

10/24/2024

NOTES – Existing Development TAG #2, Jordan

Local Governments

Hannah Behr, Apex Stormwater Engineer

Charles Brown, Cary

Lisa Booze, Cary

Dylan Kirk, Carrboro

Chris Roberts, Chapel Hill

Joao Pereira, Chapel Hill

Zachary Strickland, Chapel Hill Stormwater Engineer

Raven McLaurin, Durham Watershed Restoration Engineer

Dave Phlegar, Greensboro

Virginia Spillman, Greensboro

Evan Kirk, Morrisville?

Kim Nimmer, OWASA

Ernest Odei-Larbi, Wake Co

Mark Hamlett, Wake Co General Services Admin.

Nancy Daly, Wake Co.

Theo Udeigwe, Wake Co Env Services WQ Division

JLOW

Trevor Clements, Tt

Patty Barry, CPRC

State Entities

Brian Lipscomb, DOT

Andy McDaniel, DOT

Jamie Smedsmo, UNC-CH Facilities

Other Interested Parties

Alix Matos, B&C

Annette Lucas, McAdams

Anne Coan, FBF

Grady O'Brien, NCCN

Hunter Freeman, McAdams

DWR

Ellie Rauh, Rich Gannon – NPSB

Nora Deamer - Basinwide

- Charles – tracking BUA includes outbuildings, driveways etc. what’s etc. in outline?
 - o Calculating load reductions includes reductions from SCM’s – how is that factored in?
 - Intent is to credit reductions achieved, and have language acknowledging in alternative approach.
- Grady – is investment amount the same whether you’re in individual or group?
 - o Yes they’re both on equal footing investment amount-wise. 6b.
- Jamie – investment b/t old and new baseline credited for 10% of amount?
 - o Yes [note to self – says b/t 2009 and 2014; need to change 2001 and when New D rule goes in]
 - o Will there be a S/F rule this time? Thinking to consolidate it, put S/F’s under this rule.
 - Jamie – would like us to give S/Fs the option of joining their LG’s program.
- Annette – maybe change names to options 1-3.
 - o Naming Catalog – APA doesn’t allow it. Could just name practices in rule.
- Nancy – will help to get specifics on 1 vs 2 to take to decision-makers.
 - o Reductions post-2014 – not getting credit for those?
 - o Some way to convert lb N, P to \$\$ for investment approach?
- Anne – have a lot of concerns over 5cvii doing things on ag land given ag’s need to meet its reductions. Split credits? A: intent is to allow use of practices that aren’t required by other regulation.
 - o Anne – worried that could have requirements kick in later under adaptive management and have no actions left to take.
 - o Alix – Concepts & Principles worked with Anne et al to produce, so given character of ag in Falls, rec was to not require more from ag but rather have them track activities and instead have LGs invest via ACSP, LGs get credit. So would allow LGs to fund those practices w/o ag being pinched.
- Trevor – why 5 years bar from moving in/out of association?
 - o Andy – could rewrite to say barring claiming credit for 5 years rather than barring association membership. Me – agree, makes sense.
- Raven – investment – putting value in rule vs a formula ... does that take in 10% credit? Ellie – would not include 10% credit; could choose to do that or not.
 - o Alix – intentionally did not put amounts in rule, can revise more efficiently.
- Alix – why limit conservation to 15%? That’s pretty low given it’s the best long-term practice for protecting WQ.
 - o Rich – conservation provides potential future load increase avoidance, no guarantee, and studies show the bigger the watershed, the less likely it is to have protective effect. Not limiting amounts of conservation a LG can do in any way, in fact we encourage it; we’re only saying we want this rule to be 85% focused on tangible load reductions in real time.

- Ellie – don't think studies support that it's best long-term practice for protecting WQ either.
 - Alix – 15% is too low.
- Andy – big pix, applaud DWR for direction rules are heading. Comments:
 - 5cii and 5cxi are open-ended 'other' stormwater and other other practices. Always a risk to invest in unknown. Assessment needs to occur, but not clear in rule when. Would like latitude to implement first, get approval, and assess later.
 - Ellie – will be hard to get rid of demonstration requirement beforehand.
 - Andy – monitoring results will come later. Wouldn't invest in practice if weren't evidence it worked.
 - Would like latitude on ag practices for LGs to get funding credit and ag to get load reduction credit.
 - Don't think putting any limit on conservation is necessary, but alternatively like to see a much higher % allowance.
 - Three terms in rule – spending, funding and expenditures; need to be clear on meaning of terms in context as used.
 - Not clear it's required to spend the money or at what rate. Is spending required of x amount on annual basis, or can latitude be given? Ellie – yeah we'll need to figure it out.
 - 6d restriction on number of compliance organizations one can be in but need clarification. Can foresee being part of an org that does education and one that does implementation. Need to specify organization for what purposes.
 - Agree with 5-yr bar concept, but recommend language change to not bar membership in association.
- Trevor – if you're able to explain basis for expecting practice performance, should be good enough, scientific/engineering principles. JLOW expects to have long list of intended implementation activities, you get a chance to see big picture. Expect a pretty rigorous vetting of options that we bring forward by JLOW members.
- Trevor – DSWC has said funding limited to put toward given practices. If ACSP could fund one part of exclusion system and JLOW funded another – fencing vs watering – could get more practices out there, win-win.
- Dylan Kirk – software to support tracking implementation – linked option.

Survey (didn't catch all the results announced)

- Changes to programmatic responsibilities? Minor – 50%;
- Changes to conventional LR option? Minor/major 50/50
- Changes to individual investment? Minor
- Changes to group compliance?
- Changes to reporting? Minor

Poll – factors to determine funding allocation; set your prioritization of stack.

- Grady – poll not working; for me, relevant factors are population, % BUA, jurisdiction total budget.
- Poll result – descending: land cover developed; population; drinking water use; ...; base rate; ,...
- Jamie - Population would be difficult for UNC.

Overall comments?

- Nancy – appreciate DWR’s willingness to look at alternatives in this rule.
- Grady – might want to think about what funding sources; revenue vs grants.
 - o Rich – leaning toward allowing grants, recognizing each will have its funding criteria and restrictions that may/not allow for regulatory compliance, thinking might be hard for a LG to have a perennial grant seeker on staff bringing in grants as only means of funding, will likely want internally controlled, reliable funding stream, then could use grants won for occasional reprieve or extra implementation.
- Brian L – consider allowing NPDES stormwater reporting to suffice on reporting.