

BOARD OF ALDERMEN

ITEM NO.: C(10)

AGENDA ITEM ABSTRACT

MEETING DATE: NOVEMBER 17, 2009

TITLE: Update on Jordan Lake Rules

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ __ No __X__
ATTACHMENTS: A. Resolution B. Staff Memo	FOR INFORMATION CONTACT: Randy Dodd – 918-7326 Patricia McGuire – 918-7327

PURPOSE:

The purpose of this agenda item is to provide an update on the status of rulemaking subsequent to the last update in April 2009.

INFORMATION:

The Board of Aldermen has received reports from Town and Triangle J Council of Governments staff on the draft rules and rulemaking process on several occasions in recent years. The Town submitted comments to the Environmental Management Commission (EMC) in July 2007 during the public comment period on the draft rules. Following the comment period, members of the EMC served as hearing officers and deliberated over the comments submitted. Revised rules were adopted in May 2008 by the EMC. As required by law, the rules were subsequently reviewed by the North Carolina Rules Review Committee (RRC). The RRC reviewed, made technical changes to, and approved the rules over five meetings, ending in November 2008. During this process, the RRC received a sufficient number of letters of objection to warrant review by the General Assembly. The rules were referred for review during the 2009 session, and adopted in the June, 2009. Details of the proposed rules and supporting documents, are available at <http://h2o.enr.state.nc.us/nps/JordanNutrientStrategy.htm>. The draft rules include 13 separate sections. Of these, the rules for stormwater management for existing development (.0266) are believed by Town staff to present the largest challenge to the Town.

FISCAL AND STAFF IMPACT:

It is anticipated that the fiscal and staff impact over the next 10-15 years and perhaps beyond could be substantial to meet the requirements of the rules, particularly as they pertain to retrofitting existing development, but also for retrofit identification, outreach and education, and reporting.

RECOMMENDATION:

The Staff recommends that the Board of Aldermen accept this report, and direct staff to: submit material included in the staff memo (Appendix 3) for compliance for a Stage 1 Adaptive Management Program for Existing Development to DWQ; and draft recommendations for planning and financing of future measures to reduce nutrients from existing development.