



ENVIRONMENTAL AFFAIRS BOARD MINUTES

February 2nd, 2022
Virtual Meeting (Zoom)

Voting Members: Chi Vo (chair), Juilee Malavade (vice chair), Wilson Salls (secretary), Roberto Valle Kinloch (at large), Melanie Allen, Wafa Khalil, Matt Kopac, Chastan Swain, Katie Barnhill-Dilling, Sherry Taylor, Bill Busa, Jennifer Hill Carrigan

Excused Absences: Aissa Dearing, Jillian Riley

Ex Officio Members/Staff: Paul Cameron (General Services), Tobin Freid (Durham County Sustainability Manager), Jane Korest (County Open Space Program), Tania Dautlick (Keep Durham Beautiful, General Services), Summer Alston (General Services), Jonathan Baker (Public Works), J. V. Loperfido (Public Works), Vicki Westbrook (Water Management), Scott Whiteman (City & County Planning), Michelle Woolfolk (Water Management), Wayne Fenton (Solid Waste), Commissioner Heidi Carter

Attendees & Panelists Total: 37

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- I. Call to Order at 6:03 PM
 - II. Approval of EAB Retreat Presentation: Approval for November Minutes 11-0
 - III. Announcements
 - a) Next EAB meeting is scheduled for March 2nd, 6-8 pm.
 - b) Tobin: [Raleigh/Durham HeatWatch Urban Heat Island data release](#) scheduled for February 3, including webinar, in collaboration with regional partners. Another webinar that is Durham specific will follow in a couple weeks.
 - c) Michelle Woolfolk: This year's [Creek Week](#) will be March 12-19 - participate if you can!
 - d) Vicki Westbrook: Fix-A-Leak Week is coming up in mid-March - more information to follow. Also, City of Durham will perform [temporary water disinfection changeover](#) February 25 - April 11.
 - IV. **New and Continuing Business**

Notice under the Americans with Disabilities Act - A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice 919.560.4197 or ADA@DurhamNC.gov, as soon as possible but no later than 48 hours before the event or deadline date.

a) New Topic: Algal Floway Project

Presenter(s): Jonathan Baker, Public Works Dept., Stormwater Services

- Would like to continue to give updates on the project every six months.
- Questions for EAB:
 - If the City's algal floway is planned to be built near you, what would you want the City to do before the construction?
 - What would your questions and concerns be about this project and where the algal floway would be built?
 - How would you prefer to be contacted about the project, if you were not a member of the EAB?
- Impetus for project: nutrient pollution (nitrogen and phosphorus) is prevalent in Falls Lake.
- Costly to meet City rules - an algal floway seems to be a cost effective way to do so.
- An algal floway uses algae to take up nutrients; algae is removed every 1-2 weeks and either composted in place or removed and composted or disposed of elsewhere.
- Compared to other nutrient removal methods, algal floways are much cheaper (\$100 per pound of nitrogen vs., for example, \$1,206 for South Ellerbe Restoration Project).
- Pilot study involved a test, which showed the method can be effective.



- Current phase: search for a site.

Comments:

B. Busa: Who will use the compost? Concern about it going to a landfill.

- **Jonathan Baker:** Some concern about weed seeds in compost. Generally, should be viable for compost or potting soil mix.
- **B. Busa:** Should be possible to compost at high enough temperatures to kill seeds.

C. Swain: In terms of location, flood plains are historically where economically disadvantaged communities have been displaced to, so will want to look carefully at that. Secondly, comparing to South Ellerbe Restoration is in a sense apples and oranges since that project provides other ecosystem services that wouldn't necessarily be provided by the floway.

- **Jonathan Baker:** The floway would achieve sediment reductions, but points are heard.

S. Taylor: Concern about cost of construction - any sense of that?

- **Jonathan Baker:** Will depend on the property, but estimated around \$8-20M - comparable to South Ellerbe Restoration.
- **S. Taylor:** Full on community engagement: fully informing and educating why this is important. Need to avoid waiting until project is already underway, as many communities

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have felt in the past. Information should be provided through several channels of communication in English and Spanish.

K. Barnhill-Dilling: Size?

- **Jonathan Baker:** 4 acres for flowway itself, plus a little more.
- **K. Barnhill-Dilling:** Encourage community engagement.

J. Malavade: Prevention measures currently in place to address upstream sources of nutrients?

- **Michelle Woolfolk:** There are extensive rules from state for nutrient reduction of various types of players - this is part of that. Speaking of which, Falls Lake rules will be redone by communities subject to those rules in about 23 months. Will be bringing this to EAB in late Spring.

W. Salls: Related to Juilee's suggestion, any consideration of siting the flowway in the section of the lake near river mouths (Eno, Ellerbe) to capture nutrients closer to the main sources?

- **Jonathan Baker:** Land availability is limited in those locations.
- **W. Salls:** Consideration of feeding harvested algae into an anaerobic biodigester to generate energy? This, and/or onsite solar panels to offset energy demands of pumping lake water into the flowway?
- **Jonathan Baker:** Thanks for suggestion. Cost may be a concern.

