



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
Alan W. Klimek, P.E. Director
Division of Water Quality

August 5, 2007

Mr. Jason Sullivan
Assistant Planning Director
Chatham County
P.O. Box 54
Pittsboro, NC 27312

Dear Mr. Sullivan:

Pursuant to your request, the Nonpoint Source Assistance and Compliance Oversight Unit (NPS-ACO) has conducted a review of Chatham County's draft proposed modifications to the watershed protection ordinance. This review included an inspection of Chatham County's current ordinance, the model ordinance, the modification request, and the North Carolina Administrative Codes.

Modifications are proposed for sections of the ordinance relating to riparian buffers, purpose and intent of the buffers, and definitions related to the buffers. These modifications include increasing buffer widths and expanding riparian buffer requirements to ephemeral streams, springs and seeps, and wetlands.

On the draft watershed protection ordinance amendments, the NPS-ACO unit suggests that you consider the following:

1. Section 304 Riparian Buffer Areas Required (A)

It is not clear if blue line streams on a USGS topo map will be necessarily covered by the County's buffer requirements. State administrative code 15A NCAC 2B requires that minimum buffer rules apply to any waters indicated on a U.S.G.S. 1:24,000 scale topographic map as perennial. I suggest including a statement to this effect.

2. Section 304 (D) 2.

The water supply rules do not allow an exemption for construction of a private driveway in a riparian buffer. Consider adding language that specifies that no private driveways will be permitted within 30' of a perennial stream in a low-density

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development, or within 100' in a high-density development (as per state's minimum requirements). Also, please include a statement that all items in #2 may be allowed in the buffer where no practicable alternative exists.

3. Section 304 (D) 3.

The water supply rules do not allow an exemption for construction of paved trails in the buffer unless they are for public use (i.e., greenways) and when no practicable alternative exists. Because the County's proposed buffer requirements are more stringent than the state's minimum rules, this may not be an issue unless the trails are constructed within 30' or 100' of a perennial stream.

4. Section 304 Definitions of Terms

Under Existing Development, the effective date for projects that require a State permit is August 3, 1992.

Upon approval by the County's Board of Commissioners, the NPS-ACO unit staff will present these modification requests to the Water Quality Committee (WQC) for consideration. The ordinance amendment relating to Section 106 Remedies, which was approved by the County BoC on March 19, 2007, will also be brought to the WQC at that time.

Thank you for giving me the opportunity to review the draft proposed amendments. I appreciate your ongoing efforts to protect the state's water resources. If you have any questions, please call me at 919-733-5083, ext. 530 or email me at julie.ventaloro@ncmail.net.

Sincerely,

Julie Ventaloro
NPS Assistance & Compliance Oversight Unit

cc: NPS-ACO Unit
Central Files