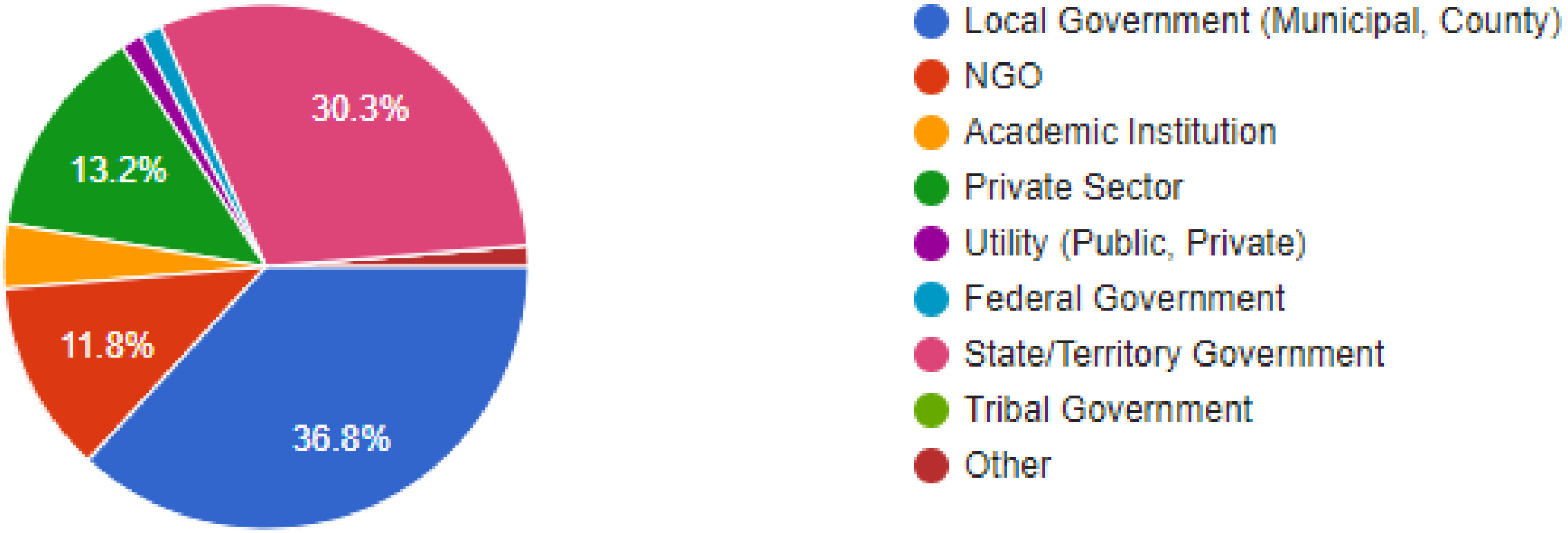
Jordan Lake Stakeholder Meeting

February 2023

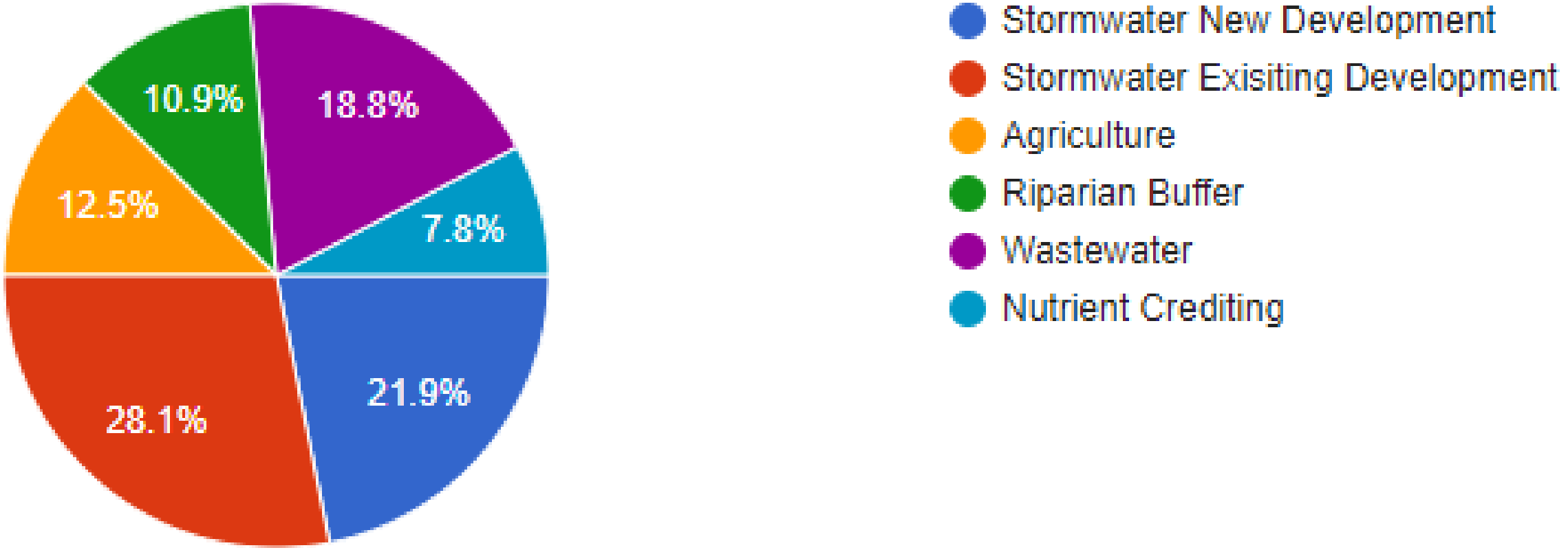
Who is in the room/online RSVP survey

- Affiliations

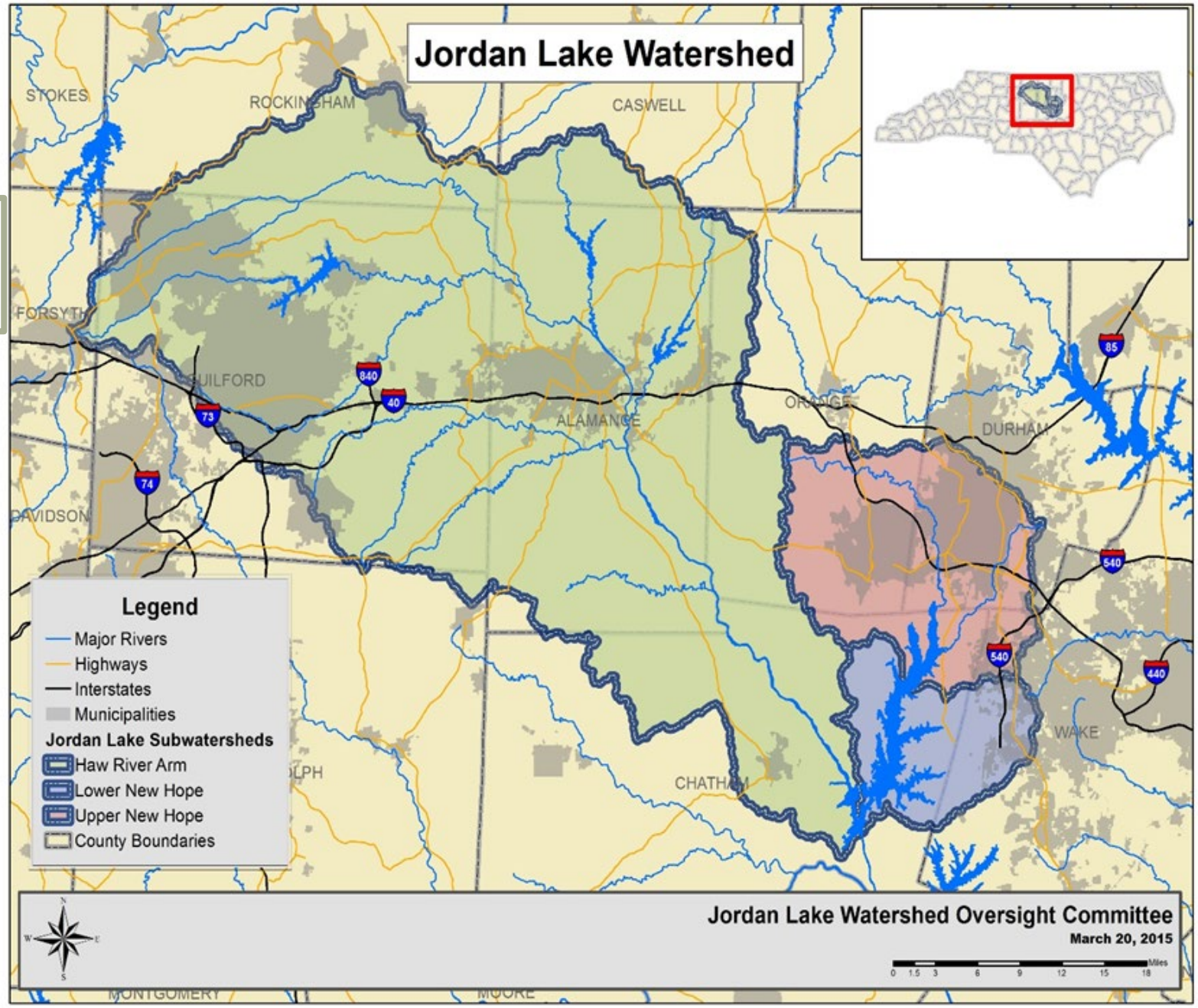


Interests in the room/online RSVP survey

- Primary area of Interest



Haw
Sub-watershed



Upper New Hope
sub-watershed

Lower New Hope
sub-watershed

Today's Meeting Purpose

Inform stakeholders about the Jordan rule readoption process.

Reorient stakeholders to the 2023 Jordan Lake model results and watershed research.

Solicit input on feasible load reduction targets for desired outcomes.

Discuss initial Jordan Rules challenges and concept alternatives.

Process and Purpose

Jordan Nutrient Rule Readoption

History of Jordan Lake

- 1981 – Impoundment of reservoir began
- 1983 – EMC declared Jordan Lake ‘nutrient sensitive’
- **1997 – SL 1997-458 HB 515 Clean Water Responsibility and Environmentally Sound Policy Act – required EMC to develop plans for reducing nutrient loads to nutrient sensitive waters**
