

**Wake County Board of Commissioners  
Growth, Land Use, and Environmental Committee  
August 13, 2018  
10:00 a.m.  
Wake County Justice Center, Room 2800**

**Commissioners Present:**

Sig Hutchinson-Vice Chair  
Matt Calabria

**Commissioners Absent:**

John Burns, Chair

**Wake County Staff Present:**

David Ellis, County Manager; Johnna Rogers, Chief Operating Officer; Ben Canada, Assistant to the County Manager; Ken Murphy, Senior Assistant County Attorney; Joseph Threadcraft, Environmental Services Director; Michael Orbon, Water Quality Director; Evan Kane P.G., Water Quality Manager, Environmental Services; Amy Keyworth, Hydrogeologist, Environmental Services; Alice Avery, Communications Specialist; Yvonne Gilyard, Deputy Clerk to the Board, and Michelle Cerett, Executive Assistant.

**Meeting Called to Order**

Vice-Chair Hutchinson called the meeting to order at 10:00 a.m.

**Approval of the Minutes**

Commissioner Calabria moved, seconded by Vice-Chair Hutchinson, to approve the Growth, Land Use, and Environmental Committee minutes of the July 9, 2018 meeting. The minutes were approved unanimously.

## Water Partnership Rules of Procedure

Mr. Michael Orbon, Water Quality Director, presented the matter to be discussed today. He said there has been a request to add a seat for a representative from Wake-Up Wake County on the Wake County Water Partnership. He said staff recommendation is that Section IV, Subsection E of the Wake County Water Partnership Rules of Procedure be reworded as follows:

Old Wording	New Wording
e. <u>Citizen Appointees (3)</u> - The Wake County Board of Commissioners shall appoint <b>three</b> citizens to serve on the Water Partnership. The Wake County Board of Commissioners shall have the option to appoint alternates for the Citizen Appointees. These positions shall not be currently elected officials.	e. <u>Citizen Appointees (4)</u> - The Wake County Board of Commissioners shall appoint <b>four</b> citizens to serve on the Water Partnership. The Wake County Board of Commissioners shall have the option to appoint alternates for the Citizen Appointees. These positions shall not be currently elected officials.

He shared a proposed language change for the purpose of continuity. He said the language change shown in attachment B is to reflect continuity with other provisions within the Rules for the Partnership as amended on January 17, 2017. He said staff recommendation is that Section IV, Subsections A, and K of the Rules of Procedure be reworded as follows:

Old Wording	New Wording
a. <u>Wake County Board of Commissioners' Representative (1)</u> - The Wake County Board of Commissioners shall appoint a representative to the Water Partnership. The Board of Commissioners, at their discretion, may appoint an alternate member, to represent the Commissioners in the event of the absence of the appointed member.	a. <u>Wake County Board of Commissioners' Representative (1)</u> - The Wake County Board of Commissioners shall appoint a representative <b>from staff or other representative organization</b> to the Water Partnership. The Board of Commissioners, at their discretion, may appoint an alternate member, to represent the Commissioners in the event of the absence of the appointed member.

Mr. Orbon confirmed that this action does not allow an additional elected official to sit on the board. Commissioner Calabria asked for clarification on what community representatives could be selected to serve. Mr. Orbon said the commissioners would nominate candidates and vote on it as an entire board.

**Old Wording**

k. Director - Wake County Environmental Services Department (non-voting) - The Director and the staff of Environmental Services shall provide administrative support to the Water Partnership. The Director and/or a designee may be called on to provide requested information and/or advice to the Commission. The Director and/or a designee may participate in any discussions, however is not permitted to vote.

**New Wording**

k. Staff - Wake County Environmental Services Department (non-voting) The staff of Environmental Services Division of Water Quality shall provide administrative support to the Water Partnership. The Water Quality Director and/or a designee may be called on to provide requested information and/or advice to the Commission. The Water Quality Director and/or a designee may participate in any discussions, however is not permitted to vote.

