

# Path Forward Committee Meeting November 5, 2019



# Agenda

- Opening comments
- UNRBA Decision Framework Development
- Status Updates
  - UNRBA Interim Alternative Implementation Approach
  - Modeling and Regulatory Support status
  - Status of nutrient credit practices
- Other status items

# **UNRBA Decision Framework Development**

# **Status of the Interim Alternative Implementation Approach - Strawman**

# Status of the Interim Alternative Implementation Approach (IAIA)

- The IAIA Workgroup revised the strawman at a meeting held October 8<sup>th</sup>
- A revised draft was distributed to the workgroup on October 17<sup>th</sup>
- The IAIA Workgroup provided additional comments on the revised draft
- A draft strawman was distributed to the PFC on October 24<sup>th</sup> and comments are requested by **November 8<sup>th</sup>** to allow submittal of the draft to the Board by November 13<sup>th</sup>

The IAIA Workgroup will meet following the PFC meeting today from 12:45 to 2:15 to discuss additional details for the program description that will go to the Board in January

## Options for Complying with Stage I Existing Development (thru at least 2024)

### Existing Stage I ED Rules

- Local governments negotiate Stage I load reduction requirements with DWR
- DWR to develop, and EMC to adopt, model program
- Local governments develop local programs
- Local governments implement projects and track nutrient pounds reduced
- Comply with requirements before re-examination rules are re-adopted

### Stage I IAIA

- Develop a pathway for implementation (under existing Rules or with new legislation)
- Focus on improvements to water quality and base compliance on investment levels
- Use existing programs to efficiently implement projects
- Expand list of eligible activities beyond those with State-approved credits
- Allow members to implement projects individually or under joint agreements

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## Re-examination Strategy for Stage II

Monitoring is complete (2014 to 2018)

Modeling and analysis is underway (2019 to 2023)

A new strategy will be developed (rule making begins in 2024)

- Ensure feasibility
- Focus on cost effective actions
- Account for previous activities
- Protect and improve water quality and designated uses

# Additional Elements to Describe in the IAIA Program Description

- Potential investment limits (i.e., caps)
  - The amount allocated to land conservation
  - The amount allocated from in-kind technical-service hours or use of equipment
  - Expenses associated with project planning, permitting, operation and maintenance
- Determining means to identify high priority land conservation areas
- Addressing uncertainty/gaining assurances from DWR that projects and activities implemented under this program are acceptable
- Negotiating reporting elements required by DEQ

# Additional Elements to Describe in the IAIA Program Description

- Providing more description about the types of projects that would be implemented using the UNRBA pool of funds
  - Forming workgroup
  - Developing scoring rubric
  - Managing funds
- Accounting for programmatic measures
- Determining eligibility of projects and activities that focus solely on
  - Reducing flooding
  - Floodplain restoration/ reconnection
- Providing examples of different types of funding mechanisms and project elements including in-kind services, multi-year projects, etc.



# Next Steps for the Strawman

- PFC to provide comments and edits via email by November 8, 2019 (earlier if possible)
- Strawman revised in response to PFC comments and distributed to Board by November 13, 2019
- Strawman to be presented to the Board at the November 20, 2019 Board meeting as a status item including an example investment level for discussion

# Next Steps for the Program Description

- IAIA Workgroup
  - Discuss additional details on program implementation and recommended investment levels today
  - Review a draft program in mid-November
  - Schedule additional meeting as needed (*after December 3<sup>rd</sup> PFC meeting?*)
  - Provide additional comments and edits on program by December 4, 2019
- PFC
  - Review revised program (anticipated delivery to PFC by December 11, 2019)
  - Provide comments/edits via email by December 18, 2019
- Program revised in response to PFC comments and distributed to Board by January 8, 2020

