

# **Jordan Nutrient Rules: Technical Advisory Group Updates**

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Rich Gannon, DWR  
July 2024



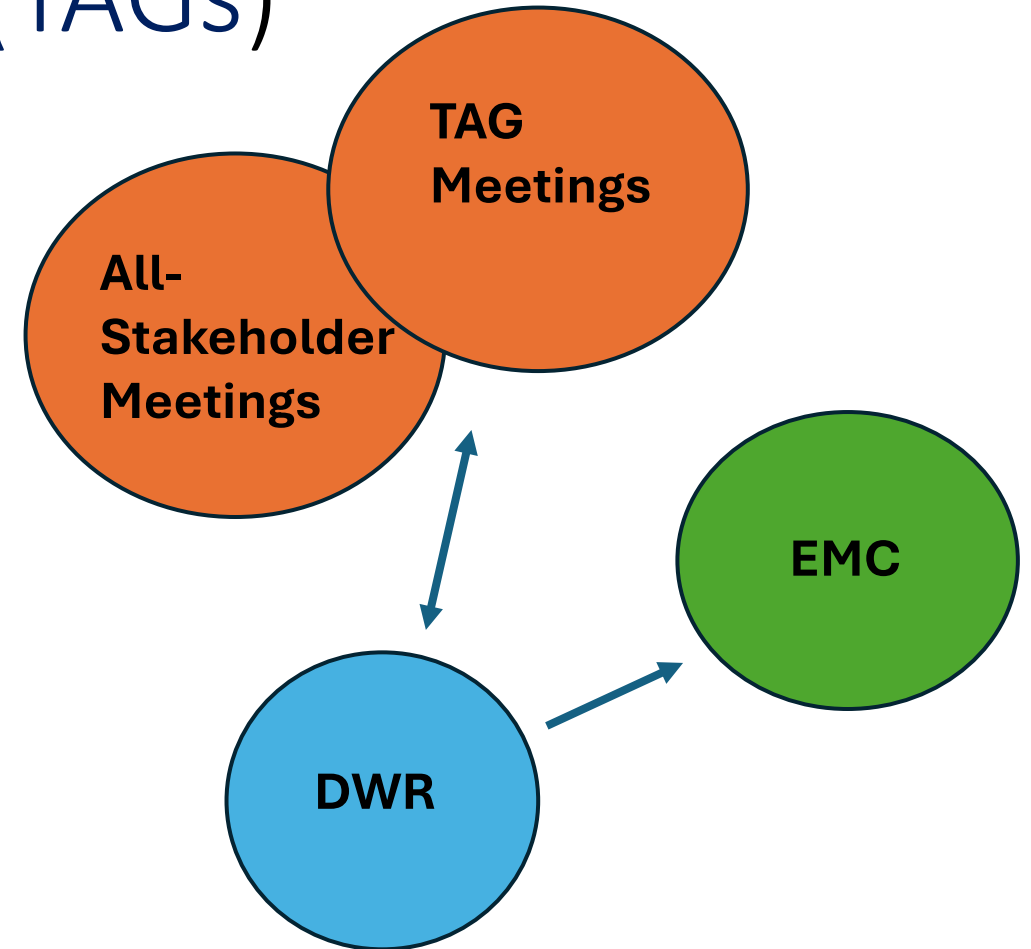
# Technical Advisory Groups (TAGs)

**ROLE:** To generate recommendations to the state on regulations & other actions to improve the water quality of Jordan Lake.

**WHO:** stakeholders who have most knowledge &/or interest in the rule development. Subject matter experts are encouraged to join.

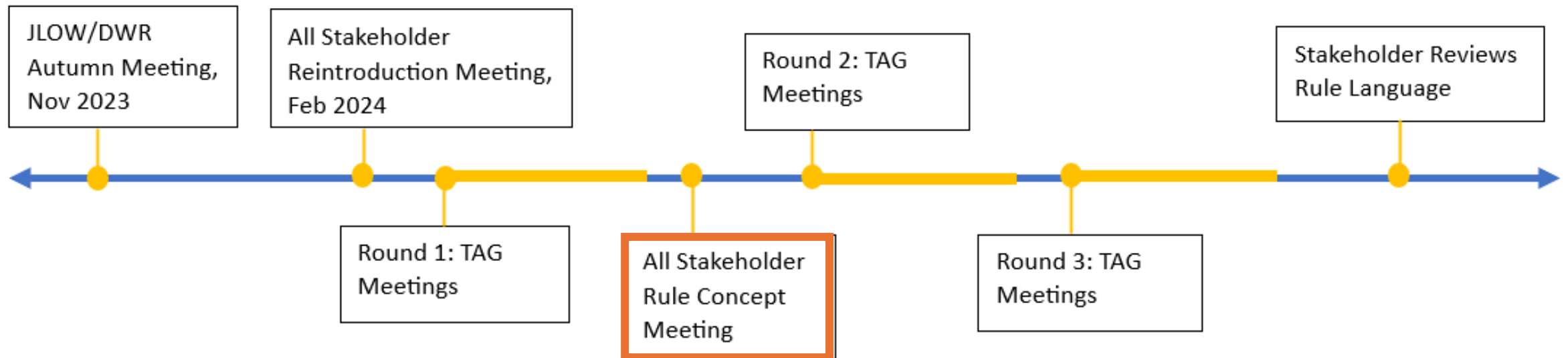
**WHAT:** Teams: Agriculture; Wastewater; Existing Development Stormwater; New Development Stormwater, Riparian Buffers, \*Nutrient Credits, \*Integrated.