Mr. David Ellis, County Manager, expressed concern with the Environmental Services Director being given voting rights. He asked if there are other situations where staff serves on a board and has voting powers. He is concerned that this may set a precedent. Mr. Orbon said there is no other situation that he is aware of. Mr. Ellis suggested further discussion prior to the matter being presented to the Board of Commissioners for a vote.

Vice-Chair Hutchinson asked Mr. Orbon for an update on the Water Partnership. Mr. Orbon said the members have been creative and things are going well. He said a RFP is being drafted to select a contractor to determine how much water is in the ground in Wake County.

Vice-Chair Hutchinson asked Mr. Orbon to explain what a water bar is. Mr. Orbon said this is a demonstration for the public that displays water from various sources for individuals to see and taste.

Vice-Chair Hutchinson asked if any events are being planned for "A Day Without Water". Mr. Ellis said he is not aware of any events. Vice-Chair Hutchinson said the event is scheduled for October 10<sup>th</sup> and he asked the Communications Department to gather information and ensure the county is involved. Mr. Orbon said the October date is still tentative and he will provide more information as it becomes available.

Vice-Chair Hutchinson suggested the Wake County Water Partnership draft an annual report on their accomplishments. Mr. Orbon said that is being done and the most recent one was done in March.

Dr. Joseph Threadcraft, Environmental Services Director, asked about the possibility of extending the Water Partnership member terms beyond December, 2018.

Vice-Chair Hutchinson suggested moving it to an ongoing board and asked Dr. Threadcraft for his opinion. Dr. Threadcraft agreed and Commissioner Calabria suggested staggering the terms of the members, so they don't always expire at the same time. Vice-Chair Hutchinson asked how many terms an individual can serve. Ms. Yvonne Gilyard, Deputy Clerk, said an individual can serve three terms before a suspension of rules is required.

### **Proposed Rules Revisions for Well Permitting**

Mr. Evan Kane, Manager, Groundwater Protection and Wells, Department of Environmental Services, shared the purpose of today's agenda item. He shared an overview of the well permitting program. Mr. Kane said Wake County was one of the first in the state to permit private wells.

- Operates under Human Services Board Rules
- Permitting private wells since 1987
- Rules last revised and adopted July 24, 2003
- Covers private drinking water wells & irrigation wells
- ~400 new wells permitted annually
- Well permitting integrated into building permit & onsite wastewater permit process

Commissioner Calabria asked for clarification on the definition of a private use well. Mr. Kane said it is defined as a well with fewer than fifteen connections.

Mr. Kane introduced Amy Keyworth, Hydrogeologist, who began her position with the county recently.

He shared the current well program requirements.

- Siting and construction requirements
- Grout inspections
- Bacteria and inorganics testing requirement
- Additional testing required based on site-specific review
- Certificate of Occupancy dependent upon approved compliance samples

Mr. Kane shared the goals of the proposed rules revision.

- Correctly reference current state regulations
- Ensure consistency
- Improve compliance sampling requirements to protect public health and ensure efficient permitting .
- Consider other concerns raised by stakeholders

He shared information on the review subcommittee members.

Name	Affiliation at the time of subcommittee meeting
Dr. Barbara Ann Hughes	Wake County Public Health Committee
Brenda Elliot	Wake County Public Health Committee*
David Markwood, PE	Wake County Public Health Committee*
Margaret Ann Raynor	Wake County Human Services Board
George Mathis	Wake County Water Partnership; Well Owner
Suzanne Harris	Wake County Water Partnership; HBA of Raleigh- Wake County
Dr. Laura Taylor	Wake County Water Partnership; NCSU Economist
John Boyette, CWC	Boyette Well & Septic; Past NCGWA President
Kevin Letchworth, CWC	N.W. Poole Well & Pump
Dr. Joseph Threadcraft, PE	WCES Director
Michael Orbon, PE	WCES – Water Quality Director
Wilson Mize, REHS	WCES - Groundwater Manager*
Evan Kane, PG	WCES – Groundwater Manager

\* - no longer serving

Mr. Kane shared the additional departments that provide input on well permitting rules.

