



City Attorney's Office

CITY OF GREENVILLE

North Carolina

P.O. Box 7207 - Greenville, N.C. 27835-7207

(252) 329-4426

(252) 329-4626 FAX)

March 7, 2014

The Honorable Andrew C. Brock
North Carolina Senate
300 N. Salisbury Street
Room 521
Raleigh, NC 27603-5925

The Honorable Chuck McGrady
North Carolina House of Representatives
300 N. Salisbury Street
Room 419B
Raleigh, NC 27603-5925

RE: Environmental Review Commission

Dear Senator Brock and Representative McGrady:

On behalf of the City of Greenville, these comments are submitted for consideration by the Environmental Review Commission in connection with its study, as directed by the General Assembly, of the circumstances under which cities and counties should be authorized to enact environmental ordinances that regulate a field that is also regulated by a State or federal statute enforced by an environmental agency or by a rule adopted by an environmental agency and that are more stringent than the State or federal statute or State rule.

The preservation of the authority of local governments to adopt environmental ordinances is important. This authority allows for flexibility to customize a regulation for the community since what is appropriate for one community may not be appropriate for another community. It is beneficial for a local government to be allowed to take into account factors which are unique to the jurisdiction.

The City of Greenville enacts environmental ordinances primarily to remain in compliance with federal and State mandates. These mandates come through permitted activities such as drinking

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water and wastewater, as well as the provision of stormwater discharges to comply with both the NPDES Phase II MS4 requirements and Tar-Pamlico Stormwater Rules.

An example of an environmental ordinance recently adopted by the Greenville City Council is an ordinance relating to the attenuation requirements set forth in Greenville's Stormwater Management and Control Ordinance. The objectives of this ordinance were to minimize public and private losses due to flood conditions in specific areas by regulations designed to control the rate of release of stormwater runoff of certain developments where the rate of runoff has been significantly increased. It established a standard in a field regulated by a State or federal statute enforced by an environmental agency and that is more stringent than a State or federal statute or State rule. Without this ordinance, future residential and commercial/industrial development could potentially cause damage to downstream infrastructure, natural conveyances and private property due to the increase in stormwater flow from increased impervious surfaces. This ordinance provides a tangible benefit and was broadly supported in the community.

Thank you for the opportunity to comment. It is requested that these comments be considered by the Commission and entered into the official record.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Holec', with a stylized flourish at the end.

David A. Holec
City Attorney

cc: Mayor and Council Members
Barbara Lipscomb, City Manager