Nutrient Scientific Advisory Board Meeting Summary
Oct 5, 2018 @ TJCOG
9:30 am – 12:00 pm

Attendees

Members / Advisors
Michael Burchell - NCSU
Sally Hoyt - UNC
Eric Kulz - Cary
Dan LaMontagne - Chatham County
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
Sandra Wilbur - Durham

Guests
Teresa Andrews - Guilford County
Jenny Halsey - TJCOG
Alix Matos - Brown and Caldwell
Dan McLawhorn - Raleigh
Frank Park - Guilford County
Sushama Pradhan - NC DHHS
Jen Schmitz - TJCOG
Sarah Waickowski - NCSU

DWR Staff www.deq.nc.gov/nps
Rishi Bastakoti
Patrick Beggs
Rich Gannon
Jim Hawhee
John Huisman

Agenda Topics

- Using the 5 finger scale for decision making
- Street Sweeping and Storm Drain Cleaning Nutrient Credit Practice
- Remedying Discharging Sand Filters Nutrient Credit Practice

Meeting Materials are available online: www.deq.nc.gov/nps

Meeting Summary

Patrick Beggs (DWR) opened the meeting with introductions and a review of the agenda.

The June 1, 2018 meeting summary was approved.

5 finger scale discussion

The current 5 finger scale for decision making states that 1 & 2 indicate consensus. The idea of rearranging the 5 finger scale so 1, 2, & 3 indicate consensus was brought up at a previous meeting.

Some comments from this discussion:

- If we poll, and agree, when do I pose my questions? Right now, 1,2,3 passes by consensus, but 3 indicates there are issues.
- If we are all 1s and 2s, it passes by consensus – if there are any 3s, we discuss.
- We can modify the explanation to indicate we can do as many polls as we want, then have a formal vote.

- We want DEQ to know when there are issues or concerns, even if something passes by consensus, we don't want the concerns to be buried.
- Five finger polling is used to test the waters for the need for discussion.
- **Everyone agrees that the scale explanation needs to be re-written. Patrick will revise and send out to discuss at another meeting.**

Street and Storm Drain Cleaning

The practice went out for public comment in July. One comment received during that period was joined with the NSAB comments from June. No substantive changes were requested, and none made.

The concept of fall leaf collection as a possible future credit was suggested. As discussed by the NSAB in June, this is being set aside for a future practice and will not be a part of this practice.

Discussion at Oct 5, 2018 NSAB meeting: *(DWR staff comments are in italics.)*

- There is a requirement to calculate baseline nutrient load for this practice. How will baseline be determined? It is hard to keep track of what was done before and there may not be good records.

  The goal is to determine a weight of material collected before baseline. This can be estimated in different ways, including staff time, weight, trucks, dump receipts, miles swept, etc. Jurisdictions are asked to estimate this once and then use that number for their calculation each year. There are several ways baseline can be estimated; each jurisdiction will have to determine that according to the data they have. DWR will work with them.

- Should we scrap this requirement?
- No, but it is hard to determine. Everyone needs to judge consistently and fairly.
- Agreed. This is a concern.
- If we waive baseline, we may give an undue amount of credit.
- Previous experience has shown us that very little records go back more than 7 years. It will be difficult to determine baseline.
- What incentive can we give to improve recordkeeping?
- This is a small part of jurisdictional load, so does baseline really matter here? Can we give credit for the activity instead, thereby building an incentive to do it?
- Agree, let's not belabor the point of baseline in the past.
- Agree, better recordkeeping going forward is important. Can we build that into the incentive? What incentive can we give to improve recordkeeping?
- We need to know the difference between nutrient reduction now and at baseline.
- Can we make it a yes/no on baseline? If nothing was being done, you get the full credit; if something was being done, you estimate baseline.
- Proposal: Ask our respective jurisdictions to determine if it is feasible to estimate baseline.
- Agree, this can help us understand if jurisdictions can even do it.
- Also, what is an example of a potential credit that can be obtained.

  Patrick mentioned a way of looking at decision making, on two axes: reversibility and consequence. He also pointed out we have 3 issues in this current conversation.

