orange County
Commission for the Environment

Meeting Summary

May 11, 2015
Richard Whitted Meeting Facility, Hillsborough

PRESENT: Lydia Wegman (Vice Chair), Jan Sassaman (Chair), May Becker, Peter Cada, Lynne Gronback, Loren Hintz, Bill Newby, Jeanette O'Connor, Sheila Thomas-Ambat, David Welch

ABSENT: Tom Eisenhart, Donna Lee Jones, David Neal, Rebecca Ray, Gary Saunders

STAFF: Tom Davis, Rich Shaw, Brennan Bouma

GUESTS: Chip Hughes (National Institute for Environmental Health Sciences)

I. **Call to Order** – Wegman (Acting Chair) called the meeting to order at 7:35 pm.

II. **Additions or Changes to Agenda** – None.

III. **Minutes** – Sassaman noted there was an incorrect statement on page 1 of the April 13 meeting summary where it said Gronback was still a candidate for appointment to the CFE. Sassaman pointed out Gronback had already been appointed. Hintz motioned to approve the summary as amended; seconded by Sassaman. Approved unanimously.

IV. **Proposed Amendment to Impervious Surface Rules** – Shaw reviewed the April CFE meeting's discussion of proposed amendments to the County's rules that limit the amount of impervious surfaces on developed properties in certain water supply watershed protection areas. He said the rules would allow an increase in the allowable impervious surfaces provided the property owners install an approved infiltration best management practice (BMP) and abide certain other conditions.

Shaw referred CFE members to OWASA's comments that were generally favorable with the amendments as long as the County would ensure that the required annual maintenance inspections occur and that the program include a process for what would occur if a BMP no longer functioned properly and the owner decided not to repair or replace the BMP. Shaw also noted OWASA recommended that a licensed engineer be required to design the BMP.

CFE members responded to the proposal and discussed possible comments.

- Newby expressed his doubts that such a program would work properly.
- Hintz agreed with Newby, noting however that he does not anticipate there would be a large amount of requests to install infiltration BMPs. He asked how property owners would know whether they would need to abide by these rules. He noted the Chapel Hill board of adjustment has forgiven mistakes by homeowners; if the County adopts this amendment the requirements need to be explicit.
- O'Connor noted that building permits are needed prior to most construction, so it would be highly unusual for property owners to be uninformed of what is allowed.
- Sassaman agreed. He said the County has a unified permitting process.
- Davis said the County's permitting system is called "Permits Plus."

- Bouma pulled up the County building permit webpage and described some of the information needed for a building permit, such as the amount of existing impervious surfaces and how much additional impervious area is proposed.

- Thomas-Ambat noted the City of Raleigh Stormwater is considering a text change to its impervious area exemptions for active stormwater control requirements. She said this change will limit these exemptions to a maximum impervious area based on residential zoning. Based on the recommended revisions, properties that exceed these limitations will be required to provide either a flood study or volume control for the 90% storm.

- Hintz made a motion that the CFE go on record of supporting the proposed rule change as long as procedures are established and implemented for monitoring and enforcement , and as long as property owners are made aware of the rules.
- Becker said she does not believe this rule change would benefit the environment because the CFE's role is not to allow for more development. She recommended the CFE not support the rule change, but perhaps not object to it either.
- Hintz withdrew his motion.

- O'Connor said an increase in impervious surface could result in a greater loss of habitat and carbon sequestration even with no net increase in water runoff.
- Cada agreed, noting also that although the volume of runoff may not increase, the water quality of the runoff could be worse.
- Sassaman agreed; more development will result in greater nutrient loading. He said the problem is the cumulative effects of these incremental changes.
- O'Connor said BMPs can be expected to fail in the future. The environment is already not doing well; the CFE should not support being less restrictive.
- Cada said the County ought to require a letter of credit or a process for the removal of excess impervious surfaces. There should be strict enforcement.
- Shaw reminded members that Planning Director Craig Benedict said the intent of the amendment was to allow for no net increase in runoff from developed properties to receiving water bodies.

Wegman reviewed the comments thus far. She said Becker suggested the CFE not support or endorse the proposed rule change. Sassaman proposed sending a memo to the BOCC indicating the CFE is neutral or does not object to the proposed rule change, but the CFE wants the County to establish an enforcement process with yearly inspections that sets a certain amount of time for the landowner to remedy the site when the BMP fails to work properly. Hintz noted BMPs would be difficult to design and enforce without resulting in an incremental loss of habitat. He reviewed the reasons the CFE cannot endorse this amendment because of the loss of habitat quantity and quality, loss of carbon sequestration, and reduced water quality despite no expected increase in water quantity. Cada suggested the CFE recommend there be some sort of permit renewal process.