- 2002, 2005 – Jordan Lake arms deemed impaired
- 2003-05 – DEQ conducts stakeholder process and draft rules
- 2007 – EPA approves Jordan Lake TMDL for TN and TP
- 2009 – DEQ rule implementation and start of several rule modifications, delays or bans
- 2016 – SL 2016-94 UNC Collaboratory established, studies mandated, stormwater rules iced
- 2017 – JLOW initiative started; 2022 – JLOW non-profit incorporated
- 2023 – Collaboratory-mandated Jordan Lake Model completed

EMC responsibility to manage nutrient pollution

- EMC has obligations to issue regulations per the Clean Water Act and State statutes including SL 1997-458.

- Clean Water Act:
  - Water quality criteria – Chlorophyll-a criterion
  - Section 303(d) list of impaired waters and 305(b) water quality reports – Integrated Report (IR)
  - TMDL or Alternative: A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant

- **1978 – Chlorophyll-a criterion: 40ug/L (10/90)**
- **Nutrient Rules are carrying out requirements of the Jordan TMDL**

Rule Making Process

2024

-Informal Content Development:

* **DWR stakeholder engagement**
* DWR rule drafts and internal review
* Stakeholder groups review rule language

-Formal Rulemaking Process:

2025

* **Submit rules to EMC Water Quality Committee, request to proceed**
* **Fiscal Analysis, Office of State Budget and Management approves**
* Request Environmental Management Commission approval to proceed
* Public comment period
* Hearing Officers deliberations
* **Environmental Management Commission adopts**

2026

* **Rules Review Commission approves**

Possible Elements of a Rule

- Purpose
- Agency for Accountability
- Applicability - Who Is Regulated, Activity Types, Geographic Area, …
- Performance or Technology-Based Compliance Standards
  - Possible Set of Eligible Practices
  - Possible Pace of Implementation
  - Possible Staging of Compliance
- Implementation Rollout, Later Steps, Contingencies
- Reporting Requirements
- Enforcement Mechanisms

Stakeholder Engagement

Purpose: elicit feedback on current rule implementation and **develop feasible rule concepts**.

