

Path Forward Committee Meeting February 4, 2020



Agenda

- Opening comments
- Status Updates
 - Upcoming Forum
 - Status of IAIA
 - Nutrient Trading/Offset Rule Updates
 - Modeling and Regulatory Support Status
- Other status items
- Closing Comments

UNRBA Regulatory Forum

UNRBA Regulatory Forum

- The UNRBA is hosting its first regulatory forum on February 12, 2020
 - Setup and practice runs begin at 9:00
 - Registration and lunch begin at 11:30
 - Forum will be held from 12:30 to 2:30
- The address is Falls Lake State Recreation Area, Rolling View Community Building, 4201 Baptist Road, Durham, NC 27703
- Target audience includes local decision makers: managers, assistant managers, and elected officials
- So far 49 people outside of the UNRBA Board members and PFC members have RSVP'd to attend
- Every member has someone registered to attend
- Overview of meeting plan
 - UNRBA presentation
 - Large-group Q&A
 - Small-group discussions

Final Preparations

- Presenters (Forrest Westall, Sig Hutchinson, Jimmy Clayton, Kenny Waldroup, Terry Hackett, Michelle Woolfolk)
 - Have reviewed slides and talking points
 - 1st practice run scheduled for February 6th at **11:30 a.m.**
 - 2nd practice run schedule the day of the Forum at **10 a.m.**
- Table facilitators (Reggie Hicks, David Stancil, Don O'Toole, Neena Nowell, Wesley Poole, Katie Cromwell, Jenn Tavantis, Sandi Wilbur, Terry Hackett, Kenny Waldroup)
 - Have reviewed facilitation plan
 - Should arrive at **10:30 a.m.** the day of the Forum for a team meeting

Arrival and Registration Support

- Attendees begin to arrive for registration and lunch at **11:30**
 - Katie Cromwell, Pierce Sprague
 - Registration table
 - Reggie Hicks, David Saunders,
 - Lunch station assistance
 - Neena Nowell, Don O'Toole, Adam Sharpe
 - Parking lot and entrance area welcome and assistance

UNRBA Presentation Begins at 12:30

- Welcome (Forrest)
- Importance of jurisdictions (Forrest, Sig, Jimmy)
- Review meeting plan (Forrest)
- Briefing punchlines (Forrest)
- Origin of Falls Lake Rules, Consensus Principles, and adaptive management (Kenny)
- Review of Rule requirements, Stage I successes, and Stage II challenges
- Achievements to date and what is next (Forrest)
- Pathway to a revised strategy (Michelle)
- Reaching consensus on a strategy adoption process (Forrest)

Large-Group Q&A Begins at 1:10

- Panel comprised of briefing presenters
- Q&A cards will be collected from attendees as they are completed
- Cards will be organized by topic, sorted, and provided to Forrest
- Panel addresses Q&A questions
- At 1:40 a 10-minute break will begin

Roundtable Discussions Begin at 1:50

- Table facilitators will lead a small-group exercise
 - Anticipate approximately six participants per table
 - Facilitate brief introductions (name, organization, role)
 - Share ground rules
 - Ask jurisdictional leaders to share their input, guidance, and unanswered questions
 - Record answers to questions and the name of the contributor for follow up after the meeting
 - Report main ideas at the end of the meeting (approximately one minute per table)

Roundtable Questions

- **1:55** Do the participants have any questions about the re-examination that the panel did not address?
- **~2:05** What type of support from the UNRBA would help you feel prepared to make decisions about nutrient management options?
- **~2:15** Facilitators choice: as time allows, move through additional questions until the report out begins:
 - Does anything we talked about during the briefing concern you? Did we leave something out that's important to your jurisdiction?
 - Can we do anything to support your efforts to communicate with your constituents about these issues?
- **2:30** Lightning-round report out and submittal of notes to Forrest

Status of the Interim Alternative Implementation Approach (IAIA)

Status of the UNRBA Stage I ED IAIA

- On January 15, 2020 the UNRBA Board of Directors
 - Approved the Program Description as a guidance document
 - Authorized the Executive Director to discuss implementation pathways with DWR and others
- A meeting with DWR and NGO representative was held January 24, 2020
- Participants agreed to work the alternative approach into the Falls Lake Model Program being revised by DWR
 - Allow for individual jurisdiction compliance under the current Rules or under the alternative
 - Develop and submit MP with alternative to the EMC relatively soon
 - EMC needs to be brought up to speed on the IAIA before submittal (status item)

Rule Language Allows for Alternative

- 15A NCAC 02B .0278 FALLS WATER SUPPLY NUTRIENT STRATEGY: STORMWATER MANAGEMENT FOR EXISTING DEVELOPMENT, part (6): A municipality shall have the option of working with the county or counties in which it falls, or with another municipality or municipalities within the same subwatershed, to **jointly meet the loading targets from all lands within their combined jurisdictions** within a subwatershed.
- 15A NCAC 02B .0282 FALLS WATER SUPPLY NUTRIENT STRATEGY: OPTIONS FOR OFFSETTING NUTRIENT LOADS, part (4): **Local governments have the option of combining their reduction needs from NPDES dischargers** assigned allocations in 15A NCAC 02B .0279 and existing development as described in 15A NCAC 02B .0278, including loads from properly functioning and malfunctioning septic systems and discharging sand filters, into one reduction and allocation requirement and meet them jointly.

