

Path Forward Committee Meeting July 9, 2019



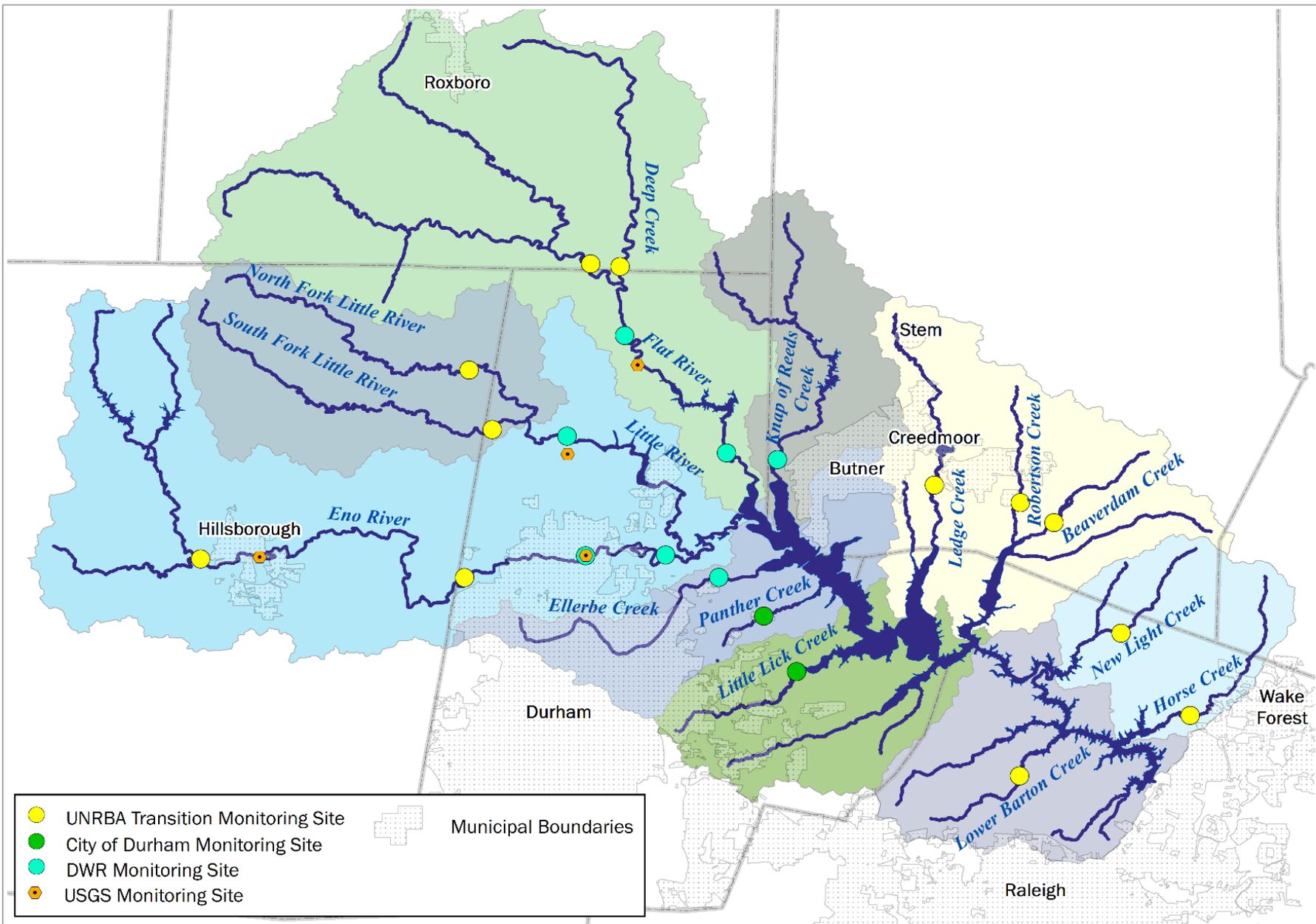
Agenda

- Opening comments / agenda review
- Transition Monitoring program status
- Discussion of the optional implementation approach
- Other status items
 - Ongoing DEQ discussion/issues
 - Modeling and Regulatory Support
 - Coordination with the Collaboratory
 - Communications
- Closing Comments

Transition Monitoring Program Status

Transition Monitoring

- Monthly sampling at 12 stations
- Each sample would be analyzed by the laboratory for
 - Total phosphorus
 - Total Kjeldahl nitrogen
 - Total ammonia
 - Total nitrate plus nitrite
 - Total organic stations (LL stations only)
- Field duplicates and blanks would be analyzed at a rate of approximately 10 percent of the sample count for QA/QC purposes.



