

NOTES - Jordan Existing Development Stormwater TAG
Meeting 1: May 15, 2024 9:40am-noon on Teams

9:45-10:15am	Introductions and overview of TAG purpose and timeline	Ellie Rauh, DWR
	Basics of Current ED Stormwater Rule	Ellie Rauh, DWR
	Questions	Ellie Rauh, DWR
10:15am-Noon	Falls ED IAIA Program	John Huisman, DWR
	Discussion on how to regulate ED going forward	Ellie Rauh, John Huisman and Rich Gannon, DWR
	Closing	Ellie Rauh, DWR

Possible meeting discussion questions:

- Is there interest in developing an investment-based option for existing development stormwater?
- Is there interest in weighting practices w/greater nutrient reduction? Sequencing first with infiltration practices or Categories of practices?
- What should be the investment assignments? IAIA funding follows UNRBA member dues weighting: 10% equal base rate, 50% based on share of water demand, 40% based on share of land area.
- Should there be an option for individual and group investment?
- Are stakeholders interested in JLOW having a compliance and record keeping role in the investment program? Should role be modeled after wastewater compliance associations?
- Preferred load estimation method for standard approach? Choice?
 - NLCD land covers x provided export coefficients vs
 - Development records and export coefficients vs
 - Development records and SNAP Tool (CN-based by then if data support)
 - Reduce by *creditable SCMs;
 - Equivalent or more rigorous methods acceptable to the Division.
- How should credit be given for prior implementation?
- Support for the use of grants? Do they only apply to the investment-based option?
- Nutrient reduction requirements: to provide goals, do we need to provide them for individuals or as a whole?

Post-meeting main next steps:

- DWR: Complete interviews, research outstanding questions and comments, write up supporting research and new concepts, identify and send advance questions.
- TAG: Read write up and email/prepare comments before next TAG meeting.

Attendees:

Apex: Evan Kirk

Durham: JV Loperfido, Sandy Wilbur, Raven McLaurin,

Greensboro: Virginia Spillman, Dave Phlegar

Chapel Hill: Chris Roberts

UNC: Jamie Smedsmo

DOT: Brian Lipscomb

Durham Co: Ryan Eaves, Stormwater & Erosion Control

Chatham Co.: Taylor Burton

Wake Co: Theo Udeigwe, Stormwater Manager

Patty Barry, CPRC

Terri Buckner, citizen

Donna Myers, American Rivers

Mike Robinson, Brown & Caldwell

Josh Johnson, AWCK

Judy Stalder, TREBIC

Jon Hardister, TREBIC

DWR: Ellie, John, Rich

Presentation ppt and recording available online: <https://www.deq.nc.gov/about/divisions/water-resources/water-planning/nonpoint-source-planning/jordan-lake-nutrient-strategy#RulesReadoptionProcess-9705>

Stakeholder comments:**Context - Jordan Background (Ellie)**

Jamie – UNC has been doing new d for years now

Terri – we don't have construction, we're a 60-year old neighborhood, we just have flooding from everything around us. Majority of our problems come from DOT w/undersized culverts etc, but when we go to them, they say it's the development.

Falls ED Case – IAIA (John), DWR Considerations (Ellie)

Evan Kirk runs stormwater utility for Apex now for last 2 years!

Patty – so will be IAIA type option in Jordan? Yes. Just talking for ED at this point.

Discussion Questions

Interest in investment based option?

Donna – IAIA applies only to ED in Falls? Yes.

Terri – John, Falls restricted ED activity to pre-2006 development? For Falls, all based on 2006 baseline. But just for load assignments, not restricting activity to those lands.

Ryan – yes, support investment approach similar to IAIA. Thus far successful in Falls. Relatively easy to understand, communicate, budget for, especially for a county given we're not an MS4. Sandi – echo Ryan's endorsement. From muni viewpoint, so much easier to budget for specific amount of money, looking at long-term utility rates, easier to plan for. Reporting seems more straightforward.

Any interest in load-based approach? No.

Interest in weighting practices somehow?

Sandi – thinking filtration practices more than infiltration, like BR etc.

How should investment assignments be based? E.g. IAIA breakdown.

JV – JLOW had discussion on how dues assigned. EFC came up with 19-26-55 approach, don't know assumptions behind.

