



Draft Falls Lake Existing Development Model Program

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Nonpoint Source Planning Branch**

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Falls Lake Existing Development Rule (.0278)

Stage I Requirements

- LG's implement load reduction programs to offset nutrient loading from lands developed post-baseline (2006) & before New Development Rule in place (2012)
- DWR to develop Model Program by
 - Draft Model Program presented to EMC in 2013 per the rule
 - Requested EMC allow Division to continue working with stakeholders
- Post-2013 DWR continued to collaborate with LG's
 - Expanding the “toolbox” of available nutrient reducing practices
 - Developing preliminary jurisdictional loads
 - Revising Model Program & Developing Alternative Implementation Option
- Challenges w/ Implementation
 - New practices standards, crediting = slow process
 - Disagreements on jurisdictional loads, credit values for practices



Overview of Model Program

Section 1.0 – Introduction

- Model Program is a Guidance Document
 - Guidance for developing local programs
 - Interpretive guidance for technical decisions
 - Identifies minimum elements to include in Stage I program submittals per the Rule
- Model Program Recognizes 2 approaches for complying w/ requirements of Rule
 - 1) Implementation of a local load reduction program: **(Pounds Accounting)**
 - 2) Work together via Item (6) of Rule, a “joint compliance” approach: **(IAIA Program)**

“A municipality shall have the option of working with the county or counties in which it falls, or with another municipality or municipalities within the same subwatershed, to jointly meet the loading targets from all lands within their combined jurisdictions within a subwatershed. A local government may utilize private or third party sellers. All reductions involving trading with other parties shall meet the requirements of Rule 15A NCAC 02B .0282.”



Overview of Model Program

Section 1.1 – Preliminary Estimate of Stage I Load Reduction Need



- Preliminary Estimate of Stage I Load Reductions
 - Provided to show scale of reductions needed in Stage I
 - Upper & Lower range created using data compiled by Falls local governments
 - Based on development between 2006 – 2012

Combined Preliminary Estimate of Stage I Load Reduction Needs for Falls Local Governments

Total Nitrogen (lbs/year)	Total Phosphorus (lbs/yr)
6,767 – 15,867	917 – 2,017

- **Note: Affected parties choosing to implement local load reduction programs will need to work with Division to develop their final individual Stage I load reduction needs**



Overview of Model Program

Section 2.0 – Required Elements of Local Programs



- Estimated Stage I load reduction needs aka “Jurisdictional Load”
- Measures opportunity assessment
 - Evaluation of opportunity & load reduction potential of practices
 - Table 2 in MP provides status of practices listed in rule
- Implementation plan
 - Types of activities and lands affected
 - Prioritization of practices; magnitude and duration of reductions expected
- Annual Reporting Plan
 - Details of Annual Report provided in Section 6.0



Overview of Model Program

Section 3.0 – Calculation of Stage I Load Reduction Needs



- Provides basic instructions for calculating jurisdictional loads and guidance on DWR's expectations for supporting documentation
- “Interim Period” Defined
 - Starting Point: January 1, 2007 / End Point: ~ 2012
 - Development after new development ordinance in place but vested to be included
- Spatial Extent of Development Analysis
 - Include all projects approved during interim period including expansions
 - Note assumptions made, resources and tools used
- Guidance for Calculating Stormwater & Onsite wastewater loads



Overview of Model Program

Section 4.0 – Joint Compliance Approach



- Language of this Section Already Drafted in Collaboration with UNRBA
- Addresses Voluntary Implementation Option of Regulated Entities Merging Reduction Needs & Meeting them Collectively
- UNRBA Proposal: **Interim Alternative Implementation Approach (IAIA)**
 - Investment based approach using joint compliance
 - Ensures projects are implemented in Stage I, deemphasizes pounds-counting
 - Affected parties commit to fixed amount of \$ each year on projects



Overview of Model Program

Section 5.0 – Process for Developing & Implementing Plans



- Brief Section Outlining Process Timelines
 - LG's submit local programs & begin implementation within 6 months of MP approval
 - Division has 14 months after MP to make recommendation to EMC on Local Programs
 - Division intends to complete this task much quicker
- Updating Local Programs
 - DWR plans to request delegation of authority for approval of future revisions
- Terminating Participation in Joint Compliance Approach
 - Advance written notice to DWR required
 - Will need to have local program in place to ensure no lapse in implementation



Overview of Model Program

Section 6.0 – Annual Reporting



Annual Reporting Elements

Summary of load reducing activities implemented and terminated

- Types & number of new activities implemented or terminated
- Estimated annual reductions or increases from each activity
- Duration of anticipated loading reductions for new activities
- Type & number of measures due for credit renewal, & annual reductions affected
- Costs/efficiencies of each activity (to extent possible)

Accounting / Tracking Progress

- Reductions achieved by new measures, load increases from terminated measures
- Resulting net change in loading from actions taken in that reporting cycle
- Adjustments to allocations & load reduction needs via annexation or demolitions
- Summary tabulation of load reduction progress
- Comparison to proposed load reduction progress in approved program

Inspection and maintenance activities and issues

- Numbers of types of measures inspected relative to cumulative # of measures
- Summary of maintenance and repairs performed
- Parties performing inspections, maintenance and repairs

Evaluation of implementation challenges or obstacles encountered

- Issues encountered
- Actions taken / Addition resource needs

Summary of anticipated activities for the next reporting period

- Measures planned for next reporting cycle
- Anticipated reductions (lb/yr)
- Comparison of current reductions & planned reductions to overall reduction needs

Proposed Annual Due Date: October 31st



Overview of Model Program

Section 7.0 – Trading

- Details of any trades or nutrient credit purchases to be documented in annual report
- Criteria Guiding Trades under Existing Development Rule Provided by
 - Cross-strategy Nutrient Offset Rule (15A NCAC 02B . 0703)
 - Falls Trading Rule (15A NCAC 02B .0282)



Timeline & Next Steps

- September 16th : Draft Model Program Provided for Comment
- October: Revise MP to address comments
- November: Model Program to WQC*
- January 2021: Request EMC approval of Final Model Program
- July 2021: Local Programs Submitted - **Implementation Begins**
- Within 14 months DWR makes recommendations to EMC on local programs
 - Staff plan to complete this process sooner



QUESTIONS / COMMENTS

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