

STORMWATER REGULATORY COMMITTEE
March 24, 2021 Minutes

1. CALL TO ORDER

Members of the Stormwater Regulatory Committee met on the above date at 9:00 am via Microsoft Teams. Daryl Norris, the Facilitator, called the meeting to order and welcomed all those present. The following attended the meeting:

MEMBERS:

Landon Weaver
Jill Howell
Michael Odriscoll
Ken Malpass
Igor Palyvoda

Michelle Clements
Bryan Fagundus
Richie Brown
Steve Janowski

OTHERS PRESENT:

Rick Smiley
Lisa Kirby
Daryl Norris
Hayleigh Wade
Travis Welborn
Trish D'Arconte
Kendal Paramore
Jonas Hill

2. APPROVAL OF MINUTES

A motion was made by Ms. Clements to approve the agenda as presented. The motion was seconded by Mr. Brown and passed unanimously.

3. APPROVAL OF AGENDA

Ms. Howell made a motion to approve the March 3, 2021 minutes. The motion was seconded by Mr. Weaver and passed unanimously.

4. NUTRIENT REQUIREMENTS

Mr. Norris presented the draft nutrient requirement portion of the Building, Planning and Development Regulations ordinance to the committee.

Mr. Norris explained the nitrogen and phosphorus loading rate target draft changes and asked the committee for their input. Mr. Weaver asked when this change would come to fruition and if a developer had a large project approved could the developer go back midstream of the project and recalculate. Mr. Norris stated the developer could resubmit however, the project would then be subject to all new changes made in the ordinance. Ms. D'Arconte stated for DMS you can receive a refund if the project is recalculated. Mr. Norris stated the best way to approach this change would be to submit and complete the project in phases.

Mr. Norris asked for input from the committee regarding the drafted change from 3.6 to 4.0 pounds per acre per year. Ms. Howell and Mr. Odriscoll stated she is for using 3.6 pounds per acre per year across the entire jurisdiction. Mr. Palyvoda stated he would recommend splitting up the

nitrogen and phosphorus loading rate per basin. Mr. Janowski asked if this change was intended to align with the State rules for the Neuse rules. Mr. Norris stated we had previously been named in the Tar Pam but now have been added to the Neuse River rules which has created the new requirement. Mr. Janowski recommended splitting the rule by keeping the Tar Pam at 4.0 and the Neuse at 3.6 to stay in line with the State requirements. Mrs. Kirby stated if a split is created, it could create complications if a parcel splits between Tar Pam and Neuse rules.

Mr. Weaver recommended splitting the rule to align with the State requirements to ensure no developer is at a disadvantage financially and aligning with other jurisdictions.

Mr. Smiley asked what the scale of the financial impact was for future developments compared to the environmental impact. Mr. Malpass stated the financial impact depends on the banks you are able to work with. Mr. Malpass shared his experience with the only bank he is able to work with and how the rate doubles the price his firm has to pay due to the requirements. Mr. Weaver stated he has experienced the same rate increases due to the requirement of using a private bank before going to the State.

Mr. Smiley asked for clarification regarding regulation for utilizing a private bank versus utilizing the State. Mr. Norris stated a developer must utilize a private bank before they are able to utilize the State. Mr. Smiley asked what the financial impact of changing from 3.6 to 4.0 would be. Mr. Norris stated it could increase mitigation payments by 10% causing developers to pay more upfront to start a project. Ms. D'Arconte added the snap tool results for phosphorus calculations are running higher for Tar Pam, making cost similar between the old and new rule. Mr. Norris asked for input from Mr. Hill with the County. Mr. Hill stated the County has tried to stay consistent across the board. However, with the new changes coming from the State the County is looking at moving towards adopting the changes made by the State. Mrs. Kirby stated the goal was to stay consistent across the City and County for development.

Mrs. Kirby asked for a vote on this recommended change. Ms. Clements asked for clarification regarding the change the committee is voting on. Mr. Norris stated the committee is voting to recommend a consistent rule of 4.0 across the board or recommend 3.6 for Neuse and 4.0 for Tar Pam. Mr. Weaver made a motion to keep the ordinance split 3.6N lbs/ac/yr for the Neuse basin and 4.0N lbs/ac/yr and .8P lbs/ac/yr for the Tar Pam basin. The motion was seconded by Mr. Brown and passed 7-2.

Mr. Norris continued presenting the draft nutrient ordinance change for built-upon area, usage of accounting tools, control and treatment of runoff volume and methods to meet nutrient control measurements. Mr. Janowski asked Mr. Norris to add additional verbiage regarding volume generated from built-upon area to clarify for future reference. Mr. Fagundus agreed with Mr. Janowski and stated this unclear policy has caused complete redesign of projects creating issues for the project development.

Mr. Norris and Ms. D'Arconte discussed methods to meet nutrient control requirements with the committee. Mr. Norris and Ms. D'Arconte decided to discuss usage of low density within the City with the State and bring that information back to the committee at a later date.

5. SNAP TOOL PRESENTATION – NCDWR TRISH D'ARCONTE

Ms. D'Arconte presented a PowerPoint presentation regarding NCDEQ's new stormwater nutrient calculator to the committee.

6. QUESTIONS FOR NCDWR

Mr. Odriscoll asked what type of information would be needed to track nutrient reductions for regenerative stormwater conveyance. Ms. D'Arconte stated the challenge in tracking nutrient reductions is establishing stable design criteria.

7. NEXT SRC MEETING AGENDA

The next meeting will be on April 14th, 2021. The minutes from this meeting will be emailed out on March 31, 2021.

8. QUESTIONS AND COMMENTS

None.

9. CLOSING REMARKS

Mr. Weaver made a motion to adjourn the meeting. The motion was seconded by Mr. Odriscoll and approved unanimously.