Key January 24th Meeting Outcomes

- “Joint compliance” provisions of the Existing Development Rule allow for an alternative compliance option like the IAIA
 - IAIA could be authorized and included as an option under the Model Program
 - DWR would reference the range of WWTP credits relative to the range of Stage I Existing Development load reduction needs
 - The magnitude of the credit and historic performance of the WWTP provide reasonable assurance for compliance
 - Formal allocation or set-aside of WWTP credits would not be required
 - The signed and implemented IAIA would constitute compliance

Key Meeting Outcomes, Continued

- Jurisdictions not participating in the IAIA would be required to submit
 - A Local Program consistent with the pounds-counting approach
 - Stage I Existing Development load reduction requirements to be included as part of the Local Program
- DWR would not develop an approved jurisdictional load for each jurisdiction prior to presenting a final MP to the EMC (only develop for those that choose not to participate in the IAIA)

Revisions to 2013 Model Program (MP)

- Allow for IAIA as an option for compliance
- Reference the catalogue of practices and expand as new practices are developed
 - Table development of land conservation credit as this practice would be allowed under the IAIA
- Remove references to Jordan Lake
- Clean up language/inconsistencies regarding onsite wastewater treatment systems and jurisdictional loads
- Revise screening analysis requirements
- Revise reporting requirements
- Update trading language
- Address long-term O&M expectations for practices implemented to address Existing Development

The UNRBA would be given the opportunity to review and comment on an updated draft MP prior to DWR's presentation to the EMC.

Implementation Steps and Timeline

- The timeframes established in the Rules for approval of the Local Program would apply to the implementation of an IAIA.
- The agreement with the IAIA participants would need to be in place before a Program Document can be submitted to DWR and the EMC.
- All participants would have to be comfortable that implementation of the IAIA can begin within six months of submittal of the IAIA to DWR/EMC after the MP is approved by the EMC.

Next Steps

- UNRBA/DWR to develop schedules for development, review, and finalization of the MP and IAIA Program with a goal to begin implementation by July 2021 (or July 2022)
- DWR to revise the MP
- UNRBA to schedule a meeting with DEQ to review the IAIA approach and the willingness to delay development of a credit for land conservation
- DWR, UNRBA, and representative NGO to collaboratively present the IAIA approach to the EMC Water Quality Committee
- UNRBA to convert the Program Description into a Program document for review by membership (set funding level, describe end-of-year reporting elements, include signature page for interlocal agreement)

Nutrient Trading/Offset Rule Updates

Nutrient Trading/Offset Rule Updates

- Also discuss during the January 24th meeting
- DWR staff noted that fully removing Falls Lake from the offset rule may jeopardize the ability for New Development to secure offsets because 2B .0240 is being recodified as 2B .0703.
- Their recommendation is to carve out two exceptions in the rules that were submitted to the RRC: one for Falls Lake that would reference back to 0282 and one for Jordan Lake.
- If the EMC does not address Falls Lake as part of the rules readoption process, then the ratio would default to 1.5:1 for nonpoint to point trades in the Falls Lake watershed.
- DWR indicated they would provide some detailed language for us to consider.
- Executive Director will discuss with the Legal Workgroup

Modeling and Regulatory Support (MRS) Status

MRS Status

- The Modeling Team presented preliminary hydrologic calibration and validation results to the MRSW on February 4th
 - Model performance generally ranks Good to Very Good at locations with observed USGS flow data
 - Final calibration anticipated in February
 - Working with DOT to accurately simulate connected and unconnected roads
 - Finalizing impervious fractions associated with existing, interim, and new development
- Predictions at ungaged stations are within the expected ranges based on the basin proration flow estimate method
- UNRBA 319 application to support revisions to watershed model code for onsite wastewater treatment systems has been submitted to DWR.
- The next Modeling and Regulatory Support Workgroup meeting is scheduled for April 7th before the PFC meeting

Other Status Items

Budget Schedule for FY2021

- Update dues table with 2019 flows
- Provide updated table to members
- Present to the Board in March for approval

Communications

- Current contract is completed with completion of the Forum
- New contract not in place
- Need to discuss priorities and work scope of 2020-2021

Ongoing DEQ/DWR Items

- MOA for re-examination
- 303(d)
- 2019 UNRBA Data Report meeting
- IAIA Program meeting
- Site-specific chlorophyll-a criteria

Next PFC Meeting
March 3, 2020, 9:30 AM to 12:00 PM
Butner Town Hall

Next BOD Meeting
March 18, 2020, 9:30 AM to Noon
Butner Town Hall

Next MRSW Meeting
April 7, 2020, 9:00 AM to 10:30 AM
Butner Town Hall

Closing Comments

Additional Discussion