

Charter
North Carolina Division of Water Resources
Scientific Advisory Council on Nutrient Criteria Development

Nutrient enrichment is one of the leading causes of negative environmental impacts to surface waters, such as algal blooms, low dissolved oxygen concentrations, fish kills, excessive growths of filamentous algae or bacteria, and generation of cyanotoxins. To better manage nutrients, the US Environmental Protection Agency (USEPA) has established a goal for states to develop and adopt nutrient criteria for all jurisdictional waters. The North Carolina Nutrient Criteria Development Plan (NCDP; June 20, 2014), which was mutually agreed upon with the USEPA, details the Division of Water Resources' (DWR) strategy to accomplish this goal. The plan includes the development of a Scientific Advisory Council (SAC) to assist DWR with the incorporation of the best available data and science to establish defensible nutrient criteria that protect designated uses and are scientifically sound. Subsequent to criteria development, a separate group of Criteria Implementation Advisors (CIC) will work with the Division to determine fiscal implications of the proposed nutrient criteria.

Section I. Establishment

The NCDP SAC will be established under the DWR. The SAC will be comprised of nine to twelve voting members appointed by the DWR Division Director. The SAC's objective will be to provide advice and recommendations to the DWR, on site specific nutrient criteria based solely on data and scientific judgments about pollutant concentrations and their effects.

The members appointed to the SAC shall be persons satisfying the qualifications as defined in Section II.A below. One USEPA representative will be asked to participate on the SAC. SAC members will serve two to three year terms and may be reappointed. The SAC shall annually vote one member as Chair and another member as Vice-chair. Members with doctoral degrees and experience in the designated fields are preferred, but individuals with significant experience and otherwise appropriate academic credentials may be considered for appointment. Additional members with comparable or complementary qualifications may be appointed at the discretion of the DWR Director.

A Criteria Implementation Committee (CIC) will work with the Division after site specific nutrient criteria have been recommended by the SAC and evaluated by the Division, to determine implementation details and fiscal implications. The CIC members shall be persons satisfying the qualifications as defined in Section III.A below. CIC members will serve two to three year terms and may be reappointed. A USEPA representative will be asked to serve on the CIC. Members with advanced degrees and experience in the designated fields are preferred, but individuals with significant experience and otherwise appropriate academic credentials may be considered for appointment. Additional members with comparable or complementary qualifications may be appointed at the discretion of the DWR Director.

Section II. Scientific Advisory Council

The objective of the SAC is to provide regional knowledge and technical guidance to the DWR during the process of developing nutrient criteria. The recommendations of the SAC will be considered by the DWR as criteria are selected.

Section II.A SAC Qualifications

The SAC shall consist of eight to ten members meeting the following qualifications:

1. A scientist with expertise in the study of nutrients in freshwater ecosystems.
2. A scientist with expertise in the study of nutrients in estuarine ecosystems.
3. A scientist with expertise in process-based and statistical water quality/nutrient response modeling.
4. A scientist with expertise in the study of fisheries and food webs in freshwater and saltwater ecosystems.
5. A scientist with expertise in freshwater and saltwater hydrology and hydraulics, including the effects of dams on water movement.
6. A scientist currently serving on the Contaminants Management Workgroup of the Albemarle Pamlico National Estuary Partnership

Section II.B SAC Duties

The SAC shall have the following duties:

1. Review and assess the quality of currently available nutrient data both nationally and regionally.
2. Identify data gaps in the scientific and technical information necessary for nutrient criteria development.
3. Recommend additional monitoring.
4. Provide regional knowledge and technical guidance to DWR to aid with development of numeric nutrient criteria.
5. Review proposed nutrient criteria, including revised chlorophyll-a criteria for new (not existing) nutrient management strategies.
6. Other duties as identified by the members of the SAC and the DWR.

Section III. Criteria Implementation Committee

The objective of the CIC is to work with the DWR on implementation options and economic feasibility of the proposed nutrient criteria. The CIC will begin collaboration with the DWR after appropriate nutrient criteria have been selected for a specific water body or water body type.

Section III.A CIC Qualifications

The CIC shall consist of four to five members meeting the following qualifications:

1. A North Carolina licensed professional engineer with expertise in nutrient abatement technologies in best available technology for wastewater.
2. A North Carolina licensed professional engineer with expertise in nutrient abatement technologies in best management practices for non-point source runoff.
3. An environmental professional with national/regional experience in linking the scientific aspects of nutrient controls, including criteria development, TMDLs, permitting and water quality management planning.
4. An economist with expertise in water quality/nutrient management.

Section III.B CIC Duties

The CIC shall have the following duties:

1. Advise DWR on the social and economic implications of implementing the proposed criteria.
2. Assist DWR with Administrative Procedure Act (APA-Rulemaking) process.
3. Other duties as identified by the members of the CIC and the DWR.

Section IV. Administration

1. The DWR will assign a staff member to provide support to the SAC and CIC. The support that will be provided includes but is not limited to the following: arranging meetings, ensuring notes are taken, distributed and made available to the public, collecting information requested by the members, ensuring requested analyses are performed and documented, maintain the web site, etc. This staff member shall not participate in the deliberations of the SAC or CIC. This staff member shall accept written comments from interested parties and disseminate appropriately.
2. Telephone or web conferencing may be conducted in lieu of meetings. Meetings may be streamed live if the technology is available.
3. Members of the SAC and CIC will be reimbursed for necessary travel (mileage) to and from meetings.

Section V. Implementation, Duration, and Frequency

1. This charter shall become effective January 1, 2015.
2. The SAC and CIC shall meet at intervals determined by the DWR-NCDP Program Manager in consultation with the members.
3. The SAC and CIC shall continue for an indefinite period of time at the pleasure of the DWR Director.
4. All meetings will be open to the public.