Nutrient Scientific Advisory Board Meeting #27 Minutes

Monday, May 13, 2013

North Durham Reclamation Facility, 1900 E. Club Blvd 9:30 am -12:00 pm

Attendees

Members: John Cox (& Michelle Woolfolk, alt), Trish D'Arconte, Kathy Debusk (Bill Hunt's alt), Andy McDaniel (& Brian Jacobson, alt), Josh Johnson, David Phlegar, Michael Layne, Charles Brown (Matt Flynn's alt), Grady McCallie, Forrest Westall

Non-Members: Andy Sachs (facilitator), Jason Robinson (DWQ), Rich Gannon (DWQ), Adugna Kebede (DWQ), John Huisman (DWQ), Mike Randall (DWQ), Mike Schlegel (TJCOG), Haywood Phthisic (LNBA), Robert Patterson (Morrisville), Dan McLawhorn (Raleigh), Cy Stober (PTRC), Trevor Clements (TetraTech), Jon Butcher (Tt), Vic D'Amato (Tt), Andrew Parker (Tt, on phone), Sandra Wilbur (City of Durham), Steve Bristow (Wake), Melinda Clark (Wake), Donald O'Toole (City of Durham); Wesley Poole (Orange), Steve Berkowitz (NC DHHS), Sally Hoyt (UNC), Fred Royal (Pittsboro); Granville Representative, Creedmor Representative, Raleigh Representative

Agenda Topics

- Annual Report Update
- Jordan Watershed Model Update
- 205J Projects Update
- Existing Development Model Program Discussion

Materials

- May Meeting Plan
- March Minutes
- Draft Sections of Existing Development Model Program
    - Alternative Measures Approval Process (dated 5/6/13)
    - Required Elements of Local Program (date 5/9/13)
    - Police Powers (dated 5/8/13)

Housekeeping/Admin

- March's minutes were approved
- The Board accepted Grady McCallie's proposal to replace his alternate with Peter Raabe of American Rivers. The Board agreed that a vote was not necessary for an appointment of an alternate.

Annual Report Update

Jason Robinson of DWQ gave a brief update on the NSAB's annual report. The annual report is to be submitted to DENR's secretary no later than July 1st. This will be the NSAB's third annual report. Staff does not have a product to present to the NSAB yet, but plans to develop a brief report that covers the main topics the NSAB has been involved in over the past year. Specifically, the new

Jordan watershed model, the Existing Development Model Program, the measures approval process, and the two 205J projects (revisions to JFSLAT and development of accounting methods for six identified measures). There were no comments on this item.

Jordan Watershed Model Update

Mike Schlegel of TJCOG introduced the watershed model agenda item and introduced Trevor Clements of Tetra Tech. Trevor Clements introduced the rest of the Tetra Tech modeling team, and gave a presentation on Tetra Tech's Input Datasets memorandum and Model Configuration memorandum. These memorandums, as well as Tetra Tech's PowerPoint presentation can be found on TJCOG's watershed model webpage at http://www.tjcog.org/jordan-jurisdictional-allocation-model-development.aspx.

The following questions and concerns were raised following Tetra Tech's presentation:

- Will these memoranda be updated in the future? Tetra Tech explained that per the contract, they would not update the memoranda, but comments and requested changes will be reflected in the final report.
- Will Durham's atmospheric dry organic nitrogen deposition data be incorporated? Tetra Tech explained that Durham is the only entity that has this information and the data collected indicates that this component does not appear to be a significant contributor, and therefore will not be included in the model. To some extent its contribution gets addressed in the calibration. The request was made to discuss this in the uncertainty portion of the final report.
- A Board member commented that it was decided that water fowl impoundments would not be included, and Tetra Tech commented that most water fowl impoundments were downstream from larger impoundments that were included.
- A Board member requested that the landuse changes are included in the final report.
- A comment was made about the 220% increase in high-intensity imperviousness from '99 to '10. Tetra Tech explained that some of this was explained by low intensity shifting to high intensity, and not just cases of a direct shift from pervious to high intensity.