In this process, YOU as stakeholders have the opportunity…

1. To gain **deeper understanding of** the water quality need; the state's legal mandate to take action; and the components of a strategy considered necessary to improve water quality.

2. To work together & with DWR to develop draft proposals **for fair, reasonable and proportionate strategies to** reduce phosphorus and nitrogen inputs into Jordan Lake watershed

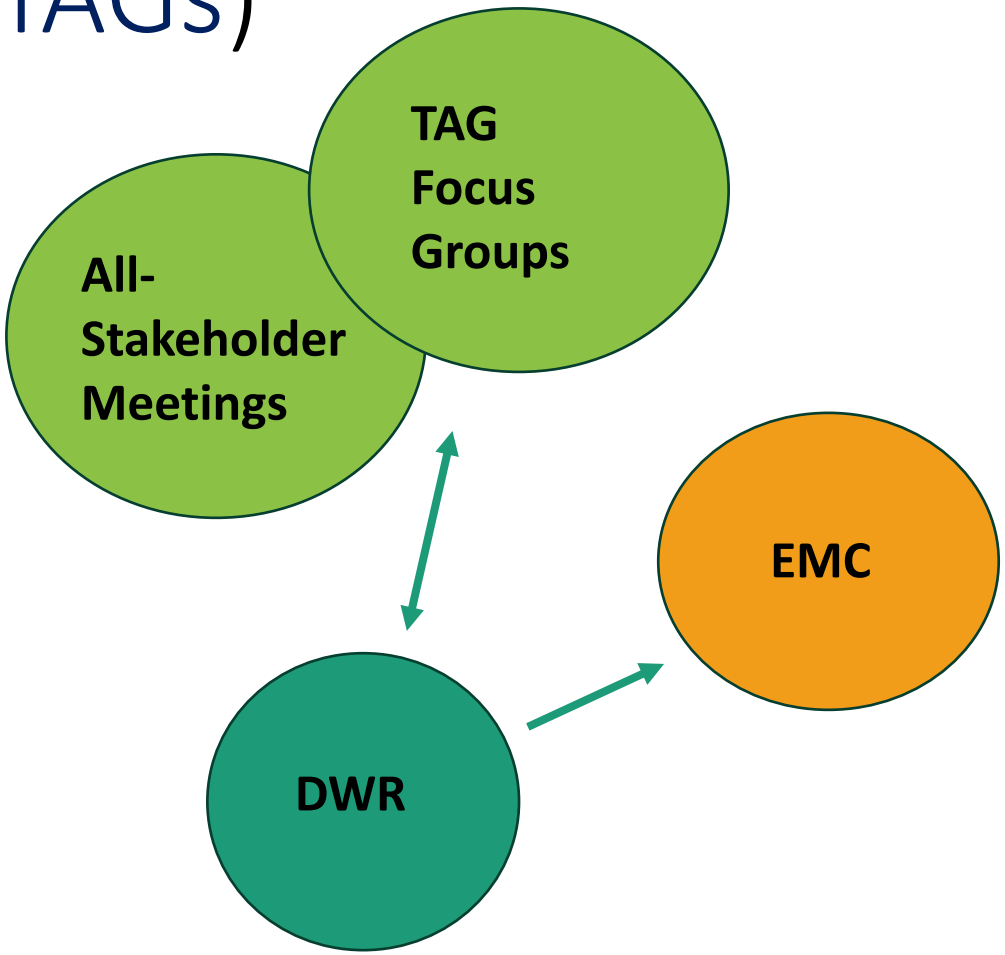
Technical Advisory Groups (TAGs)

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 investment in rule outcomes. **Subject Matter Experts.** Consistent participation requested.

