

# Path Forward Committee Meeting December 3, 2019



# Agenda

- Opening comments
- UNRBA Decision Framework Development
- Status Updates
  - UNRBA Interim Alternative Implementation Approach
  - Modeling and Regulatory Support status
  - Upcoming 303(d) Evaluation of Falls Lake
- Other status items

# **UNRBA Decision Framework Development**

# Review “Starred” Questions from November PFC Meeting

- How do external stakeholders – those without formal standing within the UNRBA – contribute or factor into the decision-making process?
- Are majority and minority reports an appropriate option when consensus cannot be reached but the timeline for decision making demands a next step?
- As a representative or director, do you have what you need to update your colleagues and your home jurisdiction or utility about UNRBA developments and upcoming decisions?
- Beyond clarifying that Table 1 is an example and decision pathways are flexible, do you have specific edits we can address?
- Is the Double Triangle tool appropriate as decision guidance more broadly than MSRW?
- When the Board delegates decision authority to a special committee like the PFC, is one vote per jurisdiction an appropriate alternative if consensus can't be reached?

# **Revise November 21<sup>st</sup> Draft Decision Framework Document**

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# **Status of the Interim Alternative Implementation Approach – Program Description**

# Status of the Interim Alternative Implementation Approach (IAIA)

- The IAIA Workgroup discussed components of a draft Program Description for Stage I Existing Development IAIA during their meeting on **November 5<sup>th</sup>**
- A draft Program Description was distributed to the IAIA Workgroup on **November 13<sup>th</sup>**
- Comments provided by the IAIA Workgroup participants have been incorporated into a revised draft that will be discussed following the PFC meeting (**December 3<sup>rd</sup>**)
- A revised draft for review by the PFC is anticipated to be distributed by **December 11<sup>th</sup>**
- Written comments on the draft Program Description will be requested from the PFC by **December 18<sup>th</sup>**
- Revisions will be incorporated for distribution of a draft to the PFC and the Board on **January 8<sup>th</sup>** for consideration during the **January 15<sup>th</sup>** Board meeting



# Approach to the Development of the Program Description Discussed at November IAIA Workgroup Meeting

- The IAIA Workgroup meetings have included UNRBA members and staff from NGO's and DWR
- The Workgroup acknowledged the overall goals of the IAIA and its use as a pilot for a future revised strategy
- Initial program components would be designed to promote flexibility
- Progress would be evaluated to ensure that the overall goals of the program are being met
- Components would be revised as needed

The IAIA Workgroup discussion on November 5, 2019 was used to develop the preliminary draft of the program components. This draft was distributed to the Workgroup for review on November 13, 2019.

# Overview of Comments From the Workgroup on the Program Description

- Need for DWR to explicitly allow for the IAIA to serve as compliance with the Stage I Existing Development Rules
- Clarification of three potential pathways for implementation of the IAIA
  - Joint compliance under the Rules with an agreement among participants to participate in the IAIA
  - Individual compliance under the Rules if DWR incorporates the IAIA into the Model Program
  - Legislation to allow for the IAIA to serve as compliance
- Balancing flexibility in program implementation with risks and uncertainties
- Ensuring that local prioritization of projects results in equitable contributions
- Counting investments in programmatic measures above and beyond what was in place at baseline (2006)

# Overview of Comments on the Program Description, Continued

- Appropriateness of funding structure
  - Use of the existing UNRBA fee structure was approved by consensus by the IAIA Workgroup on October 8, 2019
- Overall level of funding
  - Is it appropriate? Is it fixed?
  - When does it transition from “example” to proposal?
- Why is implementation start date anticipated in FY2022?
- What is the process for obtaining local approval of the IAIA?
- Need to set up a separate non-profit if UNRBA members contribute to a pool of funds
- Review by DWR for activities that are not on the eligible list
  - What would be the process?
  - Who would conduct this review?