Transition Monitoring Locations
 Upper Neuse River Basin Association
 North Carolina

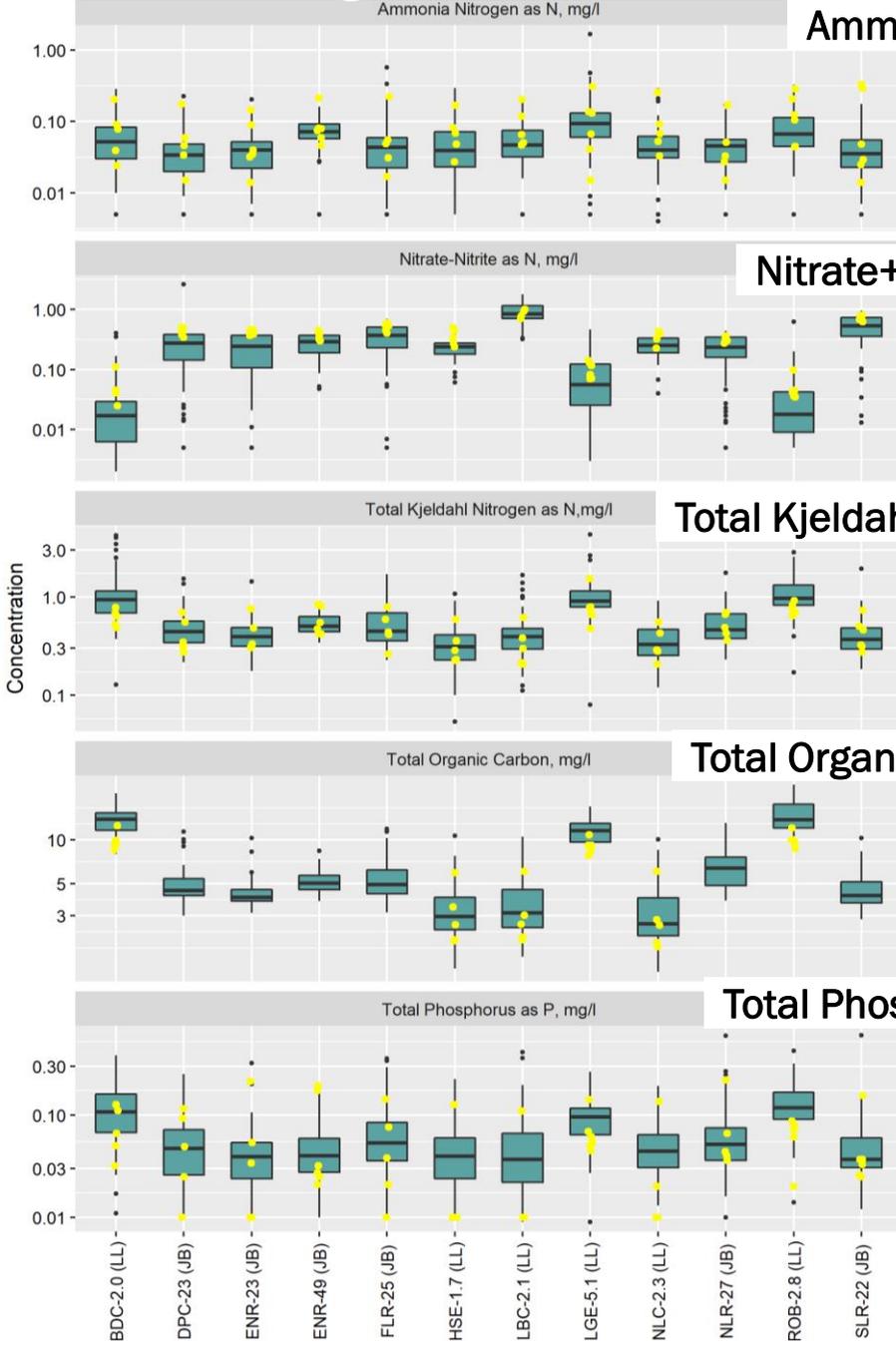


Transition Monitoring Reporting

- Draft Transition Monitoring Report submitted to Executive Director in June 2019
- Report will be submitted to the PFC for review in July 2019
- Results for the November 2018 to March 2019 samples are similar to the distribution observed over the entire monitoring period