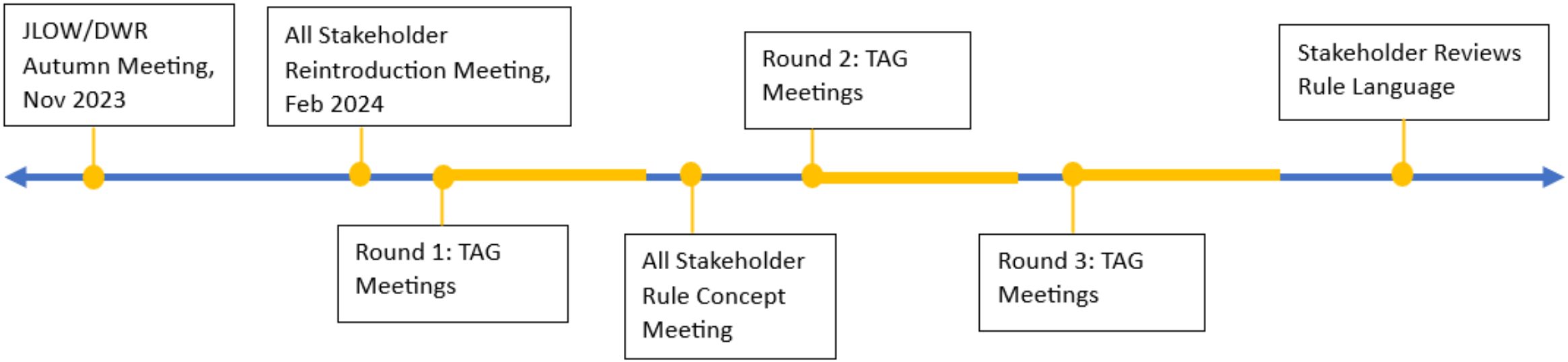
WHAT: Five teams: Agriculture; Wastewater; Existing Development Stormwater; New Development Stormwater, Riparian Buffers, *Nutrient Credits.

WHEN: Virtual meetings per Rule. Beginning April 2024.



Stakeholder Meeting Timeline: 2024

- 3 All Stakeholder Meetings
- 3 Rounds Technical Advisory Group Meetings
  - 3 meetings for each of the 5 Rules, 1 meeting for Nutrient Trading



Example: RB WW AG ED ND RB WW AG RB WW AG ED ND NC ED ND

Facilitation Team: DSC

ROLES

- Neutral convener for the process
- Ensure equitable participation

WHO: A team of professional facilitators from DSC

Responsibilities of TAG Participants

1. Make all **reasonable efforts to attend all meetings** that are scheduled with adequate notice.
2. In meetings, **explain interests openly and fully,** and look for mutually beneficial solutions.
3. **Follow through on commitments**, such as reading provided background documents and reviewing draft rule concepts.
4. **Report back to the groups they represent.** Bring their organization's feedback or unresolved issues to the relevant team.

Today's Agenda

1st hour	Process and Purpose	Ellie Rauh, NC DWR Nonpoint Source Planning DSC Facilitators
	Reorientation to 2023 Lake Model	Jim Bowen, UNC Charlotte
2nd hour	Haw Basin Plan	Nora Deamer, DWR Basin Planning
	Load Reduction Targets	Ellie Rauh & Rich Gannon, NC DWR
	Load Reduction Concepts Workshop	DSC Facilitators
3rd hour	Rule Overview, Challenges and Alternatives	Ellie Rauh and Rich Gannon, NC DWR
	Closing	Ellie Rauh, NC DWR DSC Facilitators

- Disregard following slides

Statutory Charges – Federal and State

- Federal Clean Water Act – framework: designate uses of surface waters, **set water quality standards, regulate discharges of pollutants into waters of the US**
  - DEQ delegated authority by EPA, obligated to protect water resources
  - States to address impairments of water quality standards
  - Recent decades - increased emphasis on addressing nutrient impairments

- NC Statutes follow federal – 143B-282 EMC Powers and Duties
  - EMC charged with restoring impaired waters, regulating point and nonpoint sources
  - 143-15.8B – EMC set goals for nutrient-impaired waters, develop plans

- 15A NCAC 02B .0211 - Freshwater Class C Standards
  - **Sets chlorophyll-a, pH, turbidity standards**

- Set water quality parameter standards to protect “uses” (recreation, drinking water, fishing, etc.)
- When WQ parameters are exceeded, designate a water body “impaired”
- Develop a restoration/remediation plan to reduce inputs to comply with WQ standards
- Monitor implementation until WQ standards are met
- “De-list” the impaired water body - This is the goal.