# **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
- A conference call with the modeling team, DWR, and the Collaboratory was held on November 22<sup>nd</sup> to discuss potential grant money that may be available to further evaluation of onsite wastewater treatment system loading
- Modelers are continuing with hydrologic calibration for the baseline period
- MRSW meeting planned for December has been shifted to IAIA Workgroup meeting
- The next MRSW meeting is planned for January 7, 2020 from 9:00 a.m. to 10:30 a.m. to be followed by the January PFC meeting

# **Potential Impact of the Upcoming 303(d) Evaluation of Falls Lake**

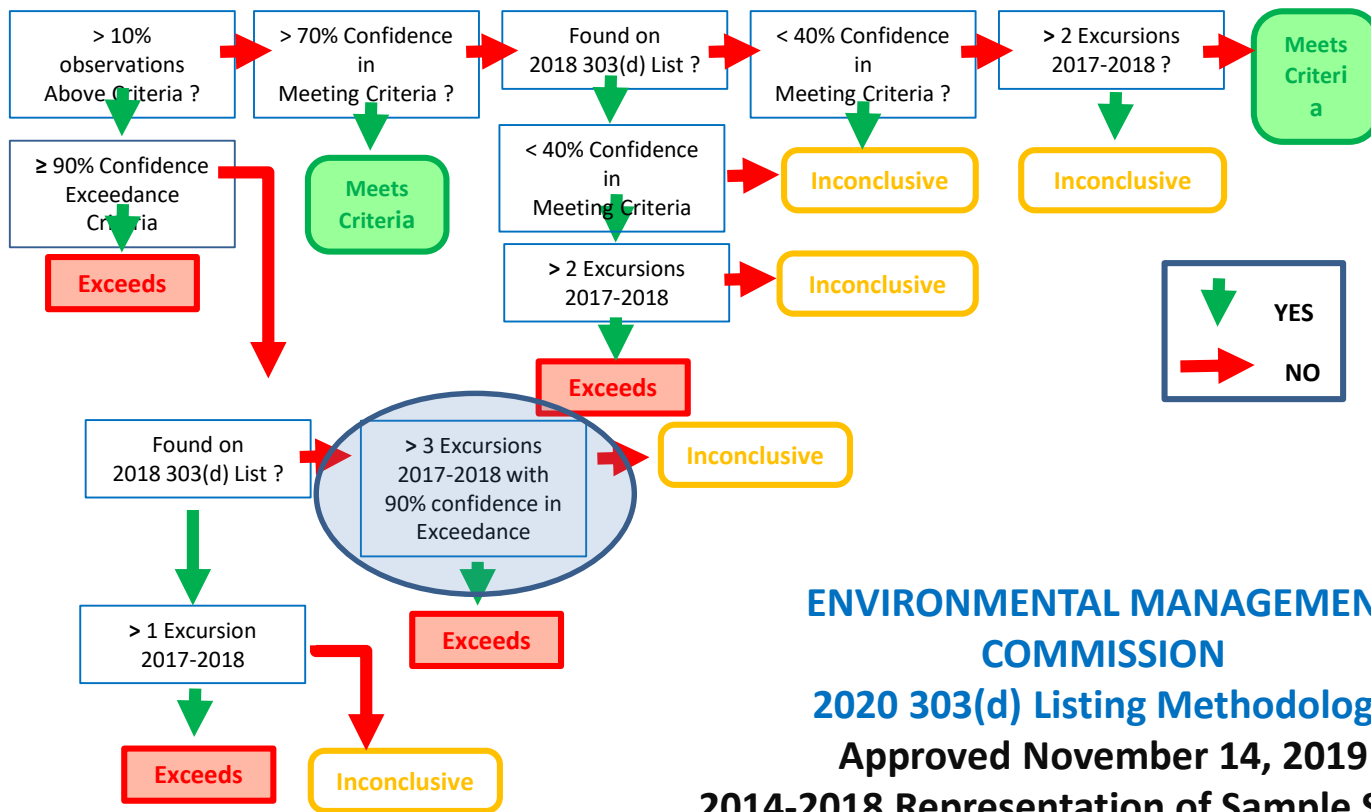
# Potential Impact of the Upcoming 303(d) Evaluation of Falls Lake

