EMC Votes Again For New Stormwater Run-off Rules

Voting for the second time in two months, the N.C. Environmental Management Commission last Thursday adopted less restrictive, but broader stormwater run-off rules for the coast on a 9-6 vote.

The rules are expected to become effective Feb. 1, 1988, unless the Administrative Rules Review Committee considers the new rules when it meets today (Thursday). In that case, they could go into effect January 1988.

Commission Vice Chairman James C. Wallace sought to delay the vote until the commission's next meeting on Dec. 10, telling the 17-member commission the session appeared to be an effort "to ram it through." However, that motion failed 5-10.

Commissioner Garrett Smathers, a professor of ecology, said the state lacked the data it needs to establish new rules. "If additional funding is needed," he suggested, "go back and do a thorough investigation."

On Oct. 8 the commission affirmed the rules on a 10-3 vote, but only after ten members met in an illegal secret session the day before the vote.

Two members who have been advised they have a potential conflict of Terry Turner of interest. Wrightsville Beach, and Robert W. Griffith Jr. of Morehead City, were among those voting with the majority. A third member advised of a potential conflict. Larry Fitzpatrick. abstained. The chairman also did not vote

While supporting the commission's action, Gov. Jim Martin requested the second vote to avoid any potential lawsuit related to the first vote.

While spokesmen for numerous groups charged the commission's vote was politically motivated, state officials contend that current regulations, which expire Dec. 31, have essentially halted most high-density construction near shellfish waters.

The new regulations cover 38 times the coastal area covered by the old rules, taking in 20 coastal counties under Coastal Area Management Act regulations. They require major developments in the CAMA counties to contain the first inch of a day's rainfall on site. Major developments near shellfish beds would have to ntain the first 1.5 inches of rainfall, and those near lesser quality waters, one-half inch. The old regulations required developments within 575 feet of shellfishing waters to contain the first 4.5 inches of rainfall.

Environmental concerns stem from the fact that when stormwater runs off a development, it may carry with into nearby waters sedment, bacteria, nutrients and other pollutants. Shellfish habitat is most sensitive to the contaminants Among the nine voting for the new

egulations were Jerry Lewis, a semi-retired Shallotte engineer. Four public hearings have been held on the proposed rule changes,

however comments were heard again last Thursday. Speaking against the new rules last week was Rep. Robert Grady of Onslow County, who urged the Commission to retain the current rules, along with shellfisherman Lena Ritter of Stump Sound, a member of the N.C. Marine Fisheries Commission and president of the N.C. Coastal

Federation. "If you go with this inch and a half you're making a terrible mistake," she said, anticipating more waters closed to shellfishing and more

fishermen out of work. Clark Calloway, a director of the N.C. Fisheries Association, told the commissioners current estuarine problems are having "a severe effect" on the state's seafood industry, with customers saying they don't want North Carolina seafood pro-

ducts. Those speaking in favor of the new rules included Doug Boykin of the Alliance for Coastal Management, a coalition of businessmen and developers. He described the rules as a compromise. Boykin added that he understands new development makes up less than "five percent of the problem" associated with stormwater runoff, with older development having the greater effect. He also told the commissioners water classifications along the coast are wrong, that the state needs to remap shellfish areas and reclassify waters. Ninety percent of all runoff, he said, is captured in the 112 inch rule.

However, George Everette, chief of the state's Water Quality Control section, said to protect coastal water quality rules should be stronger. He said that the current regulations, in effect since November 1986, aren't stringent enough as they relate to shellfishing waters.

Instead of upgrading waters, he indicated, waters once classified as suitable for shellfishing are no longer.

The staff of the Division of Environmental Management, in its summary regarding the new rules, concluded, "The near water impact of stormwater as addressed in the existing rules is important, but the cumulative impact of stormwater runoff throughout the coastal zone is clearly more important from a water quality standpoint."