North Carolina Authorities

- 1978 – Chlorophyll-a criterion: 40ug/L (10/90)
  - 2022 – High Rock Lake site-specific criterion: 35ug/L seasonal geomean (1 year in 3) **(pending EPA approval)**
- 1997 - Clean Water Responsibility and Environmentally Sound Policy Act – EMC shall:
  - Set reduction goals for nutrient-impaired waters
  - Establish plans with “fair, reasonable, and proportionate” reductions from point and nonpoint sources
  - Adopt rules for above, and to implement TMDLs
- 2010-2016 – modeling to set point/nonpoint source goals for N, P and guide wasteload allocations for dischargers

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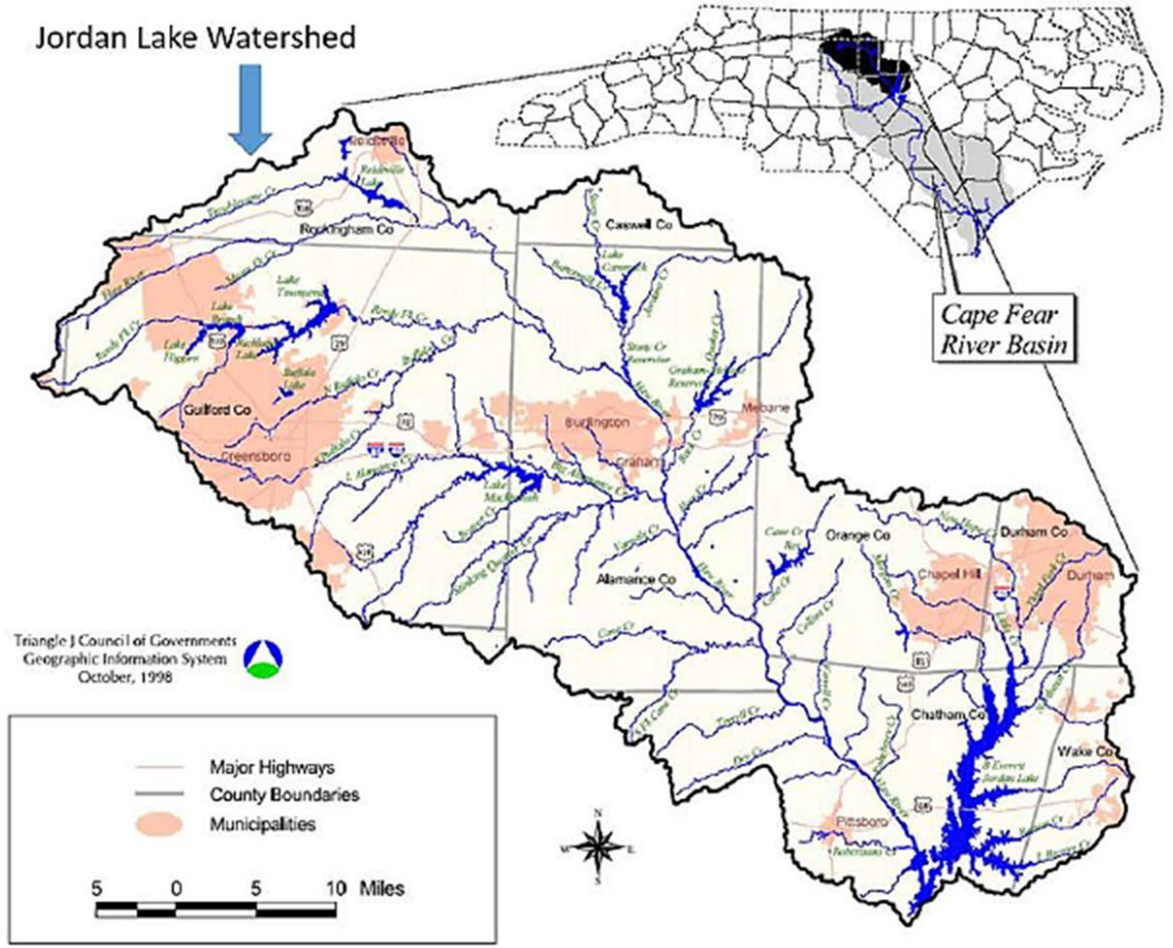

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