

# Nutrient Scientific Advisory Board Meeting Summary

June 1, 2018 @ TJCOG

9:30 am – 12:00 pm

## Attendees

### Members / Advisors

Michael Burchell - NCSU  
Sally Hoyt - UNC  
Josh Johnson - AWCK  
Eric Kulz - Cary  
J.V. Lopervido - Durham  
Andy McDaniel - NCDOT  
David Phlegar - Greensboro  
Haywood Phthisic - LNBA  
Peter Raabe - American Rivers  
Allison Schwarz Weakley – Chapel Hill  
Forrest Westall - UNRBA  
Sandi Wilbur - Durham  
Michelle Woolfolk - Durham

### DWR Staff [www.deq.nc.gov/nps](http://www.deq.nc.gov/nps)

Patrick Beggs  
Trish D'Arconte  
Rich Gannon  
Jim Hawhee  
John Huisman

### Guests

Jamal Alexander - UNC Stormwater  
Teresa Andrews - Guilford County  
Anne Coan - NC Farm Bureau Federation  
Gerald Featherstone - Haw River Assembly and  
Cape Fear River Assembly  
Diana Hales - Chatham County Commissioner  
Wendi Hartup - Kernersville  
Julie Henshaw - NCDACS, Division of Soil and  
Water Conservation  
Sue Ellen Johnson - Regenerative/Resilient  
Ecologist / Agronomist  
Alix Matos - Brown and Caldwell  
Dan McLawhorn - Raleigh  
Sushama Pradhan - NC DHHS  
Kelsey Rowland - American Rivers  
Jen Schmitz - TJCOG  
Rahn Sutton - Contech  
Sarah Waickowski - NCSU  
Steve Wall - UNC  
Robyn Wharton - Chatham County

### Facilitator – Dispute Settlement Center

Andy Sachs

## Agenda Topics

- NSAB annual report to the Secretary of DEQ
- Street Sweeping and Storm Drain Cleaning Nutrient Credit Practice
- Discussion Draft #2 - Nutrient Trading Framework

Meeting Materials are available online: [www.deq.nc.gov/nps](http://www.deq.nc.gov/nps)

## Meeting Summary

Andy Sachs opened the meeting with introductions and a review of the agenda.

**The April 6, 2018 meeting summary was approved.**

## NSAB Annual Report to the Secretary

Patrick Beggs (DWR) presented the Annual Report to the Secretary. During its eighth year serving as a guide to the Division of Water Resources Nonpoint Source Planning Program in implementing existing development stormwater nutrient rule requirements pursuant to Session Law 2009-216, the Nutrient Scientific Advisory Board continued to meet and assist the division. This annual report recaps the year's activities and was assembled by division staff with guidance, review and approval by the board. The report is compiled from the work of the past year: June 1, 2017 - May 31, 2018.

The board met nine times over the past year in support of the following rule-related actions:

1. Reviewed nutrient reduction practice documents, providing input on the nutrient credit standards and design specifications for storm drain cleaning and buffers.
2. Provided feedback and endorsement of the Stormwater Nitrogen and Phosphorous Tool (SNAP) which is a stormwater runoff nutrient accounting tool.
3. Redevelopment of the NSAB charter and current membership.
4. Began discussions about establishing a nutrient credit trading framework.

The NSAB endorsed the Annual report. It was then approved by the Division and submitted to the Secretary of the Department of Environmental Quality.

## Street and Storm Drain Cleaning

Patrick Beggs (DWR) presented the Design Specification and Nutrient Accounting for Street and Storm Drain Cleaning. This nutrient accounting and crediting practice has since been updated in response to NSAB comments and submitted for informal public comment. Comments are due Aug 2. The practice and instructions for commenting can be found in the whats up section of the DWR website:

[www.deq.nc.gov/nps](http://www.deq.nc.gov/nps)

The practice involves determining the weight of material collected from cleaning storm drains and sweeping streets that have curb and gutter. The weight of material is then given a nutrient credit where each pound of collected material is equivalent to 0.023 lb Total Nitrogen and 0.002 lb Total Phosphorous.

The process can be used with all storm drains and will all street sweepers. Sweeping can only be measured from curb and gutter roadways. The credit cannot be used for annual autumn-based leaf pickup and only improvement since the baseline period can be credited.

The NSAB discussion and comments are summarized and listed below.

