

Beaufort County Stormwater Management Utility Board (SWMU Board)
Meeting Minutes

June 3, 2009 at 2:00 p.m. in Beaufort County Council Chambers
Final Draft June 29, 2009

Board Members

Present	Absent
John Youmans	
Donald Smith	
Allyn Schneider	
Brad Samuel	

Ex-Officio Members

Present	Absent
Scott Liggett	
Chris Ahern	
Bob Gross	Jeff McNesby

Beaufort County Staff

Daniel B. Ahern
Eddie Bellamy
Amanda Flake
Lori Sexton
Tony Criscitiello
Suzanne Larson
Robert Merchant

Visitors continued

Keith Willis, Sun City
Al Stokes, SCDNR
Lamar Taylor, City of Beaufort

Visitors

Reed Armstrong, CCL
Richard Brooks, Bluffton Today
Joe Corley, HHI Realtors Assoc
Liz Mitchell, Island Packet
Denise Parsick, BC S&W Conservation Dist
Chris Marsh, Low County Institute
Steve Andrews, Andrews and Burgess
Ife Ekpenuma, DHEC
Damon Williams, Sun City
Jimmy Collins, T&H
Steve Tedder, Clients

County Council

1. Meeting called to order by Mr. Don Smith.
2. The May 6, 2009 SWMU Board meeting minutes were approved.
3. **Initial Opportunity for Public Comment** – No comments.
4. **Monitoring Update** – Dan Ahern reported:
 - GEL contract extension to October 31, 2009 was approved by the Natural Resource Committee on June 1, 2009. It will allow Microbial Source Tracking if necessary.
 - County plans to initiate additional Fecal Coliform sampling in the May River. It will primarily be in the Stoney Creek area and mirror activities by the Town of Bluffton in the Rose Dhu watershed. Analysis will be by the USCB lab. Board asked about cost - \$25 per sample and if event or calendar based – actually calendar based.

- On the potential partnership with SC DNR to describe the impacts to hydrologic cycle that development has caused in Beaufort County. County is awaiting a final proposal. DNR will supply personnel and County with support equipment purchases.

6. Northern Regional Plan Briefing – Robert Merchant of the County’s planning section explained the planning changes for rural areas that impacted small lot owners (less than 5 acres) in areas zoned rural. The county adopted a new policy that allowed changes in rural areas that allowed slightly increased density for some areas. The impact over 20 years indicates a limited increase in density and some areas the density build out would take over 200 years.

7. Proposed SW Ordinance Public Comments –

- Mr. Armstrong recommended positive action on SW Ordinance. Also recommended that concern about lack of BMPs need to be addressed

- Mr. Tedder addressed concern about a standalone ordinance and feels that changes should be included in the existing ZDSO and not as a duplicate ordinance. Feels County needs to strive for a single point for standards on development. Also concerned about retroactive application

- Mr. Summerville discussed background on Natural Resources Committee action and his concern with getting Board input. He feels a sense of urgency to act.

8. Proposed SW Ordinance – Mr. Bellamy described hand outs on the ordinance and background on directives to prepare ordinance. The proposed ordinance was developed from the Town of Bluffton Ordinance and is not perfect but was developed in 15 days. He pointed out it included volume controls similar to the level the Federal government is placing on their new construction.

Mr. Bellamy related three issues that have been raised about this ordinance.

First is – do we have the science that conclusively says volume is a problem – some scientists have said it is, and one will speak today. We have none saying it isn’t a problem.

Second - Is this doable – This needs to be answered by the engineers that will be complying with it. Our current BMP consultant has said it can be done.

The final issue is- The form the ordinance should take – We followed format of town of Bluffton and made it a separate ordinance with appeals going through SW Board.

Mr. Bellamy asked the board to endorse the concept of controlling total volume and the County getting authority to enforce illicit discharges. Also wants feedback that the board is comfortable with being appeal authority on SW matters.

Chairman Don Smith asked Dr. Marsh of the Low County Institute to discuss the impacts of additional SW on our watersheds. Dr. Marsh presented a powerpoint presentation that summarized findings of Dr Holland’s and Dr. Scott’s research on the impact of development and the lack of control of volume. He feels the challenge is developing control systems that get rainfall back into atmosphere in a predevelopment hydraulic cycle. He presented biologic impacts of changes in salinity in our unique high salinity waters. He also raised concern about the consolidated discharge in developments that brings SW to a single point of release.

Bob Gross asked what is the distribution of crustaceans in our headwaters. Dr. Marsh said reduction of salinity previously caused by seepage from ground water and the variation of salinity levels was not great.

Brad Samuel asked about dissolved oxygen (DO). Dr. Marsh said that our natural system headwaters have naturally low DO that are critical for protection of larvae.