Logarithmic Scale

Arithmetic Scale



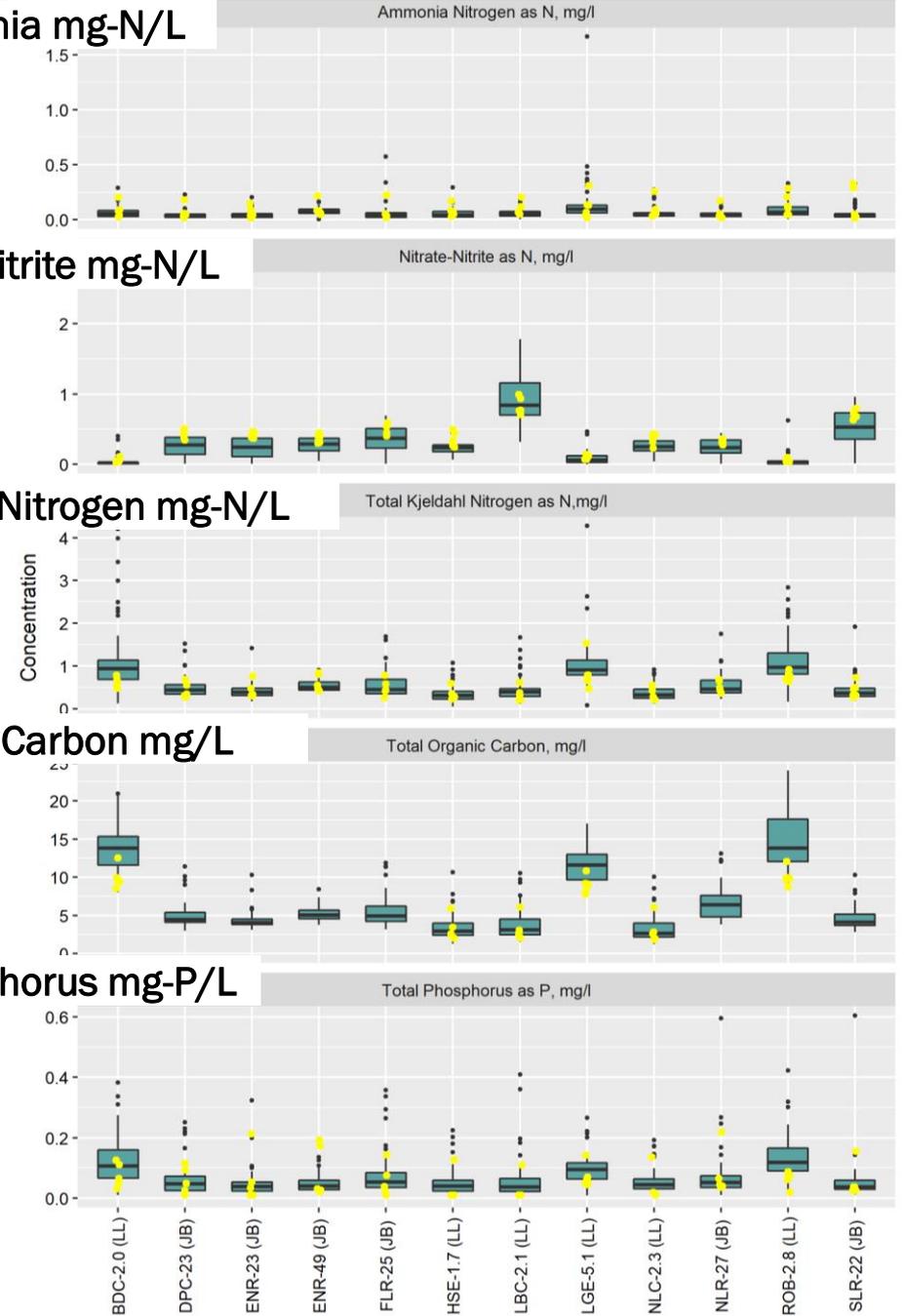
Ammonia mg-N/L

Nitrate+Nitrite mg-N/L

Total Kjeldahl Nitrogen mg-N/L

Total Organic Carbon mg/L

Total Phosphorus mg-P/L



Ammonia Nitrogen as N, mg/l

Nitrate-Nitrite as N, mg/l

Total Kjeldahl Nitrogen as N,mg/l

Total Organic Carbon, mg/l

Total Phosphorus as P, mg/l

Transition Monitoring Discussion

- PFC members have expressed the need for earlier discussions regarding the Transition Monitoring Program for FY2021
- Comments have ranged from elimination of the program to expansion of the program to meet various monitoring needs by the local governments
- PFC to begin discussion today about the potential scope of the Transition Monitoring Program for FY2021

Discussion of the Optional Implementation Approach

Review of Discussion
During the May PFC Meeting

Objectives of the Optional Implementation Approach

- Implement projects in the watershed to improve water quality while the re-examination process unfolds
- Demonstrate commitment of the UNRBA to a reasonable, fair, and equitable management strategy

Guidelines

- Focus on investment levels rather than counting pounds of nutrients
 - Continue to track pounds for future reference
 - Track lake water quality during optional program implementation
- Include existing list of approved practices and expand this list to cover other approaches (e.g., land conservation)
- Activities implemented under this framework would count toward the revised re-examination strategy
- Project prioritization would consider capital and long-term maintenance costs, location with respect to hot spots, and site opportunities

Guidelines, Continued

- Joint compliance should consider a joint selection process that reflects the following
 - Effectiveness in terms of nutrient reductions
 - Funding mechanisms
 - Opportunities
 - Public acceptance
- Decision framework for project selection
 - Aimed at maximizing water quality benefits
 - Promoting development of locally supported projects
 - Quantifying ancillary benefits (to be determined)

Guidelines, Continued

- Account for all new projects implemented under this program
 - Simplifies tracking for this interim period
 - Counts funds set aside for eligible practices moving forward
