

Durham Environmental Affairs Board 2011 - 2012 Report

The Durham City-County Environmental Affairs Board (EAB) is an advisory board that consists of 11 voting members and seven non-voting ex-officio members, five of which appointed by the City Council. Our mission is to recognize the importance of local cooperation and advise both the City and County on environmental issues. Board members vary in their background from law, biological sciences, energy, water resources, waste, and architecture. EAB considers topics such as air quality, environmental impacts of development, energy conservation, environmental education, climate change, green building design, and greenhouse gas reductions. The EAB meets the first Wednesday of every month at 6:00 p.m. in the Committee Room on the second floor of City Hall.

The board's official duties are:

1. To advise the Durham City Council and the Durham County Board of Commissioners on environmental policy;
2. To perform such other duties as may be assigned to it from time to time by the City and/or County;
3. To perform special studies and projects requested by the City and/or County on environmental questions;
4. To facilitate citizen participation, study changes in environmental science, laws, and regulations, and advise the local government's consideration of matters involving the environment;
5. To promote intergovernmental and public/private cooperation and coordination, and
6. To adopt Rules of Procedure, for the orderly dispatch of its business, and on an annual basis meet with the Joint City-County Planning Committee to report on past activities and develop priorities for the upcoming year.

A key part of fulfilling the EAB's public outreach and education duties is by hosting presentations on new ordinances, ideas, and issues that might impact the environment. The EAB provides a mechanism for communication with the municipal governments on environmental issues in Durham. The EAB hopes to encourage more people to attend and discuss issues by having City and County staff and others share information related to the environment. In 2011, the EAB added one new member, Scott Schwartz. In 2012, the EAB added three new members Elizabeth Chan, Joseph Pinto, and Tatjana Vujic.

The Board advocates environmental accountability, in both the private and public sectors, and encourages all projects to consider green design to be an important element in the success of any project. Throughout 2011 and 2012, the Board focused on:

- recommendations for surveying methodology for water supply reservoir normal pool level,
- comments on comprehensive plan,

- resolution in support of state renewable portfolio standard policy,
- comments on next version of the Commute Trip Reduction Ordinance,
- resolution in support of transit sales tax,
- analysis of the Falls Lake nutrient rules,
- and a report on the environmental impacts of natural gas extraction by hydraulic fracturing.

Accomplishments for 2011

One of the EAB's roles is to provide feedback on the environmental impact of major public projects, and private projects as requested by elected officials. In 2011 the Board focused on the items summarized below.

Water Quality, Land Resources, Public and Biological Health

2011 continued to be a busy year for water quality issues in Durham. Vicki Westbrook of Water Management provided ongoing updates on the status of water resources in the City and County. Michelle Woolfolk of the Public Works and Stormwater Services Department presented to several EAB meetings the status and resource needs for meeting the nutrient reduction levels required under the Existing Development category of the Falls Lake Rules.

- **Normal Pool recommendations**

An important issue for 2011 was the development of a report, requested by the Joint City-County Planning Commission, recommending methods for measuring the normal pool level of lakes and reservoirs. The EAB continues to hear presentations by City, State and local experts in the field and discuss ways that the process of determining normal pool level can be improved. The EAB finalized this report in November 2011.

Energy and Air Quality

Several issues related to energy and air quality were brought up during the year.

- **State Renewable Energy and Efficiency Portfolio Standard policy**

In response to 2011 House Bill 431 to repeal the N.C. Renewable Energy and Energy Efficiency Portfolio Standard (REPS) enacted by Senate Bill 3 of the 2007 Session (Session Law 2007-397), the EAB passed a resolution in support of maintaining the State's renewable energy policy commitment. The 2007 REPS was associated with a 22% increase in renewable energy and energy efficiency jobs in 2010 (12,500 FTE), and is consonant with Durham's Greenhouse Gas (GHG) Emissions Reduction Plan goal of 30% GHG reduction by 2030.

- **Commute Trip Reduction**

EAB provided written comments on revisions to the Commute Trip Reduction Ordinance to Durham City-County Sustainability Manager Tobin Freid.

- **Transit sales tax**

The EAB discussed the proposed transit tax for implementing light rail or other inter-urban transportation systems in the Raleigh-Durham-Chapel Hill metropolitan area and passed a resolution supporting this effort

- **NC Building Code energy efficiency standards**

EAB passed a resolution recommending that the Durham City Council and Durham County Board of Commissioners support the adoption of improvements to the N.C. Building Code that would reduce annual energy consumption in new residential and commercial buildings by 30%.

Sustainability

Creating a more sustainable environment in Durham has been identified by the City and County as an important goal, and is a guiding principle for the EAB. In 2011, the EAB engaged in several ongoing and new proposals related to sustainability. Sustainability is part of the City's Vision Statement within City of Durham's Strategic Plan and a Goal in the County's Strategic Plan.

Comprehensive Plan Updates

EAB worked with City/County Planning staff on Conservation and Environment Element and the Water and Wastewater Elements (Chapters seven and nine). Ms. Snyder provided copies of those chapters of the Comprehensive Plan and asked the regular and ex officio members to read them and consider what might be missing or needed improvement and to share their thoughts, concerns, and comments. EAB provided recommendations on the final approved plan.

