

Nutrient Scientific Advisory Board Meeting Summary  
September 8, 2017 @ TJCOG  
9:30 am – 12 pm

## Attendees

### Members / Advisors

Wendi Hartup - Kernersville  
Sally Hoyt - UNC  
Josh Johnson - AWCK  
Eric Kulz - Cary  
Grady McCallie - NC Conservation Network  
Andy McDaniel - NCDOT  
David Phlegar - Greensboro  
Haywood Phthisic - UNRBA  
Sarah Waickowski - NCSU  
Allison Schwarz Weakley – Chapel Hill  
Sandra Wilbur - Durham  
Michelle Wolfolk - Durham

### Guests

Teresa Andrews - AWCR  
Brian Burkhart - Chatham County  
Anne Coan - NC Farm Bureau Federation  
Tom Davis - Orange County  
Diana Hales - Chatham County  
Joey Hester - NCDACS DSWC  
Alix Matos – Brown & Caldwell  
Dan McLawhorn - Raleigh  
Dan O’Toole - Durham  
Sushama Pradhan - NCDHHS  
Jen Schmitz - TJCOG  
Rahn Sutton - Contech

### DWR Staff [www.deq.nc.gov/nps](http://www.deq.nc.gov/nps)

Trish D’Arconte  
Patrick Beggs  
Jim Hawhee  
John Huisman

### Facilitator – Dispute Settlement Center

Andy Sachs

## Agenda Topics

1. NSAB Charter
2. Nutrient Reduction Practice Approval Process
3. Nutrient Trading Framework Draft Discussion

**Meeting Materials are available online:** [www.deq.nc.gov/nps](http://www.deq.nc.gov/nps)

## Meeting Summary

[Andy Sachs](#) opened the meeting with introductions.

**The June 2, 2017 and August 4, 2017 meeting summaries were approved.**

**The October meeting will be held October 13, 9 AM - 11:30 AM.** (This is a change to our normal meeting date and time.)

Chatham County was invited to participate at today’s meeting.

## NSAB charter

The board continues to develop a charter based on its originating documents and decisions.

### Membership/Interests

Andy led us in brainstorming a list of interests from which to pull future advisors and members. Session Law 2009-216 sets the NSAB within the parameters of the Existing Development rule. Staff will work to further develop this list

- Non-DOT state entities
- Other basin associations
- Others municipalities
- Counties
- Economics (NCSU CEnREP, UNC Finance)
- Business Community
- NC watersheds outside Jordan and Falls (Tar Pam, Lower Neuse, High Rock)
- Consider members as representatives of categories
- Agricultural interests (Farm Bureau, Cooperative Extension)
- Development Community
- Stormwater Association of NC (SWANC)
- American Public Works Association (APWA)
- League of Municipalities
- Point Sources
- Funding Sources (CWMTF, NC Division of Water Infrastructure)

Comments collected from the membership discussion:

- Each member can be a representative for the interest, for example, the NC Conservation Network already does this by engaging and soliciting input from other environmental interest groups.
- Is it our job to represent others? for example other local municipalities?
- Can we set up a way for non-represented jurisdictions to provide input? [NSAB listserv]
- If our focus is just Existing Development, then lets state that.
- Is agriculture a necessary entity if are concentrating on Existing Development? Same goes for Point Sources. We need to consider whether to involve them.
- Upper Cape Fear River Basin Association can probably represent point sources.
- Can it be interpreted that the NSAB includes all nutrient sensitive waters and therefore not just those regulated by Existing Development?
- Science is not in the charter. We should add that.
- Science is in the title though.
- It all comes back to the science.
- Our membership isn't scientists board though. We are mostly implementation and policy people.
- A lot of our time seems to be spent looking at the TMDL issue and responding to the Collaboratory's work.
- Is the Collaboratory meeting the need of the NSAB?
- Crediting and the SNAP tool plays directly into New Development. I'm not saying they should be involved but it we need to consider it.

- If we go with New Development membership, we need to involve the Home Builders Association.
- Non-voting members (Advisors) can be invited when topics are relevant to them. That will keep them more engaged at the right time instead of possibly not having in interest in the agenda for months at a time.
- We want lots of voices and outlooks, but we don't want to encourage bickering.
- We need to decide on the charge of the group using the legislation to guide us but making it as specific as we need to make an efficient and useful organization.

### Nutrient Reduction Practice Approval Process

Patrick Beggs presented suggested changes to the feedback and comment portion of the approval process.

In short the approval process consists of the following best case scenario:

1. practice presented to the NSAB for review, discussion, and rewrites,
2. practice is sent out for public comment,
3. comments are reconciled and practice updated if necessary,
4. practice with comments and feedback is provided to NSAB for endorsement
5. practice is submitted to DWR Director for approval.

An updated flowchart is included on the last page of this summary.

Comments collected from the approval process discussion:

- Our comments while being drafted are the most useful to get it cleaned up before sending it out for public comment.
- Why do some go to DEMLR and others to DWR? [Answer: If the practice is one of the regulated stormwater control measures or will become one, then DEMLR will take the lead. Otherwise, DWR has the lead.]
- Do we want to be an authority that dictates the details to users that might have different experiences with efficiency and could provide input in the process.
- I think the public comment period is the opportunity to get that (above comment) input.

### Draft Nutrient Trading Framework Discussion

Building on the input from the June meeting discussion, Jim Hawhee presented some draft ideas for a nutrient trading framework. The objective was to further discuss ideas about nutrient trading to help develop a framework. The 9/1/17 draft trading framework document and the PowerPoint presentation are available on the [NSAB website document page](#).

Comments collected from the nutrient trading framework discussion:

- What are hot spots? [Answer: A localized nutrient impairment due to trading.]
- Trading won't necessarily result in hot spots.
- What is the plan for DEQ oversight of the actual day to day trading?
- This is inconsistent with the draft rule process that is currently underway. [Answer: the draft rule process is a separate process from this trading discussion. We are only at the point where we are working with the NSAB to come up with a draft trading framework.]

- It is important that the entity holding a credit have a good operation and maintenance program, and I am concerned about credits being transferred to those programs that do not.
- Currently local governments install practices, get credits and report annually.
- If projects are generated for trading then permitting staff may need to visit the site, the final built project, and then periodically check in, for example, every five years.
- New development projects by state entities have basically no oversight. Is there oversight?
- Monitoring is important especially since limited data goes into the crediting scheme.
- Eventually many things will produce credit but if funding is not allowed to produce credits it will be hard to do any project without producing credits.
- Are you looking at Point Source to Nonpoint Source credits? [Answer: This is part of the Overtreatment nutrient reduction practice which is being developed.]
- I'm concerned with Point Source to Nonpoint Source credits because the Neuse River Compliance Associations has been doing this for years and at some time different jurisdictions will exceed allocations.
- I'm concerned with the use of government money for agricultural practices. We don't want to produce something that prevents collective compliance.
- Concerning financing, we need to be sensitive to the problem of government money intended to improve waters being used to produce credits elsewhere.
- The framework seems to be written to include all credits of any kind, not just tradeable credits.

### Closing comments

- What is our charge? [3 members asked this]
- What do we do in relation to other groups and boards?
- I commend Jim Hawhee on all his work and transparency.

Nutrient Practices Approval Process