M. Allen: Is the proposed site in Granville County?

- **Jonathan Baker:** That is top-ranked site.
- **M. Allen:** Need to look into whether there are partnerships with those counties to do community engagement.

b) New Topic: Partnership with Durham Environmental Coalition (DEC)

Presenter(s): Marcia Mandel, Rickie White, DEC Organizing Committee

- Exploring opportunities for partnership with EAB.
- Creating equitable environmental movement in Durham - often white led and not necessarily engaging black activists.
- Provide a space for connection building between environmental groups.
- Level up everyone in environmental movement to understanding equity issues.
- Focused on supplying opportunities for members to work together.
- Recruiting speakers (potentially can offer stipend).
- Race and the Environment Workshops: collaboration with Nicki Cagle, Associate Dean of Diversity, Equity, and Inclusion, Nicholas School.
- Small organizing committee meets every four weeks; came up with questions for EAB:
 - How can we work together / what are the roles the EAB can see the DEC playing?
 - How can the DEC effectively get issues heard about in the community to EAB?
 - How can the DEC support individual groups/organizations with environmental concerns that don't feel connected to processes and/or resources in Durham?
 - How can DEC get information to the community about funds available from the city and county?

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- Does the EAB develop a strategic plan or an annual work plan, and if so, is there a way for the DEC to be involved?

Comments:

R. Valle: We could listen in with groups - participate in DEC meetings.

- **Rickie White:** Some EAB members already participate - great learning experience. Others are invited, just contact Jordan Thomas (with ECWA) - can add folks to our Google Group email list: jordan@ellerbecreek.org

J. Hill Carrigan: Great information coming out of DEC. Agendas could include updates for both groups.

W. Salls: We could appoint an EAB member or members as liaison(s) to attend DEC meetings.

Shemecka Mcneil: Crossing paths with many. Easy answer: just ask us (DEC).

S. Taylor: Excited about collaboration across communities.

c) Continuing Topic: Construction Recycling Ordinance Report Back

Presenter(s): EAB Working Group (J. Malavade, W. Salls, R. Valle, C. Vo)

- The ordinance offers a promising opportunity for Durham to reduce landfill inputs and join other environmental leaders, both in our area and across the country. Generally, we feel that it has great potential to benefit the community and the environment, and we would like to support it. However, we have some points of concern that need to be addressed before we can provide a full endorsement. Our concerns have been informed through extensive research, including conversations with NCDEQ and other communities that have enacted similar ordinances (Orange County, Chatham County, and Austin, Texas.)
- Currently, the draft contains a requirement for waste to be taken to a facility within the City of Durham. We feel that this needs to be removed, as a) flow control is prohibited, b) it would, currently, solely benefit Wall Recycling, the proponent of the ordinance, and c) it may exacerbate concerns over impacts to the community if it puts pressure to build additional facilities inside the city.
- We suggest adding accountability for qualified processors, particularly regarding diversion rates (making sure that a minimum % of received materials is actually being recycled, and that material that is being incinerated is not being accounted as diverted material toward the diversion rate). In general, we would like to see an enforcement clause that applies to processors.
- We suggest that penalties should not constitute a criminal offense, largely to make enforcement easier - criminal offenses are more arduous to process and less likely to be seen through).
- Regarding impacts to the community, we suggest including stipulations that protect surrounding vulnerable communities and workers in the facilities from increased toxic

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exposure, traffic, dust, odor, noise, and other issues resulting from an increase in the amount of materials processed.

- While we recognize that there are steps that should be taken to strengthen this ordinance, we also acknowledge that we need these types of ordinances in our city and county in order to meet our environmental goals. We recognize that it will take time for our recommendations to move forward, but we commit to continue our collaboration to ensure that the ordinance considers all stakeholders and community members involved.

Comments:

M. Kopac: Regarding the requirement to bring waste to a facility inside City of Durham - proximity to Durham is favorable to avoid long transport.

- **W. Salls:** The ordinance could contain something like a maximum radius from Durham, but requiring processing in the City favors the proponents of the ordinance and may exacerbate community impact concerns.

J. Hill Carrigan: Recommend requiring membership in a C&D association.

Wayne Fenton: Even if the exact language is not down, could provide comments to the attorney's office.

Vicki Westbrook: It's much easier to get an ordinance right the first time than trying to make continued changes later. Can work with attorney to get it right upfront.

J. Hill Carrigan: Is Patrick Byker still moving this through City Council, or is someone else (e.g. EAB)?

- Patrick Byker is.

W. Salls: Note that enforcement has been a challenge in other places.

- **Wayne Fenton:** Having time and resources to do inspections is a challenge. Some communities may add a few cents onto a building permit, which could go toward doing investigative enforcement work.

C. Vo: Moving forward, we can continue working with Wall Recycling, Patrick Byker, and the City attorney, while engaging the community.

Movement by R. Valle to approve the ordinance (pending removal of clause requiring qualified processing facilities to be inside City of Durham), while continuing to work with ordinance proponents engaging the community (approved 12-0).

New EAB Community Engagement Group will meet the 3rd Wednesday of every month, 6-7:30.

Adjourn at 7:58 PM

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