 - Ensures implementation progress across the watershed
- Local governments will continue to track projects and reductions relative to 2006 for future data needs

Funding Discussion

- Minimum funding levels should be fair and equitable
- Individual members may continue to fund their own projects at greater levels thereby accumulating additional program credit

Participation Requirements

- Include participation by all UNRBA local governments
- Some local governments have pre-existing plans for water quality improvement projects and practices
- Some local governments have set aside funds but not begun implementation
- Local government participation with the UNRBA may need to be a requirement to qualify for inclusion under this program
- UNRBA member consensus is necessary to proceed with development of the optional approach
- Ensuring participation
 - Drivers
 - Expectations
 - Schedules
 - Penalties (such as not participating results in falling under the current rules)

Coordination with Other Entities

- Promote coordination and cooperation with other regulated entities
 - Agriculture
 - NC DOT
 - Other state/federal agencies)
- The UNRBA will need to coordinate with elected officials, regulators, legislators, and stakeholders
- Coordinate with DEQ on MS4 permit requirements/Falls Lake Implementation (pending timing)

Methods

- Potential Eligible Practices
 - Stormwater control measures
 - Stream restoration
 - Urban stream buffers
 - Programmatic measures
 - Infrastructure improvements
 - Illicit discharge detection and elimination
 - Reduction of sanitary sewer overflows
 - Leaky infrastructure
 - Land conservation
 - Grant funded projects

Regulatory Authority

- Determining the best regulatory vehicle
 - Existing rules
 - New legislation
 - Bubble permit
 - Interlocal agreements

**Review PFC Comments
Received After the
May PFC Meeting**

Input from PFC Members

- The following slides provide a summary of comments received at this point from the City of Durham
- Input from all PFC Members is needed to develop a framework that meets the needs of all of the UNRBA members
- As we move through the discussion, what elements are missing or need work?
 - Procedures (nuts and bolts)
 - Methods (how do we define a project?)
 - What else is missing?
 - What additional information do you need?