Evan – ran it based off input from JLOW and heavily off UNRBA approach. Water demand of Jordan very different with 4-5 users, much outside of watershed. Think percentage can come later, but yes interested in that approach.

Ellie – Falls, one community made commitment, became benchmark for all others. John – worked for them, but certainly not assumed approach for Jordan.

Evan – joint projects might be good for conservation, not so for SCMs.

Jamie – seems cheaper do things at WW plant than for stormwater. If counting pounds, that could be fruitful for stormwater programs to support WW improvements.

Should there be an option for individual and group investment?

Sandi – should definitely be opportunities for joint projects. E.g. Durham Co and City right next to each other, important to be able to have collaborative investment and share in credits. For ED and other sources – WW and ag.

JV – Durham has been looking at algal flowway; seems like an opportunity for group investment.

1-484 – Grace – confused over 'credit' idea when joint project or project on other source. Rich – explained overlapping compliance.

Chris Roberts – for Chapel Hill, a joint project could be b/t CH, Carrboro, working with OWASA at WWTP helping them make improvements for load reduction.

- Jamie S – UNC may be interested in collaboration as well with Chris' WW idea in particular.

Ryan – partnerships can help with grants too.

Dave P – joint compliance and economic investment approach I think is of interest to everyone. Not 100% sure JLOW has mechanism in place yet to achieve IAIA for ED only. Waiting to see.

JV – one thing emerging in JLOW, seems 3 options emerging – individual compliance, investment, and JLOW.

- Ellie – just two, standard and investment. Me – Times two, individual or group.

- JV – just concerned possible undercutting of JLOW by investment option, so now understand we're not saying that. *[editorial note: well, we didn't rule out group investment outside of JLOW, but we're not pushing for it either.]*

- Patty – JLOW is set up for investment approach; wouldn't necessarily make sense for parties to do investment outside of JLOW since we have partnership. JLOW should be able to provide collaborative effort to provide for compliance.

JLOW have a compliance/recordkeeping role in investment program?

JV – support that conceptually.

Load estimation method? No input (to go along with no interest in).

How credit prior implementation?

Sandi – Falls doesn't give credit for things done before, want it for actors who did things in good faith when thought rules were moving forward.

Jamie – UNC same thing – been implementing for 10 years, want credit for that.

Ellie – difficult to figure how translates into investment program. Another factor is new baseline period of 2014-16, still large reduction goals.

JV – Durham implemented Jordan New D rules through about 2019, getting those reductions. One idea, have nutrient tools, maybe get credit toward ED compliance for that. Just an idea.

Sandi – if don't get credit, hard to go to Council if have to say won't help with Jordan rules. If not going to get credit, have to be able to say why doing project. Should be benefit to being proactive.

- Ellie – to clarify if you're doing something now, will certainly be counted since post-2014. GA had huge part in why programs were stopped, hopefully won't have that issue again.
- Grace – Sandi when you say you need to show credit, think you won't have to contribute for x years? How will credit manifest? Sandi – IMO Durham always trying to do correct thing, and do have other reasons to do projects – 303d list, Falls, Don't think would suddenly stop doing projects, have big backlog of them, don't see it changing what we do going forward.
- [Idea – tally their reductions, recognize them, celebrate them, carry reductions forward as coming off their ultimate tab toward meeting goals.]
- Sandi – maybe get a discount over a number of years or something; DK whether it would slow us down over time. Will probably exceed whatever required to do. Well, depending on what number we get tasked with.

Theo – will also be good to know challenges IAIA has seen so far or challenges with JLOW to inform individual LGs' evaluations.

JV – possible management actions – WRC waterfowl impoundments operation on NH arm; springtime nutrient dumps can have impact on meeting targets. Work with COE on that? Maybe bring them in on cooperative partnership?

Support for use of grants? Concerns?

Grace – was involved with Delaware River initiative, multi-state. Used NFWF to pool government dollars as well as private funding in one place. Projects within geographic bounds could tap.

Corporate donors could contribute to such a fund if one were set up here.

Rich – thinking EPIC games guy and SAS guy – they're in the watershed.

Patty – applying for grants takes effort, should be allowed to credit grants whether under investment or via projects implemented.