- Wake County Public Health Committee
- Wake County Human Services Board
- Wake County Water Partnership
- NC Department of Health & Human Services
- NC Department of Environmental Quality

He shared the proposed revisions.

- Revisions to reflect updated state rules
- Updated well testing requirements
- General cleanup of unused terms, wordiness

Mr. Kane shared the updated state rules.

- Adopt by reference:
  - NC Well Construction Standards - revised 2008
  - Permitting and Inspection of Private Drinking Water Wells - new in 2008
  - Private Drinking Water Well Sampling rules – new in 2008
- Contractor bonding & registration
  - Remove bonding requirement - mature state contractor certification program more effective
  - Align contractor registration deadline with state certification deadlines

Commissioner Calabria expressed concern with eliminating the bond requirements. Mr. Ellis shared those concerns and said the bonding requirement could be a preventive measure. Mr. Kane said he would discuss the concerns with the stakeholders, but he doesn't feel there will be a strong objection to retaining the bond requirement.

He shared the improved well testing requirements. He said they will retain the current requirements, but enhance the list of chemicals that are tested. He said the scope of testing is also being increased.

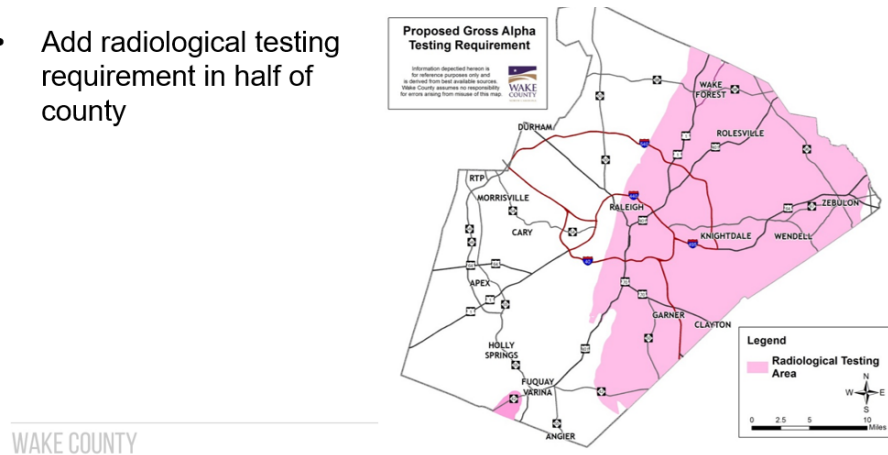
- Clearly define conditions requiring additional testing
- Anticipate state requirements for notice about known contamination sites
- Add pesticide testing near mid-20<sup>th</sup> century buildings

WAKE COUNTY



Mr. Kane shared the improved well testing requirements. He said additional radiological testing would be required in half of the county.

- Add radiological testing requirement in half of county



Commissioner Calabria asked if the Home Owner's Association (HOA) has concerns with the additional testing requirements. Mr. Kane said the HOA has been cooperative and they agree with the additional testing.

Vice-Chair Hutchinson asked about radon testing in water. Mr. Kane said the required testing for radon in water is determined on a case by case basis, but staff encourages residents to have the test done.

Commissioner Calabria asked if it makes sense to encourage current home owners to test their wells. Mr. Kane agreed and said they provide educational material to the real estate market and the health care industry.

Mr. Kane shared the next steps.

- Your Comments
- Review and Comment by Board of Commissioners
- Public Notice and Comment
- Adoption by Human Services Board

He said after review, he will bring the item to the full board for consideration.

Commissioner Calabria suggested having further discussion with the entire board to make them aware of the GLUE committee concerns with eliminating the bond requirement.

Dr. Threadcraft provided information regarding future agenda items.

There being no further business, it was moved by Commissioner Calabria to adjourn the meeting at 10:48 a.m.

Respectfully submitted,

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Michelle L. Cerett  
Executive Assistant  
Wake County Commissioners