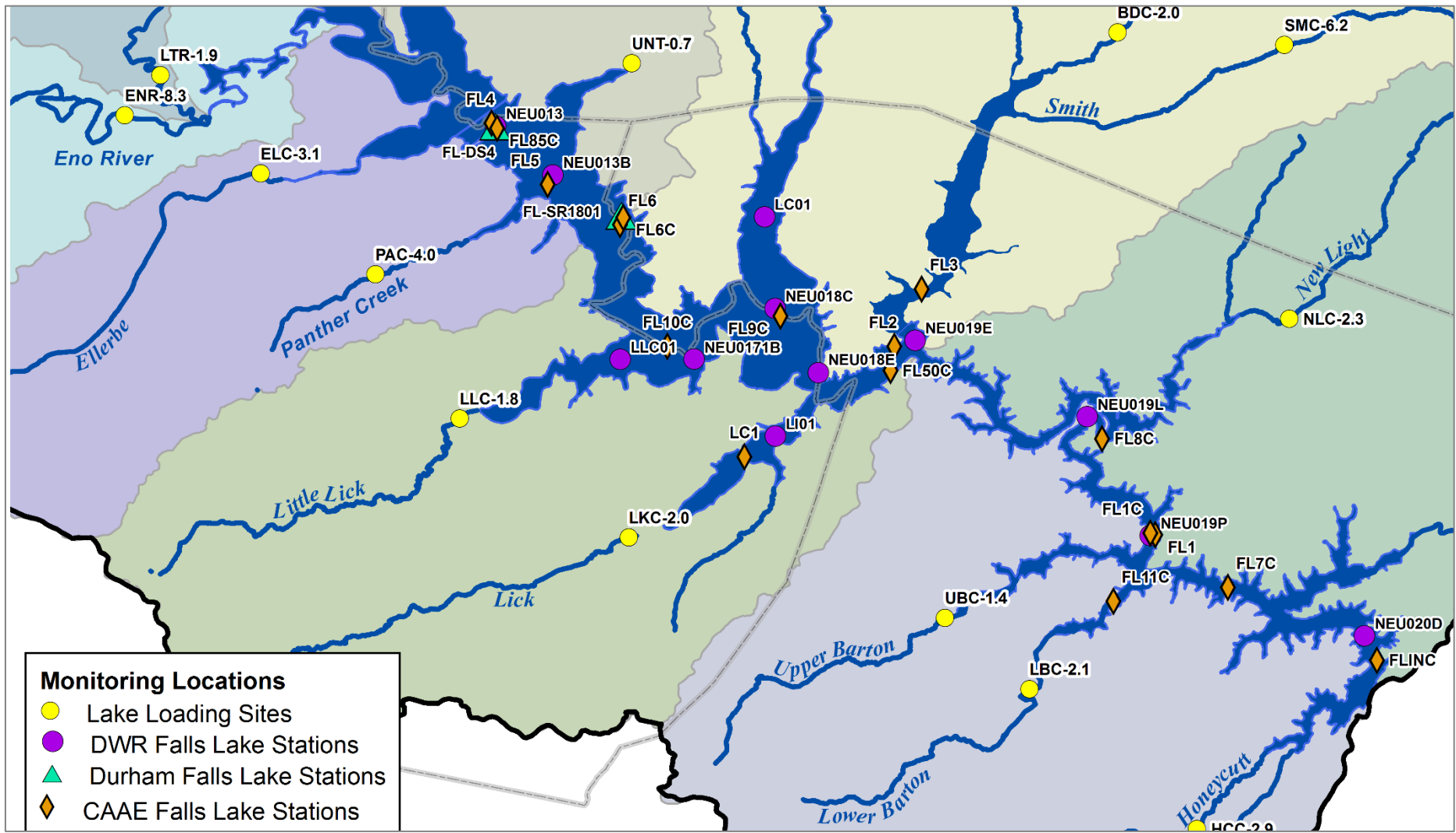
- DWR 2020 list and the Integrated Report covers data from 2014 through 2018.
- EMC new methodology for 2020 303(d) impaired waters approved November 14, 2019.
- Draft 2020 list anticipated for public review (60 days) approximately March or April 2020.
- 303(d) report presented to EMC about July 2020 as an informational item or an action item.
- State to submit 303(d) list to EPA likely August 1, 2020.
- Important process for UNRBA because the list of impaired waters ultimately determines the success of our management efforts based on the current Falls Lake Rules.