Accomplishments for 2012

Water Quality, Land Resources, Public and Biological Health

- **Analyze the environmental impacts of hydraulic fracturing and monitor potential for legalization of hydraulic fracturing in North Carolina**

The potential legalization of hydraulic fracturing for obtaining natural gas in North Carolina had a large number of environmental implications for citizens of Durham County. The EAB identified this as a major issue for 2012, so we comprehensively analyzed the environmental impacts for Durham. In addition, we envision that this will be an area requiring continued monitoring in the future. On March 19, 2012, the EAB issued a report summarizing the major environmental impacts of hydraulic fracturing of concern to Durham City-County; EAB's recommendations included: (1) postponing legalization of/placing a moratorium on hydraulic fracturing in North Carolina until national studies of the environmental impacts of the process are completed in 2016; (2) the State and Durham must develop comprehensive technological, monitoring, emergency plans, remediation requirements before hydraulic fracturing commences to ensure the safety of operations; (3) Durham must maintain the authority, through local zoning or other means, to determine exactly where and when hydraulic fracturing might

be done safely, and apply more stringent requirements if necessary for Durham; (4) On-site wastewater must be stored in closed tanks in order to minimize potential health risks to humans and ecosystems due to accidental releases; and (5) Any wastewater resulting from hydraulic fracturing operations must be subject to stringent, verified, third-party treatment. The EAB hydraulic fracturing report was presented to City Council and Board of County Commissioners; the report received press coverage in the *Indy Weekly* and *Herald-Sun*.

- **Participation in Falls Lake monitoring activities**

EAB is committed to the process of improving the water quality in Falls Lake and supports efforts to ensure that it is done efficiently and effectively. An ad hoc committee of the EAB will continue to provide input to monitoring and modeling Falls Lake and watershed through participation in an inter-jurisdictional committee formed for local stakeholders.

- **Duke Diet and Fitness Stormwater Wetland Project**

City Stormwater Services has developed a plan to retrofit the Duke Diet and Fitness Center located at 501 Douglas Street. They intend to construct a wetland to filter stormwater runoff in the 485 acre area currently owned by Duke. This project would cost about \$7 million to construct, and require roughly \$40 thousand a year to maintain, but would result in a reduction of nitrogen by 10% and phosphorous by 12%. The EAB drafted and approved a resolution to support this project.

Sustainability

- **Golden Leaf awards**

The EAB continued its sponsorship of a sustainability award as part of the Golden Leaf awards. In 2010, the EAB resolved that only nominations that have been determined by the EAB to meet the sustainability criteria set by the EAB would be put forward for consideration by the Golden Leaf Award judging panel, which will subsequently judge nominations on appearance. In 2011, the Golden Leaf awards were cancelled due to economic situation, but they did proceed in 2012. We are pleased to report that 14 properties were nominated, and the ClearSense at 502 Rigsbee Street was recognized as the standout property.

EAB Goals for 2013

- **Polystyrene container / plastic bag reduction**

The EAB intends to work with community stakeholders to develop a voluntary usage reduction campaign for polystyrene (Styrofoam) containers and single-use plastic bags.

- **Natural Gas Extraction by Hydraulic Fracturing**

The EAB continues to monitor development of state regulatory framework for natural gas extraction by hydraulic fracturing.

- **Falls Lake Rules**
The EAB continues to monitor progress in the Falls Lake Nutrient Reduction rules implementation.
- **Greenhouse Gas Plan Implementation**
The EAB continues to monitor progress in the Greenhouse Gas Plan Implementation, including monitoring and discussion of annual trends in emissions.
- **Sponsor the Sustainable Properties Award at the Golden Leaf Awards**
The EAB plans to sponsor a Sustainable Properties award at the 2013 Golden Leaf awards to promote and publicize the building of environmentally sustainable properties in Durham.

2011 Durham Environmental Affairs Board Members

Deborah Luecken (chair), Marion Lamberth (vice chair), Wanona Satcher (secretary) Brian Miles (secretary), Robert Rosenthal, Matt Hanchey, Thomas Poole, Angela Brehmer, and Ann Woodward.

2012 Durham Environmental Affairs Board Members

Brian Miles (chair), Scott Schwartz (vice chair) Elizabeth Chan (secretary), Marion Lamberth, Joseph Pinto, Thomas Poole, Tatjana Vujic, and Ann Woodward.

2011-2012 Durham Environmental Affairs Board Staff Support

Kathleen Snyder, Planner, Durham City-County Planning

2011-2012 Durham Environmental Affairs Board Ex-Officio Members

City Solid Waste Management Director Donald Long, City-County Planning Director Steven L. Medlin, City Public Works Director Marvin G. Williams, City Water Management Director Don Greeley, County Engineering and Environmental Services Director Glen Whisler, and Durham County Department of Public Health Director Gayle Harris.

2011-2012 Durham Environmental Affairs Board City Council Representative

Councilman Mike Woodard

2011-2012 Durham Environmental Affairs Board County Board of Commissioners Representative

Commissioner Ellen Reckow