**WHEN:** Virtual meetings per Rule. Beginning April 2024.



# Stakeholder Engagement: Meetings

- 3 All-Party Meetings
- 3 Rounds Technical Advisory Group Meetings
  - 3 meetings for each of the 5 Rules, additional meetings for Nutrient Trading and Integrated



**‘Informal’  
Stakeholder  
Engagement**

**2024**

- DWR stakeholder engagement.
- DWR rule drafts and internal review.
- Stakeholder groups review rule language.

**WQC  
Approval to Proceed  
(expected multiple reviews)**

**2025**

- Jan - Begin fiscal analysis.
  - May-Jun – OSBM fiscal approval
  - **July or Sept WQC:** Action item
    - Provide approved fiscal analysis
    - Request to proceed w/rules
  - **Sept or Nov WQC:** 2<sup>nd</sup> attempt if needed
- (filing dates = 1 mo prior to meetings)

**“Formal” Rulemaking  
(steps can require > 1 pass)**

**2026-2027**

- EMC approval to proceed
- 60-day public comment period
- Hearing Officers deliberate
- Develop Hearing Officers report
- EMC adopts rules
- Rules Review Commission approves

# Round 1 TAGs: April 11<sup>th</sup> to July 2<sup>nd</sup> 2024



**Completed 6 TAG meetings:  
Riparian Buffers, New  
Development Stormwater,  
Existing Development  
Stormwater, Wastewater,  
Agriculture, Integrated**

Also interviewed over 15 local government representatives on current implementation and participated in JLOW meetings and provided feedback



**General Outline of all TAG meetings:**

Introductions and Orientation to Jordan

Current Implementation presentation with an expert and opportunity for Q&A

Potential Rule Change Ideas and Concerns

Discussion on how to advance nutrient reductions



**Next slides will go over a few highlight points from each TAG.**

All TAG meeting notes, presentations, and recordings are available on the DWR Jordan website

# Riparian Buffer TAG



25 people signed up for the TAG meeting  
**Sue Homewood, DWR 401, co-presenter**

## **Riparian Buffers Implementation:**

- Local delegation, DWR 401 audits for compliance.
- 50ft protected area with vegetation.

## **Potential Changes:**

- Make Jordan **consistent** with last (2020) revisions to Neuse, Tar, and Randleman rules to the greatest extent possible, allowing for watershed-specific differences where identified.



## Reception:

- Consensus that updating rule is a good idea.
- Wanted **consistency** as much as possible where appropriate across basins.
- **Changes would address concerns** about stormwater conveyances.
- Remaining questions about how to incorporate the most accurate, **current data** such as flood plains.
- Interest in **support tools** such as policy documents or inter-agency support for residential education on riparian buffer importance/maintenance (i.e. communication with DA&CS).

## Next Steps:

- Send TAG details of proposed rule changes and draft language - TAG#2 meeting in August to review changes.
- TAG#3 meeting to review outstanding questions and discuss policy support documents.

# New Development Stormwater TAG



28 people signed up for the TAG meeting  
Trish D'Arconte, DWR NPS, co-presenter

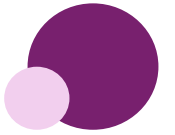
## **ND Implementation: Not currently implemented**

- Reviewed SNAP and requirements in other watersheds

## **Potential Changes:**

- Set aside N, P lbs/acre loading target as compliance metric; instead only track loading with latest tool, SNAP.
- **Match control requirements with proposed intensity (%BUA) and type of stormwater collection system.**
- Considering including BUAs < 24% in requirements, adding runoff reduction to treatment metrics, providing credit for soil rehab, adding stream protection-based control.





## Reception:

- General support for a transition away from lbs/acre rate target as metric for compliance.
- Some rural areas are concerned about requirements below BUA 24%.
- **Support for soil rehab but concerns** on how to implement and enforce - especially in Triassic soils.
- Support for stream protection criteria although need more details on how implemented.
- **Convergent ideas on changing first flush metrics** from 1 inch to something like 95% or 1.3inch.
- Jurisdictions that overlap different stormwater requirements **would like to see simplified or more unified requirements.**

## Next Steps:

- Complete state data pulls and meetings with local engineers and developers.
- Write up supporting research and new concepts for TAG and stakeholder review.