# Potential Impact of the Upcoming 303(d) Evaluation of Falls Lake

- Predictive analysis of 2020 303(d) of Falls Lake chlorophyll-a data from 2014-2018 was developed.
  - 29 locations from DWR, NCSU CAAE, and City of Durham
- Recall UNRBA 2019 monitoring report identified elevated chlorophyll-a levels in 2017 and 2018.
- Predicted 2020 303(d) analyses indicates potential for expanded impairment determination for Falls
- It is important for the UNRBA to continue to weigh-in on this process and to continue its effort to press for a more scientifically valid approach to both the standard and how the lake segments are set and assessed.







- Monitoring Locations**
- Lake Loading Sites
  - DWR Falls Lake Stations
  - ▲ Durham Falls Lake Stations
  - ◆ CAAE Falls Lake Stations

# Potential Upcoming 303(d) Falls Lake Above Highway 50

		Confidence	Exceeds	Exceeds Criteria	Predicted
STATION	HIGHWAY 50	Exceedance	Criteria	2017-2018	2020 Integrated Report
FL4	above	100.0%	Yes		Not attaining Criteria
FL-DS4	above	100.0%	Yes		Not attaining Criteria
FL85C	above	100.0%	Yes		Not attaining Criteria
NEU013B	above	100.0%	Yes		Not attaining Criteria
FL5	above	100.0%	Yes		Not attaining Criteria
FL6C	above	100.0%	Yes		Not attaining Criteria
FL-SR1801	above	99.4%	Yes		Not attaining Criteria
FL6	above	99.9%	Yes		Not attaining Criteria
LLC01	above	99.8%	Yes		Not attaining Criteria
FL10C	above	100.0%	Yes		Not attaining Criteria
NEU0171B	above	99.9%	Yes		Not attaining Criteria
LC01	above	43.6%		Yes	Not attaining Criteria
FL9C	above	99.9%	Yes		Not attaining Criteria
NEU018C	above	76.9%		Yes	Not attaining Criteria
NEU018E	above	98.7%	Yes		Not attaining Criteria
LI01	above	99.5%	Yes		Not attaining Criteria
FL50C	above	99.9%	Yes		Not attaining Criteria

# Potential Upcoming 303(d) Falls Lake Below Highway 50

		Confidence	Exceeds	Exceeds Criteria	Predicted
STATION	HIGHWAY 50	Exceedance	Criteria	2017-2018	2020 Integrated Report
FL2	below	99.9%	Yes		Not attaining Criteria
FL3	below	99.7%	Yes		Not attaining Criteria
NEU019E	below	76.4%		Yes	Not attaining Criteria
FL8C	below	77.8%		Yes	Not attaining Criteria
NEU019L	below	86.8%		Yes	Not attaining Criteria
FL1C	below	47.0%		Yes	Not attaining Criteria
NEU019P	below	63.9%		Yes	Not attaining Criteria
FL1	below	91.6%	Yes		Not attaining Criteria
FL11C	below	99.5%	Yes		Not attaining Criteria
FL7C	below	63.9%		Yes	Not attaining Criteria
NEU020D	below	6.6%			Meeting Criteria
FLINC	below	19.8%			Meeting Criteria

# Other Status Items

# Communications

- Planning continues for the upcoming non-technical stakeholder forum scheduled for February 12, 2020
- Assistance is needed from the UNRBA membership to promote attendance by decision makers
- Other communication work products pending
- UNRBA Presentation to the NC Lake Management Society on December 6<sup>th</sup>

# Ongoing DEQ/DWR Items

- MOA for re-examination
- 2019 UNRBA Data Report meeting
- 2019 DWR Falls Lake Emerging Contaminates Report

**An IAIA Workgroup Meeting follows  
today from 12:45 to 2:15**

**Next PFC Meeting is January 8, 2020  
10:40 to 1:10, Butner Town Hall**

**The MRSW Meeting will Precede the  
January PFC Meeting and Begin at 9:00**



# Closing Comments Additional Discussion