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# Council fails to agree on storm water controls

## Spartanburg County failed to agree on quality controls; already missed 2007 deadline

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After nearly a year of discussion, hearing from interested parties and experts, Spartanburg County Council members still failed to move forward on updating its Storm Water Management Ordinance this month.

They'll try again in January.

The county must approve new regulations to comply with federal mandates funneled through the state Department of Health and Environmental Control. The idea is to make people more aware of water quality; make sure the underground water table is able to be replenished to minimize the likelihood of droughts; and to curb the impact new developments can have on causing flood damage.

Spartanburg's compliance deadline was September 2007.

"We are currently in compliance assistance mode," DHEC spokesman Adam Myrick said. "We are aware that the deadline was then. But we are helping Spartanburg County do this, get this program up and running. At some point, if the compliance doesn't yield the result that is required, then enforcement would be the next step."

Myrick would not speculate as to what that enforcement could be.

In 2006, DHEC slapped Richland County with an \$800,000 fine for noncompliance. Spartanburg County administrators also worry that the state agency will revoke their ability to issue permits for construction that affects storm water runoff, meaning the state will take over those decisions.

DHEC will send a representative to address County Council next month.

Elected officials will then be presented with an ordinance similar, or even identical to, the ordinance that has been defeated. The vote on updating the Storm Water Management Ordinance was 3-4, with Councilmen Rock Adams, Jeff Horton and Tom Foster supporting it and Councilmen O'Neal Mintz, Dale Culbreth, David Britt and Michael Brown against it.

Foster said that even though he didn't agree with everything in the new ordinance, he recognized that the matter needed to be resolved. Ordinances must survive three readings to pass under council rules.

Brown said information from some of the concerned parties was inadvertently not shared with him, and that he is reviewing that information now in hopes of moving the issue forward. The main groups speaking on the matter are the local Home Builders Association and Upstate Forever.

While the total ordinance is highly technical and complex, there are two main points of contention.

The main item that's being debated involves restrictions on land near streams, rivers and other waterways. Trees, shrubs and other plants along creek banks, for instance, have root systems that keep the soil from eroding - and prevent clogs to the system. Many plants also remove pollutants from the soil.

County administrators are recommending a 60-foot buffer on both sides of waterways in urban areas and 90-foot buffer in rural areas. "Urban" is defined as anywhere that has sewer access.

As for the buffers, under the county ordinance that's being considered, the half closest to the waterway would be left untouched, and the remaining half - dubbed a "managed use zone" - would not be allowed to have any heavy construction. Flower beds, bike trails and other minor improvements would be allowed in the managed use zone.

The DHEC model ordinance recommends a 50-foot buffer.

Engineer Roger Nutt, speaking on behalf of the Home Builders, has argued for only a 25-foot buffer - and slightly higher in the cases of streams already identified as being polluted - saying the federal requirements have been cushioned by various agencies as they filter down to the local level. Nutt said he's mostly concerned with property rights, as it's the landowners who will feel the pinch of their property value decreasing, not the people who develop it.

On the other end of the spectrum, Upstate Forever would like to see anywhere from an 80- to 120-foot buffer around waterways.

Assistant County Administrator Chris Story said the argument revolves primarily around what is recommended and what is required.

County Councilman David Britt's thinking is along the lines of what Nutt has said, that the county is trying impose stricter regulations than what is required. If passed, those regulations would upset many rural landowners who have creeks on their property, he said.

One other sticking point would require surveyors to hire professionals to determine the flood risk of a project site if such a site is outside the flood-plane boundaries mapped by the Federal Emergency Management Agency.

Surveyor Marion Gramling has objected to this.

Britt said the flood risk issue was important because it could cause people added expenses in terms of flood insurance. Story said the county's aim is to prevent people from building anything in areas that have a high potential to flood.

Surveyor Joe Whisenant told the Herald-Journal in March that the added cost to his industry would be minimal under the new rules, and that most commercial and residential developers already do 90 percent of what would be required.

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