Nutrient Scientific Advisory Board Meeting #35 Minutes

Friday, August 8, 2014
TJCOG- 4307 Emperor Blvd, Suite 110, Durham, NC 27703
9:30 am -12:00 pm

Attendees
Members: John Cox (& Michelle Woolfolk, alt),Trish D'Arconte, Brian Jacobson (Andy McDaniel's alt), Josh Johnson, Grady McCallie (& Peter Raabe, alt), Forrest Westall, Charles Brown (Matt Flynn's alt), Michael Layne, Sally Hoyt (Bill Hunt's alt)

Non-Members: Andy Sachs (facilitator), Jason Robinson (DWR), John Huisman (DWR), Heather Benson (TJCOG), Mike Randall (DEMLR), Annette Lucas (DEMLR), Haywood Phthisic (LNBA), Melinda Clark & Steve Bristow (Wake Co), Sandra Wilbur (Durham), Steve Wall (UNC Institute for the Environment), Cy Stober (PTRC), Frank Park (Guilford Co), Sushama Pradhan (DHHS), Dan McLawhorn (Raleigh)

Agenda Topics
Presentations and Board Discussion
- Improved Street Sweeping Design Guidance (DWR)
- Storm-EZ Tool (DEMLR & DWR)
- Nutrient Criteria Development Plan, Scientific Advisory Council (DWR)

Updates – As Time Allows (DWR)
- Disconnecting Impervious Surface Design Guidance
- Discharging Sand Filters Design Guidance
- Pond Retrofits Design Guidance
- Measures Approval Process

Materials
- NSAB #35 Meeting Plan
- Disconnected Impervious Surface – Practice Standards -Draft 8-1-14
- Improved Street Sweeping Design Standards – Draft 8-5 2014
- DIS Insert into BMP Manual
- Practice Standards – Remedy Discharging Sand Filter Final Draft 8-5-2014
- DIS Load Reductions Spreadsheet

Convene
The facilitator Andy Sachs convened the meeting, and the Board members and participants introduced themselves.

Improved Street Sweeping Design Guidance
Jason Robinson of DWR went over the Division's most recent version of the Improved Street Sweeping Design Guidance (scheduled for the July meeting but postponed for lack of time). Jason explained that this guidance is based on the Chesapeake Bay Program's (CBP) 2011 recommendation memo and Neely Law's 2008 paper. He then shared certain updates obtained

from Chesapeake Stormwater Network staff who have hosted the CBP's Street Sweeping expert panel:

- CBP's recommendations are interim, and work continues to be done towards final recommendations.
- WINSLAMM modeling is currently occurring on a much larger set of scenarios, and the CBP's Expert Panel will be reconvening to produce a final set of recommendations that are anticipated to be released in the Fall.

The Division will be following that work closely and will make necessary revisions to the Division's guidance at that time.

Before walking through the guidance, Jason noted that the Division would give the Board another two weeks to review the practice and provide feedback given the lack of advance review time. Board members would also have another chance to comment when the guidance goes out for public comment. He highlighted two particular areas where the Division seeks the Board's feedback:

1) Baseline Period - How will reductions that occurred during the baseline period be estimated? Do affected parties have records of sweeping that was occurring during that time period? When using the street lanes approach, how much credit should be given for streets that were swept less than monthly during the baseline period? Instead of estimating the reductions that were occurring during the baseline and only allowing credit for improvements since then, should local governments receive full credit for current or new street sweeping programs, regardless of what occurred during the baseline? Through conversations with a representative from a Virginia County, local governments there can receive credit for any reductions achieved beyond what was *required* during the baseline. Since street sweeping was not required during the baseline, local governments will received full credit for any current or new street sweeping programs.

2) Frequency – The Division is proposing to depart from the CBP's recommendation to require a street sweeping frequency of 26 times per year to receive credit per one of the proposed crediting methods in favor of only requiring sweeping 13 times per year. A table was drawn on the board that showed the percent reductions for the different types of sweeper for bi-weekly sweeping, as recommended by CBP, and weekly and monthly sweepings, as recommended by Neely Law.

Jason then went through the document, explaining the three general types of sweepers, the two types of credit accounting methods that are being proposed (Mass Loading and Lane Miles), and the program elements that would be required for each method. He also quickly went through the examples and the ranges of reductions presented in the guidance. The Board then offered the following comments and questions:

- Several local governments explained that they did not have any records on their street sweeping programs during the baseline period, and would therefore have to make assumptions or estimations as to what type of reductions their sweet sweeping was achieving during that time. This could be done by using assumptions based on current sweeping, and back-calculate to what was being done during the baseline period.
- A board member expressed the desire to give full credit for street sweeping programs like Virginia, regardless of baseline sweeping.

