

# Path Forward Committee Meeting March 3, 2020



# Agenda

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

# **UNRBA Regulatory Forum, February 12, 2020**

# Overview of Forum Agenda

- Importance of jurisdictions
- Origin of Falls Lake Rules, Consensus Principles, and adaptive management
- Review of Rule requirements, Stage I successes, and Stage II challenges
- Achievements to date and what is next
- Pathway to a revised strategy
- Reaching consensus on a strategy adoption process

# **Large Group Questions and Panel Discussion**

# Questions Raised during the Panel Discussion

- How does the Collaboratory fit into this process?
- What does a lake strategy timeline look like?
- What is the likelihood that retrofits will be required for ED?
  - What is the State's authority?
  - What are the monitoring and maintenance requirements?
- Can you discuss the significance of land conservation?
- How does the UNRBA approach support nationwide approaches?
- How do Soil and Water, Farm Bureau, cities and counties work together with the UNRBA?
- Is there a difference across types of waterbodies in terms of measuring compliance?
- Is there State or Federal money available for watershed improvements including flood/hurricane relief?

# **Small Group Discussions**

# Do you have additional questions about the re-examination not addressed?

- What is the role of the UNC Collaboratory?
- How will we gage “success” in Stage II?
- When does Stage II “kick-in” and how does that fit with the re-examination timeline?
- What if we are not successful? What if we cannot meet these goals? What are the penalties?
- Can DWR be more involved?
- Will the State have confidence in the UNRBA efforts?
- What if the General Assembly doesn’t agree?
- How much more money are WWTPs expected to have to spend to meet requirements?
- Are one-size-fits-all reduction targets appropriate?



# Do you have additional questions about the re-examination not addressed?

- What if we can't meet the standards?
- What are some of the other regulatory options being considered as presented on the poster?
- How do you change the chlorophyll-a standard?
- Where do you sample for compliance in Falls Lake?
- What type of monitoring data is needed for BMP retrofits?
- How long are retrofits good for? What are the O&M requirements?
- How do you balance affordability and competing priorities?
- Where does funding for farms and agricultural best management practices come from?

# Do you have additional questions about the re-examination not addressed?

- Since the UNRBA is a membership, how can we work towards consensus with external stakeholders?
- In terms of federal regulations, what rollbacks could affect what we are doing?
- What are the relationships between current rules and the lake's original intended uses? Was drinking water an originally intended use? Are other water supply lakes in the region being studied?
- What is in it for the communities that don't use Falls Lake as water supply?
- Who has been participating in these conservations? Seems a lack of participation by the USACE.

# What do you need to support your decision making about the re-examination?

- Forum was very helpful – need more
- Providing information to policy makers at cities and counties
  - e.g., executive summary of Annual Report on agendas
  - Routine updates from the UNRBA and experts
- UNRBA recommendations and consensus building
- Fund distribution and project prioritization
- Brochures to show options for BMPs
- Information on costs and benefits, pros and cons, old Rules new approach
- Understanding funding sources
- Understanding other influencing factors

# What concerns do you have?

- How can we maintain progress with unattainable goals?
  - How do you keep people engaged, not defeated?
  - Stage II requirements are alarming: consequences?
- Statewide chlorophyll-a criteria needs to be re-evaluated
- What if the UNRBA efforts are not successful?
  - Will we have DWR and EMC approval?
  - Will other stakeholders reject?
- Need to engage additional stakeholders
  - Developers, COGs, USACE
  - State officials and legislators plus national info. Conduits
  - People that may be opposed to our recommendations
- Competing priorities and limited resources
- New development concerns
  - Stormwater rules limit density and raise costs
  - Growth versus limited water supply and WWTP capacities
  - Tension between environmental protection and growth
- Need to recognize early implementation efforts and benefits of land conservation

# What are your communication needs?

- Help informing constituents (social media, traditional media, outreach to local University students and public schools)
- Engage “upstream” jurisdictions; stress the benefits of local improvements with downstream benefits
- Convey that environmental values are important, that jurisdictions have competing priorities to balance
- Educate homeowners and landscapers regarding best practices associated with lawn fertilization
- Need more Forums like today and interactions with UNRBA representatives with decision makers, chambers of commerce, developers, etc.
- Brochures, posters, handouts, talking points that highlight accomplishments and summarize Forum briefing
  - Drafted in laymen’s terms with careful messaging
  - Convey how this process affects landowners
  - Explain consequences of staying in current Rules

**Thank you, PFC, for your  
help and making the  
Forum a big success!!!**

# **PFC Feedback on the Forum**

- Thoughts on how the Forum went?
- Feedback from local leaders?
- Should we plan for another, and if so, when?

# **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)

## Prospective Development Schedule for UNRBA IAIA Program Implemented under the Falls Lake existing rules. Potential start date of July 1, 2021.

Feb 2020: DWR provides draft language in the Falls Lake Existing Development Model Program to allow an IAIA  
UNRBA and members review and provide comments.



Mar and Apr 2020:

UNRBA develops draft IAIA Program including investment levels, reporting requirements, etc.