# **Modeling and Regulatory Support Status**

# MRS Status

- Modelers are continuing to coordinate with UNC Collaboratory researchers on site selection for the onsite wastewater treatment system study
- DWR has mentioned 205J grant money that may be available to further evaluation of onsite wastewater treatment system loading
- Modelers distributed baseline land use data to the MRSW and PFC for review (after acceptance by DOT and Dept of Ag representatives)
  - Data has been reviewed by representatives of the upper jurisdictions
- Modelers are continuing with hydrologic calibration for the baseline period
- MRSW meeting planned for November has been shifted to IAIA Workgroup meeting (no new issues for MRSW to discuss in November beyond those mentioned above)

# Status of Nutrient Credit Practices

# Approved Nutrient Reduction Practices Developed by UNRBA

- Infiltration Devices with Varying Design Storm Sizes\*
- Soil Improvement Practice - Approved
- Bio-retention Design Variants\*
- Level Spreader Filter Strips w/ Design Variants\*
- Remedying Illicit Discharges - Approved
- Cattle Exclusion – Contingent Approval

\* Managed under the DEMRL stormwater program.

Links available at

<https://www.unrba.org/nutrient-credit-program>

# Approved or Near-Final Nutrient Reduction Practices Developed by DWR

- Near final, to be approved
  - Street sweeping
  - Gross solids removal
  - Wastewater overtreatment
- Approved
  - Remedying discharging sand filter systems
  - Floating wetland islands\*
  - Disconnected impervious surfaces\*

\* Managed under the DEMRL stormwater program.

Links available at <https://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information#approved-nutrient-reduction-practices>

# Additional Nutrient Reduction Practices Managed by DEMLR

- Infiltration system
- Bioretention cell
- Stormwater wetland
- Permeable pavement
- Rainwater harvesting
- Disconnected impervious surface
- Level spreader filter strip
- Pollutant removal swale
- Wet pond and floating wetland islands
- Sand filters
- Green roof
- StormFilter
- Silva Cell
- Filterra
- Bay Filter

Crediting Manual available at

<https://files.nc.gov/ncdeq/Energy%20Mineral%20and%20Land%20Resources/Stormwater/BMP%20Manual/SCM-Credit-Doc-2018-11-7.pdf>



# Chesapeake Bay Approved Practices

- Latest manual is available here:  
[https://www.chesapeakebay.net/documents/BMP-Guide\\_Full.pdf](https://www.chesapeakebay.net/documents/BMP-Guide_Full.pdf)
- 20 agricultural practices with approved credits
  - 5 agricultural practices in que
- 18 stormwater control measures (wet ponds, etc.)
- Stormwater retrofits
- Urban stream restoration
- Urban nutrient management
- Urban tree planting
- Street sweeping
- Urban and non-urban stream restoration
- Shoreline management

# Chesapeake Bay Approved Practices, Notes

- Credits are often conservative
- Credits are often based on a different regulatory framework than the NC nutrient management strategies
- NC uses rigorous minimum design criteria and factors of safety to address uncertainty across practices where other States and regions may use high crediting ratios
- Session Law 2016-94: “Stormwater treatment practices that have been approved by the Chesapeake Bay Commission for TMDL compliance in the Chesapeake Bay watershed shall be allowed for TMDL compliance in the Jordan Lake and Falls Lake watersheds at the same pollutant removal efficiency value established for each such practice for the Chesapeake Bay watershed.”

# DWR Practices Under Development

- Buffer improvement in developed areas\*
- Forest preservation
- Remedying malfunctioning septic systems
- Urban reforestation\*
- Stream restoration\*
- Urban tree canopy\*
- Bioswales\*
- Regenerative stormwater conveyances\*
- Rural buffer restoration\*
- Cropland conversion\*

\* Practices with credits approved under the Chesapeake Bay program.

# Other Status Items

# Communications

- Planning continues for the upcoming non-technical stakeholder session in January/February
- Input is needed from the UNRBA membership to develop an expanded stakeholder list for invitation.
- Other communication work products pending
- UNRBA Presentation to the Nutrient Scientific Advisory Board on November 1<sup>st</sup>

**Next PFC Meeting is December 3, 2019**

**9:00 to Noon**

# Closing Comments Additional Discussion