Comments Received After the May PFC Meeting

- The City of Durham provided notes following an internal meeting stating their understanding of the approach and several related questions on three topics
 - Logistics
 - Funding
 - Project prioritization
- The feedback from the City of Durham provides a good stepping stone to begin clarifying elements of a framework
- The following slides walk through the stated understanding of an issue, questions, and comments offered by the City of Durham
- These provide a basis for discussion by the PFC today
- Objective today is to secure PFC support for specific program components

Establishment of the Funding Reserve

- Durham's stated understanding:
 - One bank of funds would be established to fund projects
 - Each UNRBA member would be invoiced annually
 - Payments can be "cash" or in-kind, and the entire invoice amount can be satisfied with in-kind funds
 - Referred to the reserve as the {SCM} Funding Reserve
- Discussion topics for the PFC
 - Are other members' understanding similar to, or different than, the list above?
 - Previous discussions have included non-SCM practices like land conservation. Do the members wish to include or exclude non-SCM projects?

Compliance with Stage I Requirements

- Durham's stated understanding:
 - The UNRBA would select projects to receive funding from the Funding Reserve.
 - All of the participating UNRBA member governments would be considered compliant with Stage I Existing Development by contributing to the Funding Reserve.
 - Accounting would no longer be based on pounds of nitrogen or phosphorus
- Discussion topics for the PFC
 - Are other members' understanding similar to, or different than, the list above?
 - Do the members agree or disagree that continuing to track pounds for future purposes makes sense, but would not be the basis of this program?

Beyond Stage I

- Durham's stated understanding:
 - Additional coordination is necessary with elected officials, state regulators, and legislators.
 - If successful, the use of a Funding Reserve may continue into the full re-examination strategy.
- Discussion topics for the PFC
 - Are other members' understanding similar to, or different than, the list above?
 - Note: allocation of funding levels will be heavily examined by the governing boards and commissions

What criteria and/or process will be used to find or select projects?

- Durham's understanding based on May PFC meeting slides:
 - “Project prioritization would consider capital and long-term maintenance costs, location with respect to hot spots, and site opportunities.”
 - “Joint selection process that reflects the effectiveness in terms of nutrient reductions, funding mechanisms, opportunities, [and] public acceptance.”
- Discussion topics for the PFC
 - The PFC would need to approve a methodology to prioritize projects based on the factors listed above, and other factors identified while the prioritization process is under development.
 - Do members have additional thoughts about a framework for the prioritization process?

What is a project?

- Durham's stated understanding:
 - May PFC meeting included a list of "eligible practices"
 - This list has not been agreed to by DWR/DEQ.
 - "Eligible practices" are not the same as a project.
 - The City of Durham supports a project definition that includes planning, design, permitting, and other tasks associated with constructing an SCM.
- Discussion topics for the PFC
 - Does the PFC want to submit the full list of suggested eligible practices to DWR/DEQ for approval under this approach? When is appropriate?
 - Does the PFC agree or disagree that funding elements beyond construction could be included in the program through the Funding Reserve?

Questions Posed by the City of Durham

- Durham's question:
 - What type of project would be suitable for an in-kind match?
- Discussion topics for the PFC
 - Does the PFC agree or disagree that the full list of suggested practices is eligible to serve as in-kind match (SCMs, stream restoration, buffers, programmatic measures, infrastructure improvements, IDDE, land conservation, and grant-funded projects)?
 - Does the PFC agree or disagree that funding elements beyond construction could be included in the funding match (planning, design, permitting, and other tasks)?

Questions Posed by the City of Durham

- Durham's questions and discussion topics for the PFC:
 - How long would the SCM Funding Reserve be active?
 - E.g., until a new strategy is put in place?

Questions Posed by the City of Durham

- Durham's question:
 - How are WWTP credits used in this process, if at all?
- Discussion topics for the PFC
 - During May PFC meeting, the group indicated that a simpler accounting methodology would be preferable for the interim period
 - Count progress moving forward rather than develop a complex accounting system to annualize past efforts
 - Recognize that communities with WWTP credits likely already have planned commitments beyond what would be required of the Funding Reserve, so this would not represent an additional burden to them
 - WWTP credits would be counted under the full re-examination strategy
 - Does the PFC still agree or disagree that the simpler accounting method is preferable for the interim period and that a more complete accounting is needed for the full re-examination strategy?