Apr 2020: Meeting with DEQ leadership to discuss IAIA and impacts on other practices like land conservation



May 2020: Internal review of UNRBA IAIA

Develop revised draft for external review; provide status presentation to UNRBA Board



June 2020: DWR reviews UNRBA IAIA Program document



July 2020: DWR provides a revised draft Model Program for UNRBA review



August 2020: UNRBA reviews DWR Model Program and finalizes IAIA Program

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graph TD; A[August 2020: UNRBA reviews DWR Model Program and finalizes IAIA Program] --> B[Sep 2020: DWR finalizes draft Model Program]; B --> C[Oct 2020: Prepare for UNRBA/DWR/NGO presentation to EMC WQ Committee]; C --> D[Nov 2020: UNRBA Board action to submit, or not, to the EMC for approval in January]; D --> E[Jan 2021: Model Program submittal to full EMC for approval]; E --> F[July 2021: Submit and begin implementation of either the IAIA (with signatures of participants) or individual jurisdictions submit their own Local Programs];
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Sep 2020: DWR finalizes draft Model Program

Presentation of IAIA Program to UNRBA Board; DWR/UNRBA information update to EMC WQC

Oct 2020: Prepare for UNRBA/DWR/NGO presentation to EMC WQ Committee

Nov 2020: UNRBA Board action to submit, or not, to the EMC for approval in January

Present Model Program with IAIA to EMC WQ Committee; DWR information update to full EMC

Jan 2021: Model Program submittal to full EMC for approval

July 2021: Submit and begin implementation of either the IAIA (with signatures of participants) or individual jurisdictions submit their own Local Programs

# **Nutrient Trading/Offset Rule Updates**

# Nutrient Trading/Offset Rule Updates

- Also discuss during the January 24<sup>th</sup> meeting with DWR
- UNRBA filed letter with the Rules Review Commission about specific differences in material components of trading—requested revision—RRC concurred
- 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.
- 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.

# Nutrient Trading/Offset Rule Updates

- 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 provided revised language for UNRBA to consider
- UNRBA provided proposed edits to the revised language
- DWR has not yet provided updated language to review

# **Modeling and Regulatory Support (MRS) Status**

# Watershed Modeling Status

- The Modeling Team presented preliminary hydrologic calibration and validation results to the MRSW on February 4<sup>th</sup>
- City of Durham provided O&M manuals developed in 2019
  - Revised model to directly simulate discharges from Lk. Michie
  - Little River Reservoir has a complex gate system; model will be developed as previously stated with discharges specified based on downstream USGS gage; management scenarios will scale discharges based on relative change to simulated releases
- Working with DOT to accurately simulate connected and unconnected roads
- Final calibration files were provided to Dynamic Solutions in late February
- Model performance generally ranks Good to Very Good at locations with observed USGS flow data and performs within expected ranges at ungaged tributaries.



# Hydrologic Model Performance Criteria

- The UNRBA Modeling Quality Assurance Project Plan includes the following performance criteria for hydrologic calibration
- Following discussion with original QAPP author for watershed modeling performance criteria, the second row should have read **annual** not monthly
- QAPP provides a corrective action form and version control process for submitting corrections
- Recommend an informal notification to DWR
- After discussion, submit corrective action form, revise the QAPP, and obtain updated signatures

**Table A.7-1 Hydrology Calibration Criteria**

Prediction Error	Very Good	Good	Fair
Error in total volume	≤ 5%	5-10%	10-15%
Error in <del>monthly flows</del> <b>annual volumes</b>	≤ 10%	10-15%	15-25%
Error in volume of 50% lowest flows	≤ 10%	10-15%	15-25%
Error in volume of 10% highest flows	≤ 10%	10-15%	15-25%
Seasonal volume error – Summer	≤ 15%	15-30%	30-50%
Seasonal volume error – Fall	≤ 15%	15-30%	30-50%
Seasonal volume error – Winter	≤ 15%	15-30%	30-50%
Seasonal volume error – Spring	≤ 15%	15-30%	30-50%

# 319 Grant Status

- UNRBA 319 application to support revisions to watershed model code for onsite wastewater treatment systems has been submitted to DWR.
  - Discussion with DWR and UNC Collaboratory researchers on February 24<sup>th</sup>
  - UNRBA 319 application will move forward in the application process
  - ECU researchers' application will be revised to provide some additional monitoring and be resubmitted
- The next Modeling and Regulatory Support Workgroup meeting is scheduled for April 7<sup>th</sup> before the PFC meeting

# Other Status Items

# Budget Schedule for FY2021

- Update dues table with 2019 flows is available
- Updated table to members
- Present budget 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
  - Forum follow up
    - Local government meetings as requested
    - Follow up on information requests and distribution
    - Evaluate best ways to utilize UNRBA resources to support member needs
  - IAIA communications
    - Meetings with DWR and individual jurisdictions to finalize the Program document (investments, reporting, etc.)
    - Status update with DEQ and impacts to other practices
    - Presentation to EMC WQC

# UNC Collaboratory Jordan Lake Modeling Reports

- Is the PFC interested in hearing the modeling presentations?
- Could allocate the MRSW meeting time for April or May to the PFC meeting for this purpose
  - Lake modelers are working on hydrodynamic calibration

# Ongoing DEQ/DWR Items

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

### **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

### **Next PFC Meeting**

April 7, 2020, 10:40 AM to 1:10 PM  
Butner Town Hall



# Closing Comments

## Additional Discussion