205J Projects Update

Cy Stober of PTRC gave a brief update on the status of the 205J projects. RFPs for both projects were released on April 4th, with a deadline for submittals of April 19th. Contractors have been chosen for both projects, and a "kick-off" meeting is being held with the contractors after the NSAB meeting.

Nutrient-Reducing Measures Project: Four consultants submitted proposals, and three were chosen to interview with the Board's Subcommittees. TetraTech was ultimately awarded the contract. Vic D'Amato and TetraTech then presented their proposal to the Board.

After the presentation, DWQ and the Subcommittee Board addressed the conflict of interest issue of Board member Bill Hunt serving on the Tt team. The Subcommittee explained that they did not think this would be a conflict of interest, since Bill did not participate in the Subcommittee that chose the measures that would be addressed or in choosing a consultant. The belief was expressed that it would be important going forward to be transparent in addressing potential conflicts, e.g. having Dr. Hunt recuse himself from any discussion on project deliverables.

Accounting Tool Revisions: Four consultants submitted proposals and three were chosen to interview with the Board's Subcommittee. DWQ and the Subcommittee selected SSS for the project. Kathy Debusk of SSS gave a presentation to the Board on their proposal.

Existing Development Model Program

- DWQ reminded the Board that the meetings between DWQ and affected parties to discuss the Model Program had been rescheduled to June 5th and 6th.
- DWQ updated the Board on their recent presentation on the Model Program to the Water Quality Committee in May as an information item: DWQ informed the WQC that they will bring a version of the model program to the EMC in July, but it will be incomplete, and DWQ will recommend the WQC defer approval of the program. A version for Jordan will be brought back in November for approval to meet the Session Law deadline of December, assuming that requirement is not altered by the ongoing legislative session. There isn't a deadline for the Falls model program, and DWQ plans to bring it back to the EMC for approval in perhaps a year and a half to two years. The purpose of this is to continue to expand the toolboxes of measures that can be used by affected parties in the intervening time. The WQC had a few questions, but was receptive to the proposal.

Required Elements: DWQ began discussion on this section of the model program and explained that these will be the elements that affected parties will be required to include in their local programs that they will submit for EMC approval.

Much of the Board's discussion focused on the feasibility study and implementation plan and whether DWQ would require affected parties to provide a description of every retrofit and practice that will be used to meet their existing development reduction needs. The following points were made:

- Ultimately feasibility is site-specific, and often involved and expensive, so it is simply not supportable to do site-specific feasibility study of an entire jurisdiction up-front. DWQ needs to clarify its expectations in the model program re. content of local program submittals regarding feasibility studies.
- The model needs to include use of a watershed basis for assessment and planning, including drawing from EPA's guidance on this.
- DWQ indicated that the final model will provide much fuller guidance, and it will address the points made by the board, including rolling detailed feasibility assessment through time.
- Maybe more important than saying what feasibility assessment will be in the model is calling for jurisdictions to show that they have a plan for doing feasibility as they go.
- A Board member reminded the group that Falls' affected parties will initially be submitting a program that lays-out how they will reduce loading back to baseline conditions by 2020, which suggests a different timeline for specificity than Jordan.
- Available resources, experience and extent of watershed planning done already will vary across local governments; what's important is to enable all to move forward effectively vs. rigid or excessive requirements that could be discouraging.

- DWQ explained that local programs should include proposed methods of funding. A Board member mentioned that this is discussed in EPA's plan.
- A Board member asked if everything in the program would be approved by the EMC, including the measures approval process. DWQ explained that they plan to seek approval of the actual Model Program only, and not the other sections such as the guidance and the measures approval process. If these were approved, then the EMC would have to approve them every time they are revised. A Board member expressed concern over this plan.
- A Board member expressed concern over whether small communities will have the ability to perform feasibility studies.
- A board member asked that if plans included specific information about type and location of BMPs, would they have to be resubmitted and approved every time something changes on the ground?

Potential Future Agenda Items

- Existing development model program
- Annual report
- Jordan watershed model
- 205J projects

Future Meeting Dates

- Unless specifically rescheduled, the first Friday of each month, 9:30 – 12:00 at TJCOG.
- June 7, 2013