Questions Posed by the City of Durham

- Durham's comment and question:
 - In the current UNRBA fee structure there is a column for equal distribution of 10%.
 - Why is the "Equal Distribution" column set to zero for the impervious area fee structures?
- Discussion topics for the PFC
 - A few example funding structures were evaluated for discussion at the May PFC meeting based on input received at the April PFC meeting.
 - Other examples can be considered to support the PFC's decision on the funding structure.
 - Does the PFC have recommendations for additional funding structures to evaluate?

Comment Offered Posed by the City of Durham

- Durham's comments:
 - Charging for both Percent of Total Area and Percent of Impervious Area double counts a significant population.
 - The City of Durham does not support a fee structure that is not equitable for all rate payers and jurisdictions.
- Discussion topics for the PFC
 - A few example funding structures were evaluated for discussion at the May PFC meeting based on input received at the April PFC meeting.
 - Other examples can be considered to support the PFC's decision on the funding structure.
 - Does the PFC have recommendations for additional funding structures to evaluate?

Questions Posed by the City of Durham

- Durham's question and comments:
 - Why would the UNRBA select a relatively recent "baseline" for impervious cover (e.g., 2016 to 2018).
 - A recent baseline creates early adoption penalties for those communities that have implemented projects and programs.
 - Durham supports creating an alternative strategy that does not create early adoption penalties.
- Discussion topics for the PFC
 - The previous example funding structures were based on year 2011 land use data. Other years can be evaluated (e.g., 2006, 2016).
 - Does the PFC have recommendations for additional funding structures or years to evaluate?
 - Does the PFC have recommendations on how to count early adoption efforts under this interim program?

Questions Posed by the City of Durham

- Durham's question and comment:
 - Can a jurisdiction rollover credits from one year to the next?
 - The City of Durham supports in-kind funding that includes a credit or rollover to cover years when spending is low.
- Discussion topics for the PFC
 - Does the PFC agree or disagree that projects that exceed the annual contribution requirement can be used to satisfy funding for multiple years?

Input from PFC Members

- The previous slides provide a summary of comments received at this point from the City of Durham
- Input from all PFC Members is needed to develop a framework that meets the needs of all of the UNRBA members
- What elements are missing or need work?
 - Procedures (nuts and bolts)
 - Methods (how do we define a project?)
 - What else is missing?
 - What additional information do you need?

Other Status Items

Ongoing DEQ Discussion

- Clean Water Act 305(b) and 303(d) evaluation of Falls Lake
- Memorandum of Understanding / Agreement
- Land conservation credit
- Revision of the chlorophyll-a water quality standard
- Summary of the basic principles of the Optional Implementation Approach under review by the UNRBA

Modeling and Regulatory Support

- The FY2020 budget includes funding for the development of a Decision Framework.
- Brown and Caldwell and HDR will provide support for a UNRBA discussion of how to build a Decision Framework that will
 - Guide the Association through the decisions related to modeling and regulatory activities
 - Evaluating alternative management approaches
 - Developing implementation aspects
 - Developing information for public participation
 - Evaluating public input
 - Developing a recommended revised strategy
- The sessions for developing and defining a decision framework will be incorporated into the PFC Meetings starting in August

Collaboratory Coordination

- The Collaboratory recently provided a summary of the relationship between the Collaboratory's evaluation of the Falls Lake Nutrient Management Strategy and the UNRBA's Reexamination.
- This communication is helpful in defining the separate charges of each effort and identifying many areas where coordination and information sharing will improve both processes.

Communications

- Planning for the upcoming Stakeholder Summit in October continues.
- Input is needed from the UNRBA membership to develop an expanded stakeholder list for invitation to this summit.
- A draft media engagement protocol is under review by the Communications Workgroup.
- Because of the importance of the completion of the 51-month monitoring program to support modeling and release of the comprehensive monitoring report, the Board approved the development of a press release for this accomplishment.
 - Press release will be finalized soon
 - Anticipated release in July

Closing Comments

Additional Discussion