<u>The CFE agreed to have staff prepare a draft memo based on the discussion and to circulate the draft memo to CFE members for review and approval via email</u>. <u>The final memo will be submitted to the Planning Board and BOCC for consideration</u>.

V. **Environmental Justice** – Sassaman reminded CFE members of Commissioner Mark Dorosin's interest in the CFE including some information on environmental justice issues in the State of the Environment report. Sassaman said he had reported back the BOCC that the CFE would begin to educate itself about the issues in Orange County and see what data could be gathered and presented in future editions of the report.

Sassaman introduced Chip Hughes (National Institute of Environmental Health Sciences). Hughes apologized that his colleague, Sharon Beard, could not attend the meeting. He provided some background on environmental justice issues, beginning with the illegal dumping of PCBs in Warren County, NC in the 1970-80 time period.

Hughes described the fight for environmental justice as making sure that in situations where there adverse environmental impacts that the impacts are not placed on minority populations disproportionately from the neighboring communities. He gave the example of the solid waste landfill on Eubanks Road sited next to the Rogers Road community, and the positive changes that have resulted for that community in the past few years.

Hughes said there may be some metrics available for incorporating environmental justice issues in the SOE report, such as some kinds of environmental inequities. Hintz noted that the 2014 SOE report included data on the amount of protected land in Orange County. He suggested the CFE evaluate whether minority communities have fairly equal access to public parks and open spaces. Do they live in close proximity to the parks?

Newby said there is community data available from the US EPA that may be useful for these determinations. He said the Environmental Benefits Mapping and Analysis Program (BenMAP) is an open-source computer program that calculates the number and economic value of air pollution-related deaths and illnesses. The database includes many of the concentration-response relationships, population files, and health and economic data needed to quantify these impacts. Bouma said he agrees that this could be a useful source of data for evaluating some potential environmental justice issues.

O'Connor said the CFE Land Resources Committee monitors the protection of significant natural resource lands in Orange County, but is not aware of anyone determining whether the publicly-assessable lands are benefiting underprivileged communities. Gronback said as a public school teacher she is a witness to significant problems associated with income gaps among the families that attend her high school. Hintz said he observed disproportional numbers of minority school children taking part in certain outdoor activities during his tenure as high school science teacher in Chapel Hill.

Sassaman said he has discussed environmental and social justice issues with Reverend Campbell and David Caldwell. Sassaman agrees the CFE is in a position to address some portion of the issues in future SOE reports, including some recommendations on what the County and individual residents can do to make improvements.

Bouma observed that many of the County's advisory boards have a role in addressing environmental justice and/or social justice issues. He suggested the CFE also consider what are the environmental benefits of establishing equity among the different segments of the community. O'Connor suggested lower-income residents of the community could benefit in many ways if they had access to solar energy. Wegman suggested that it might be a good idea to convene a broader meeting of advisory boards to discuss the overall and to identify measures that could be implemented across the boards.

The CFE thanked Hughes for joining the advisory board in this discussion.

VI. **Updates and Information Items** – Information on the following subjects was provided in the meeting package; selected items were highlighted for discussion: a) Earth Evening, b) a CFE news article about hydrilla in the Eno River, c) hydrilla management in the Eno River, d) the County's solid waste recycling program funding plan, e) the County's solar development initiatives, f) the 2016 County bond referendum, g) Chapel Hill-Carrboro City Schools awarded a Green Ribbon, h) Regulatory Reform Act of 2015 (HB 760), i) The Nature of Orange photo contest, and j) Norm Christensen's keynote presentation from the Orange County Environmental Summit held in October 2014.

Wegman reported that the BOCC had tentatively decided to pursue a $125 million bond referendum in fall 2016, and the scope of the funds would go entirely for the schools. She suggested the CFE ask the BOCC to reconsider including other kinds of projects in the bond package, including funding for parks and open space. Hintz and other CFE members agreed with this proposal. Wegman offered to prepare draft a memo to the BOCC for CFE members to review and comments. CFE members agreed to have Wegman circulate a draft memo for CFE review and approval.

VII. **Adjournment** – Wegman adjourned at approximately 9:30 pm.

Summary by Rich Shaw, DEAPR Staff