# Agriculture TAG



26 people signed up for the TAG meeting  
**Allie Dinwiddie, DSWC, co-presenter**

## **Agriculture Implementation:**

- Collective N and P reduction goals for cropland and grazed pastureland agriculture; use of NLEW.
- Achieved reduction goals in 2014.

## **Potential Changes:**

- Increase implementation of cattle exclusion from streams.
- Improve land application of organic fertilizers (i.e. biosolids, litter, manure).
- Review more options to reduce P application to soils.
- Replace NLEW tool.



## Reception:

- Some participants **don't like the idea of *requiring*** fencing for cattle exclusion – believe should continue to use cost share programs or other incentive program.
- Organic Fertilizers: Believe biosolids are impacting P in soils, don't see poultry as major issue in Jordan.
- Mixed support for replacing NLEW.

## Next Steps:

- Review any new data sources for fertilizer type land application – perhaps set up a separate fertilizer TAG meeting with Non-Discharge Branch to discuss biosolid management.
- Interviews with District and NRSC staff on agricultural programs and implementation of cost share programs (what made some of them so successful).
- Review any options for NLEW replacements – perhaps set up a separate NLEW meeting with DSWC staff on next steps to improve agricultural reporting systems.
- Send TAG an outline of draft concepts.

# Wastewater TAG



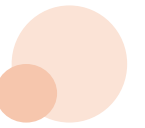
28 people signed up for the TAG meeting  
Siying Chen, DWR NPDES, attendee

## **Wastewater Implementation:**

- Annual individual N and P mass load allocations (lb/yr).
- NPDES Permitting Unit Implements.
- Discussed upcoming facility improvement plans.

## **Potential Changes:**

- Reviewed historical and current discharges.
- Asked stakeholders if they perceive capacity to do more – get down to Neuse/Tar examples with concentrations at 2.5 mg/l N.



## **Reception:**

- Reaching lower levels of N and P discharge could require substantial costs.
- PFAS and 1,4 Dioxane new requirements will also be an upcoming cost burden for jurisdictions – although several stakeholders emphasized the importance of treating these contaminants at a WWTP vs. a Drinking Water System.
- Interest in looking at limits for small dischargers.
- Interest in investing in nonpoint source pollution reduction practices if it reduces costs and requirements for WWTPs.
- 7 out of 10 respondents were interested in meetings on optimization.

## **Next Steps:**

- Start a group to collaborate on how to optimize PFAS systems to also remove nutrients (even if not a compliance group). Also, seek regional input on this topic.
- Review options for limits to small dischargers.

# Existing Development Stormwater TAG



38 people signed up for the TAG meeting  
**John Huisman, DWR NPS, co-presenter**

**ED Implementation:** Load reductions on hold.  
Stage 1 Annual Report.

## **Potential Changes:**

- Update the Option 1, load-based approach.
- Create an investment-based Option 2 similar to the UNRBA IAIA.



## Reception:

- Participants had no interest in a load-based approach – **all had interest in the investment based approach.**
- Discussed aspects of investment-based approach:
  - Select jurisdictions would like ‘credit’ for doing work before 2014.
  - Filtration practices should be weighted more than other practices.
  - Would like opportunity for group investments although group projects tend to work better for conservation and not SCMs.
  - Examples provided for how to determine the investment allocation.
  - One comment that it would be cheaper and easier for stormwater to invest in wastewater facilities since it’s more effective.

## Next Steps:

- Review options for investment allocation.
- Clarify how sectors can receive ‘credit’ if implementing practices offsite, how does Ag get credit.
- Complete concept write up and sent to TAG.

# Integrated TAG



● 22 people signed up for the TAG meeting  
Nancy Daly, Wake Co, presenter  
Grace Messinger, PCC, presenter

## **Purpose and Discussion:**

- JLOW requested TAG to discuss cross sector collaboration.
- Reviewed connection between integrated practices and compliance and monitoring metrics.
- Briefly discussed concerns and actions to take to foster Urban and Rural collaboration.

**Next Steps:** Suggested that JLOW, or other group that is interested the 'one water' watershed management rule, to review how other compliance group associations function.



# Nutrient Trading TAG



**Meeting:** This Summer/Fall

**Purpose:** To discuss nutrient trading system options.

**Next Step:** Review all the TAGs comments and load reduction goals and summarize draft nutrient trading system for participants.

Additional Questions and Comments?



**You are welcome to join a TAG meeting.**

**Please just request the TAG sign up form link.**

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**Next meetings this Summer/Fall.**