- Would annual leaf collection be included in the Lane Miles Approach? Could all of this mass be included in the Mass Loading approach?
- Where are the dry solids and leaves disposed of? If it's disposed of in anything but a non-discharge compost facility, the solids and nutrients may make their way back into the water cycle.
- Catch basin cleaning should also be considered a practice. This is covered in CBP's memo and the Law study.
    - Some credit should be received for prohibiting leaves to be blown into gutters.
- Street sweeping should only be required twelve times per year, or once per month.
- The table that was put on the board should be included in the guidance document, and local governments can choose between the options of frequencies.
- Street sweeping should not be done during the winter months, and should focus more on months when higher concentrations of solids collect on the streets.
- Street sweeping design standards could require parking ordinances to be enforced for credit with the Street Lanes Accounting approach.
- What is the preferred method of weighing the solids for the Mass Loading accounting approach? A process should be described. How will "litter" be removed from the dry solids?
- Street sweepers are only 8 feet wide and don't usually sweep all the way to the curb. Under the Street Lanes Accounting approach, should local governments get credit for the entire width of roadway if only 8 feet is being swept?
- Refer to the mileage of roads in the Lane Miles approach as "curb miles". Therefore, the "Lane Miles" accounting approach should be referred to as the "Curb Miles" approach.
- Will accounting be developed for other pollutants such as dissolved metals? [Editor's note: That is not the focus of the NSAB.]

Noteworthy Legislative Appropriation

This was not on the agenda, but Grady McCallie asked if he could have a few minutes to update the Board on closing the legislative session. In the Appropriations Act (SL 2014-100) signed by the Governor on August 7th, $500,000 was appropriated by the Clean Water Management Trust fund to be used for remediation and mitigation of stormwater impacts to lakes subject to EMC-approved Nutrient Management Strategies. Grady asked for interested parties to talk to him offline concerning this.

Storm-EZ and Jordan/Falls Stormwater Load Account Tool

Annette Lucas of DEMLR gave a presentation to introduce members to the recently released Storm-EZ tool, originally called LID-EZ. This tool assesses volume matching of stormwater runoff. Annette explained the new DEMLR/DWR policy that would allow compliance towards Nutrient Management Strategy (NMS) New Development stormwater requirements by meeting volume matching using the new tool if "woods" is used as the pre-existing condition. This policy may be revised in the future. She also explained that DEMLR and DWR are in discussions about combining the Storm-EZ tool and the Jordan / Falls Stormwater Accounting Tool (JFSAT) and would like the opinion of affected parties on this proposal.

- There was a question about using the Storm-EZ tool for NMS New Development Stormwater compliance and why "woods" had to be used as the preexisting conditions. Jason Robinson of DWR explained that while new development requirements are not concerned with pre-

existing conditions, to ensure that Storm-EZ requires sufficient treatment to meet post-development nutrient loading target rates in the great majority of cases, it was necessary to stipulate wooded pre-existing development conditions in Storm-EZ. Members pointed out that this isn't the case for redevelopment conditions and existing development projects. [Editor's note: this policy as established is only applicable for new development stormwater compliance and not for redevelopment or existing development].

- It was asked if this new tool referenced and corresponded with Chapter 2 of the LID manual that's referenced in the Falls rule. It was explained that this tool is not referenced in that Chapter yet, since the manual has not been updated since the tool has been created, and that DEMLR feels that this tool is a more accurate way to determine if a development is LID than the description in Chapter 2 of the LID manual.
- Some Board members agreed that it would be more efficient to have one tool
- There was the question of what would happen if the developer of the combined tool disappears and was unavailable to make necessary revisions or additions to the tool in the future.
- A Board member also expressed the the concern that by combining the tools, the legislature could do away both tools and thus several stormwater programs in one action.
- A Board member raised concern about the false assumption that the nutrient in evaporated and infiltrated runoff is removed from the system.
- A Board member suggested that combining of the tools needs to be a slow and deliberate process to ensure that everything is taken into account. The members of the subcommittee that worked on the revisions to the JFSAT should participate.

Nutrient Criteria Development Plan (NCDP)

Steve Kroeger of DWR gave a presentation on the NCDP and the associated Scientific Advisory Council. The Council was formed to development numeric criteria for nutrients to replace the current 40 micrograms per liter chlorophyll a standard. The Council is to be composed of individuals with a science background looking at the science behind the 40 microgram per liter, and an economist to look at the cost. The following questions and comments were made by the Board:

- There were multiple comments about the concern of scientist and economists trying to determine costs, and the suggestion that more local governments and other regulated parties should be involved with this, since they may have a better understanding of the cost of regulations. It was explained that there will be plenty of opportunities during stakeholders committees and public comment for regulated parties to offer their feedback. This committee is more concerned about the science of the criteria.
- There was a question of the overlap of the SAC and the NSAB in determining cost and benefits for practices.

Future Meeting Dates

- Friday, September 5, 2014
- Unless specifically rescheduled, the first Friday of each month, 9:30 – 12:00 at TJCOG.