- Annual, autumn-based leaf pick up is not included in this practice.
  - Isn't that material collected and then redistributed and therefore leaches back into the environment anyway? That seems like a reason not to include it.
  - Leaves brought to the street from homeowners would otherwise decompose in place?
  - Communities do leaf collection in different ways, for example, Durham includes homeowners in the IDDE program and does not allow leaves and grass clippings to be put in the street.
  - This needs to be evaluated further before it is mixed in with this practice.
  - It was most likely a part of baseline actions.
  - It seems to be punitive against annual leaf pickup

- Clarify “weight of material”, for example: Wet, dry weight, natural weight, weight of a full truck, weight of a half truck. All of these issues need to be clarified. Bulk density could be used but you would need to know volume of truck. The result needs to be total annual weight of material collected, regardless of how it is determined.
- The inclusion of trash was questioned. NCSU researchers stated trash was never more than 10% and to be very conservative a factor of 0.9 could be used on the final nutrient credit. No one continued this conversation, so the credit was left as is.
- Advanced street sweepers do pick up more material than other sweepers, but that increases weight and therefore adds to the credit received.

### Nutrient Trading Framework

Jim Hawhee (DWR) presented additional nutrient trading framework concepts building upon the first discussion draft. This draft is still being debated. Jim

Jim wants to emphasize that this is not final or agreed-upon; it is still up for discussion. The following comments will be used to develop a draft document.

- Modify the section regarding uncertainty practices in North Carolina.
- Modify the section regarding trade and site-specific uncertainty.
- Concerns about existing development credit rule vs. nutrient offset credit.
- Question on how Clean Water Act Dan covers stormwater for all MS4 permit holders.
- If a TMDL includes a nutrient reduction, entity must comply; this is non-negotiable.
- DEMLR is not at the table but likely very interested in how trading may impact this.
- Whether there are numeric limits in a permit, TMDL strategies includes reducing nutrients to the maximum extent possible.
- Need to clarify what the MS4 program, TMDL program, and the trading framework will cover.
- Trading Ratios: we may not need additional factors if we are being responsible with credit allocations
- Current discussion document states DWR won't review and give credit for projects, but most local governments have annual reporting requirements that are tracking and reporting projects to DWR, so why aren't they getting nutrient offset credits?
  - There is not a good opportunity for quality control
  - The auditing process can account for errors
  - Auditing isn't a high enough level of certification for which to give credit.
  - There is not enough oversight in auditing to have confidence.
  - There are many projects. (hundreds/thousands)
  - Local governments submit these for compliance, inspections are expected, therefore the data is usually correct.
  - It is similar to the new development process that is in place now, so lack of staff to review shouldn't matter.
  - DWR doesn't have on-site oversight.
  - There are plenty of safeguards independent of DWR oversight that would allow this framework to work; it's no different than any other submission that needs to be 'trusted' by DWR. This wording makes it seem like there is no partnership.

- Please review the process again for new development.
- The monitoring requirement for 5 years after installation of a new SCM is simply visual, not a nutrient reduction calculation.
- Is monitoring different than annual inspection?
- It's really just visual monitoring, not the compliance inspection of SCM. This is done for five years.
- The purpose of this document is to provide guidance. Therefore, what is the next step for this process? This document will become the go-to across the state, so it needs to be great.
  - These comments are helpful. DWR invites additional comments through June.
- Hotspots: Would like clarification and environmental protection considerations to discourage intentional or unintentional creation of hotspots.
  - Haywood – for point sources in the nutrient compliance association, the permittee must get compliance into their permit before being a part of the association. This is done so there is time to evaluate whether a permit would create a hotspot in advance.

### Closing Comments

- J.V. Lopervido will be the alternate primary member for the City of Durham, replacing Michelle Woolfolk.
- Thank you, Michelle.
- Good work on street and storm drain cleaning practice - multiple comments like this.
- Trading framework will be challenging
- Durham will share results of street sweeping study with the group.
- Interested to see Durham's street sweeping study proposal.
- The goal of a trading framework is to alleviate cost burden; therefore, more thought about cost would help this document be more useful, and better.
- Local governments need more time to review street and storm drain cleaning credit.
- Even a municipality with a robust yard waste collection will still have issues.
- Thanks to Sarah Waickowski and Bill Hunt for all their work on the street and storm drain cleaning credit.

**The NSAB will meet October 5, 2018 9:30 am at TJCOG.**