Staff further wrote that some con-

cerns of opponents appeared to be aimed more at "minimizing density along the estuarine shoreline rather than water quality protection.

EMC staff also noted that the department doesn't regulate land use factors that also affect protection of water quality-including density. number of septic systems, potential sewer system failures and the like, which are under the jurisdiction of local governments or other state agencies.

The new rules relax design storm standards for shellfishing waters. They also set limits on built-upon area including gravel driveways, area of the buildings and other structures, but exclude decking. Limits are 25 percent for projects draining into shellfish-quality waters and 30 percent for other waters. Current regulations allow up to 20 percent impervious cover within the 75-foot CAMA area of environmental concern and 30 percent in the next 500-foot zone from shellfish-quality waters.

Georgia Langley, who takes office in December as a Holden Beach commissioner, attended the meeting. She expressed concerns about the potential of increased pollution from stormwater runoff without other controls. She said she understands the new rules only apply to projects of one acre or more that require a CAMA permit for development.



Going Over The Details

Sr. Vice Commander Eddy Cook, Commander Roy Wrenn of the Calabash Veterans of Foreign Wars Post 7288, and Sr. Vice Commander Bill Goldsberry of the 5th District of North Carolina, go over last minute

details for a memorial service held Nov. 11, Veterans Day, at the unfinished VFW building in Calabash. A nice-size crowd of members and friends attended the observance.

Probe Into Alleged Beating Continues In Columbus County

BY RAHN ADAMS

Investigators in Columbus County Tuesday were still trying to piece together the facts surrounding an alleged assault that involved a Brunswick County man over two weeks ago in Crusoe

According to Columbus County Sheriff's Capt. George Dudley, no charges had been filed as of Tuesday in connection with the incident that sent Kenneth Marlowe, 37, of Ash, to New Hanover Memorial Hospital in Wilmington for treatment of injuries to his mouth and jaw.

Dudley said Marlowe suffered a broken jaw and cut lip, and lost all but four of his teeth.

Dudley would not comment Tuesday on speculation that the alleged beating was racially motivated. Marlowe is black. His alleged

assailants were white. "Until we get some lab work back,

I'm not in any position to say (exact-ly what happened)," Dudley said. The incident was first reported to

the Brunswick County Sheriff's Department Nov. 1 by the victim's mother, Dessie Marlowe of Route 1, Ash, according to Brunswick County Sheriff's Capt. Phil Perry. Perry said Ms. Marlowe told of-

ficers that her son had come to her house that day around 5 a.m., to tell her he had been taken to Crusoe and beaten by five men.

Marlowe also told his mother that he had been involved in a pickup truck wreck on N.C. 130 near the Columbus County line, Perry said.

Perry said his department, at that point, could not determine if the man's injuries were from the wreck or the alleged beating.

However, Marlowe later confirmed that he had been beaten. The case was then turned over Columbus

County authorities, after Brunswick County lawmen concluded that the alleged assault took place in Colum-

Dudley said Det. Roy Norris was working on the Marlowe case Tuesday in Brunswick County.

(Marlowe) and from other people concerned," Dudley said.

Dudley indicated Tuesday that his office would be able to comment on the case in more detail "in about a week," after additional interviews have been done and test results on

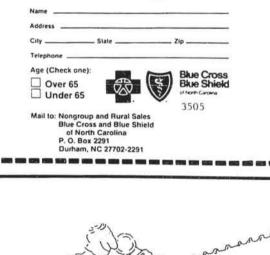
bus County, Perry said.

"We have statements from him evidence have been received

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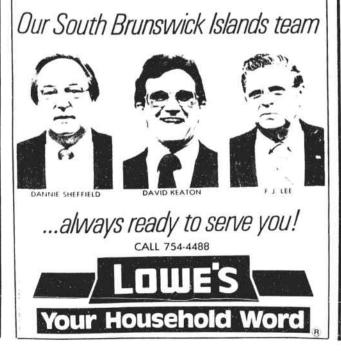


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