  1. *the amount of nutrient credit*
  2. *the estimation of baseline*
  3. *the idea of baseline itself, which might be best served by a full conversation at a future meeting to help us frame issues for the 2020 Jordan rule rewrites.*

- Right now, nobody gets the credit if they can't determine baseline.
- Agreed, so jurisdictions need to help determine their baselines.
- Jordan jurisdictions are not in a hurry to get this approved because our rules have been delayed.
- But Falls jurisdictions can use this. We need to look at this as the NSAB and not individual Jordan entities.
- It sounds like those that don't keep good records can claim "no baseline" and get full credit. That seems like a disincentive to determining baseline.
- We expect jurisdictions will be honest.
- I like the proposal about a survey, but we need a standard set of questions
- Other than the baseline it seems everyone is OK with the practice.
- Is there other data than what we have?
- Minnesota has some, but it is not as good as our localized data from NCSU.

Suggestions for a list of standard questions to help a jurisdiction determine if it can estimate baseline?

1. What information do you collect? Weight of collection, # of trucks, # of loads, # of sweepers, # of loads collected, miles swept.
2. Are storm drains routinely cleaned out? How often? Or is it on an on-call basis?
3. Are vacuum or sweeper trucks used? How many do you have? How many more did you obtain since baseline?
4. Do you weigh collected material at any point? Whether at the jurisdiction or later at the landfill?
5. How many miles are swept? Do you know the routes?
6. How was material disposed?
7. How many staff hours were logged on sweeper or vacuum truck?
8. How many hours were logged by the sweeper truck?
9. How many catch basin clean outs did you do in years past?

DWR staff will:

- put together a list of survey questions
- send it to the NSAB for suggestions
- send a final list in survey fashion to jurisdictions
- obtain examples of a local governments collected material weight to determine potential credit

The goal of the survey is to determine if it is feasible to determine a baseline for this practice.

Remedying Discharging Sand Filters

This practice was begun a few years ago, went to public comment, and was set aside due to the need to focus on other practices.

Patrick Beggs (DWR) presented the practice and the following discussion comments were captured.

- The range of credit listed on page 1 is confusing.
- A discharging sand filter system, functioning as designed, can be improved through this practice. It does not need to be malfunctioning.
- Experimental systems are allowed under the term provisional system.
- There is a separate practice for Malfunctioning Septic Systems.
- Keep track of changes so that we can assess where we started and how we got to final product
- Can we have the Tetra Tech report on various soil types/etc.

NSAB has 2 weeks after the meeting to comment on the practice. Necessary changes will be incorporated, and the practice will be sent out for public comment for one month.

Updates

Session law 2018-5 extended rules review initiation to the following dates:

- Jordan Lake Rule Readoption extended to December 31, 2020
- Falls Lake Rule Readoption extended to December 31, 2024. Also delays Stage II start until rules become effective in Falls.

NC Policy Collaboratory is moving into its 3rd year. Year 2 reports are due December 2019. Most year 2 projects will be continued into year 3. Two new modeling projects will begin. Jim Bowen (UNC-Charlotte) will be embarking on a lake model of Jordan Lake. Dan Obenour (NCSU) will be doing more theoretical models of N loading over time/space. Both will be presenting at the Nov 2 NSAB.

Neuse and Tar-Pamlico rules readoption. The proposed rules will be presented to the EMC in November to request submitting them for public comment. This includes **Nutrient Offset rules**.

Nutrient Criteria Development Plan. The Scientific Advisory Council (SAC) is revisiting chlorophyll-a for High Rock Lake. This will influence Falls and Jordan. The Criteria Implementation Committee (CIC) is working on pH.

SNAP v.4.1 (October 15 update) is the approved Stormwater Nitrogen and Phosphorous Tool for regulatory compliance with stormwater requirements of the Falls and Jordan nutrient strategies (required by 4/15/2019) and for alternative riparian buffer mitigation compliance in all watersheds with buffer regulations. It may also be used across the state for non-regulatory-compliance purposes such as planning, modeling, grant applications, etc. Most of the Stormwater Control Measures that follow DEMLR's Minimum Design Criteria, as well as custom SCMs, can be modeled with this tool.

WRRI research on a **constructed wetland in Walnut Cove**, NC is trying to identify source of nitrogen.

NCSU is working with DEQ on a buffer identification training program.

The NSAB will meet November 2, 2018 9:30 am at TJCOG.