Dr Stokes of the Waddell Mariculture Center mentioned his concern about low salinity shock (rapid changes in salinity) and that SW volume is causing larvae freshwater toxicity. Some stages of the life cycle have critical salinity requirements. Eggs floating on the surface are susceptible to freshwater toxicity.

Brad Samuel – asked about need if there is need fresh water input. Dr. Stokes said grown fish can handle wide range of salinity levels but larvae stages can not.

Chairman Smith asked Steve Andrews, consultant engineer to comment for consultant community. Mr. Andrews said he had not read the ordinance but that since the mid 1980s all new requirements have been met with resistance but then the engineering and development community went ahead and figured out how to meet the requirement and he feels we will do it again.

Allyn Schneider feels we have a problem today and need to act and not wait for the science to catch up. He recommended that we adopt the ordinance and let coordination be done as it is implemented.

Scott Liggett asked what expectations the county has of municipality actions in this ordinance area.

Mr. Bellamy said that is to be addressed and we have no expectation yet. He hopes that municipalities will follow suit.

Scott Liggett asked to what degree do we know that previous work installed is currently performing as required at that time. Mr. Bellamy said recent monitoring indicates ponds are achieving required improvement and we are not seeing drainage impacts that would occur if peak requirements were not being met.

Scott Liggett shared situation where a SW Pond was filled inappropriately by property owner and wonders if there are other situations in the county.

Dr. Marsh suggested that we take a three prong approach; Future development, approved but not constructed developments, and already developed areas.

Scott Liggett – do we know how the baseline volume will be determined and after construction how will we know if volume controls are working.

Mr. Bellamy said this would eventually be in the BMP manual. Until this is done it will be up to development to convince the county of what they propose will meet standards.

Brad Samuel expressed concerns about grandfathering, linkage to ZDSO, appeal process, and temperature.

Bob Gross expressed concerns that this ordinance is on a fast track and we need to be careful to minimize conflicts in pushing this process.

Mr. Bellamy said that with the volume controls, if we are too restrictive we will hear about it, if it is not restrictive enough we won't know till it is too late.

Chris Ahern feels there should be a way to marry various impacts but he is also am concerned about the implementation. These concerns are the definition on redevelopment and asked about time line.

Mr. Bellamy said the quickest the ordinance could be enacted would be sometime in August and we are estimating 6 months for BMP ordinance

Chairman Smith asked Jimmy Collins about his input. His firm has done most of work in May River and agrees SW Volume is something we need to get our arms around. Mr. Collins said Ben Jones of his firm is involved in the May River Technical Advisory Committee (TAC). He suggested an idea of exploring linkage of peak and volume control requirements in retrofit opportunities. Suggested that we look at the May River Modeling effort done a few years ago.

Chairman Smith asked about going to 100 year event. Mr Collins feels that it would make ponds too large. He feels there may be opportunities on some developments that have excess storage volume.

Dr. Marsh feels that there will be natural disruptions to fisheries but we need to prevent disruptions at other times and get slow release in normal situations. He also feels we have a social component that wants to keep SW ponds at full pool

Mr. Bellamy again reviewed SW Impacts of Development powerpoint and related his observation on the Okatie River at Hwy 278. He observed a high fresh water flow on an outgoing tide a couple of days after the last rainfall event.

Mr. Armstrong read a draft planning document from the City of Beaufort that recognizes potential impacts from excess SW Volume. He also said that Town of Port Royal is planning to adopt the County's BMP manual.

Mr. Tedder – recommended that controls for volume should be adopted in the proper location to avoid setting the county in a position to be challenged on process.

Chairman Smith asked if there are any reasons it should be standalone versus incorporated into existing ordinances.

Dan Ahern said staff does not have a firm position either way. We felt that a standalone ordinance was the most expedient and timely method. Proposing standalone also met another directive to align with municipalities and the Town of Bluffton has a standalone ordinance.

Brad Samuel asked Mr. Cristitello to comment why we can't do both ordinances. Mr. Cristitello said that having two ordinances might lead to divergence. He feels that the SW Board needs to play a role in appeal of SW issues. Changes to ZDSO will involve planning commission.

The Board discussed how to act on the issues before them.

After considerable discussion the board passed motions to support both resolutions that supported proposed controls for SW volume and illicit discharges and supported draft ordinance wording.

9. Utility Updates –

These were deferred to next meeting

11. Final Opportunity for Public Comment – Scott Liggett asked about status of the Eagles Point Monitoring. Staff had requested additional comments after last board meeting and have received none, and are recommending that the monitoring be discontinued. Scott Liggett asked if CDM had recommended that the monitoring be discontinued. CDM said data review indicated no impact and staff felt that was reason to discontinue monitoring. The county is still continuing their monitoring at Eagles Point and are still working with the POA on volume and other issues.

12. Next meeting agenda – Reviewed proposed agenda in Board packets and agreed to follow for July 1, 2009 meeting.

13. Meeting adjourned