

A Resolution of the Board of the Upper Neuse River Basin Association (UNRBA)

WHEREAS, the Falls Lake Nutrient Management Strategy adopted by North Carolina and described in Administrative Code 15A NCAC 02B .0275 *et seq* (the “Falls Lake Rules”), applies to the local government jurisdictions in the Falls Lake Watershed, including those local governments that are UNRBA members, and requires local governments to submit Stage I load reduction programs in accordance with 15A NCAC 02B .0278 (7); and

WHEREAS, in order to implement the most cost effective load reducing measures and to document nutrient load reductions from the implementation of any nutrient load reducing measures affected parties must be able to rely on accounting methods and tools approved by the Division of Water Quality (the “DWQ”) and the Environmental Management Commission (the “EMC”) pursuant to the Falls Lake Rules; and

WHEREAS, pursuant to 15A NCAC .0278(7)(a), the Department of Environment and Natural Resources (the “DENR”), DWQ is required to submit to the EMC by July 2013 a Model Local Program for implementing the Falls Lake Rules, which includes in addition to the development of model local ordinances, (i) “methods to quantify load reduction requirements and resulting load reduction assignments for individual local governments”; (ii) “methods to account for discharging sand filters, malfunctioning septic systems, and leaking collection systems”; and (iii) “methods to account for load reduction credits from various activities” ((i) through (iii) are collectively referred to as, the “Accounting Tool”); and

WHEREAS, the Falls Lake Rules do not prescribe a time by which the EMC must act to approve DWQ’s Model Local Program; and

WHEREAS, upon information and belief, DWQ has made some progress toward the development of a Model Local Program, however, the UNRBA further understands that any Model Local Program submitted to the EMC in July 2013 will not include load reduction credits for many measures that are potentially available to UNRBA members; and

WHEREAS, nutrient reduction credits for these practices are essential to affected jurisdictions for the development of flexible and effective local programs which are directed at achieving compliance with the nutrient reduction goals in the Falls Lake Rules under Stage I Existing Development; and

WHEREAS, the Falls Lake Rules require that DWQ work cooperatively with local governments in developing the Model Local Program, and UNRBA desires to cooperate with DWQ in developing a Model Local Program in a reasonable timeframe; and

WHEREAS, representatives of the UNRBA have met with officials of DENR and DWQ to discuss the issues related to the implementation of Stage I Existing Development, and DENR and

DWQ have indicated a desire to work cooperatively to effect a formal implementation schedule that allows for adequate time to develop nutrient reduction credits and the development of a more complete Model Local Program prior to the submission of the required local programs;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE UNRBA, THAT:

- 1) The UNRBA desires that DENR and DWQ develop a Model Local Program that incorporates into the Nutrient Accounting Tool nutrient reduction credits for measures potentially available to UNRBA members.
- 2) The UNRBA will work cooperatively with the DENR and DWQ to identify the resources necessary to develop nutrient reduction credits and the establishment of a timely and specific schedule for accomplishing this objective.
- 3) Based on the schedule developed for the completion of the nutrient reduction credits, the UNRBA and DWQ will establish a mutually acceptable date for DWQ to present a final Model Local Program to the EMC for approval, which will trigger the submission of the local programs under the Existing Development Rule. This timeline will be established to provide local jurisdictions with the nutrient reduction tools necessary to achieve compliance with Stage 1 Existing Development nutrient reduction goals by 2020 as required by 15A NCAC .0278(3)(a).
- 4) In furtherance of this objective, the Board will work cooperatively with DENR and DWQ in this effort, including but not limited to entering into a memorandum of agreement or understanding outlining the process that DWQ will follow and the cooperative efforts UNRBA will undertake to ensure that all appropriate load reduction activities and credits are included in the final Model Local Program.
- 5) Because there are jurisdictions in the watershed that are proceeding with nutrient reduction efforts aimed at meeting the anticipated reduction requirements for Stage I Existing Development, the Board and/or the local member jurisdictions will work with DWQ to develop a mutually acceptable means for reporting accomplishments on reduction of nutrient load from existing development during the intervening period that the comprehensive Model Local Program is being developed. As provided for in the Falls Rules any reductions shall be eligible for early implementation credits.

Ms. Pam Hemminger, Chair

Upper Neuse River Basin Association

Approved by the Board, _____, 2013