

Jordan Nutrient Rule Readoption: Existing Development Stormwater Technical Advisory Meeting

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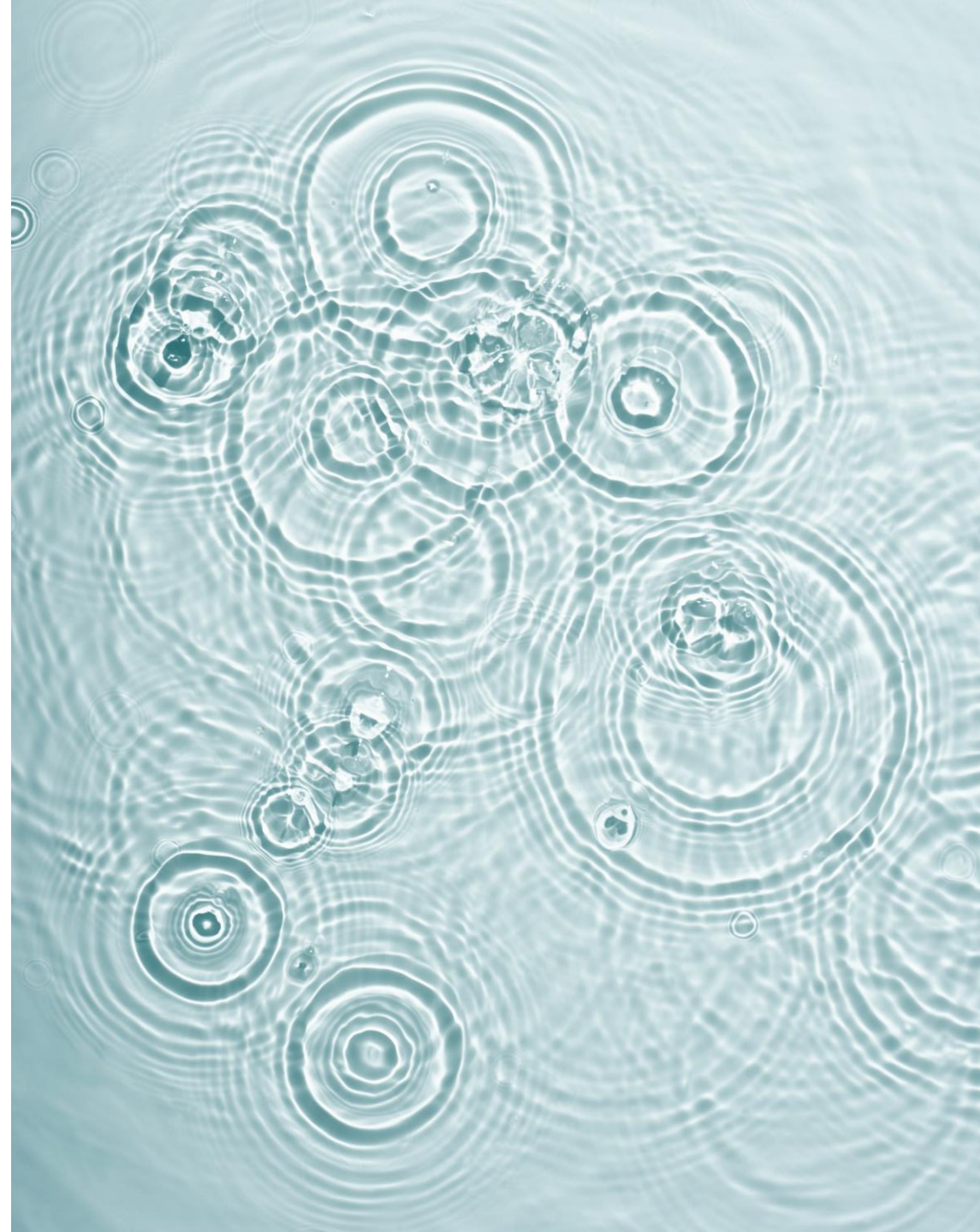
October 2024



**Welcome to the Second Technical
Advisory Group (TAG) for Existing
Development Stormwater Jordan
Rule Readoption.**

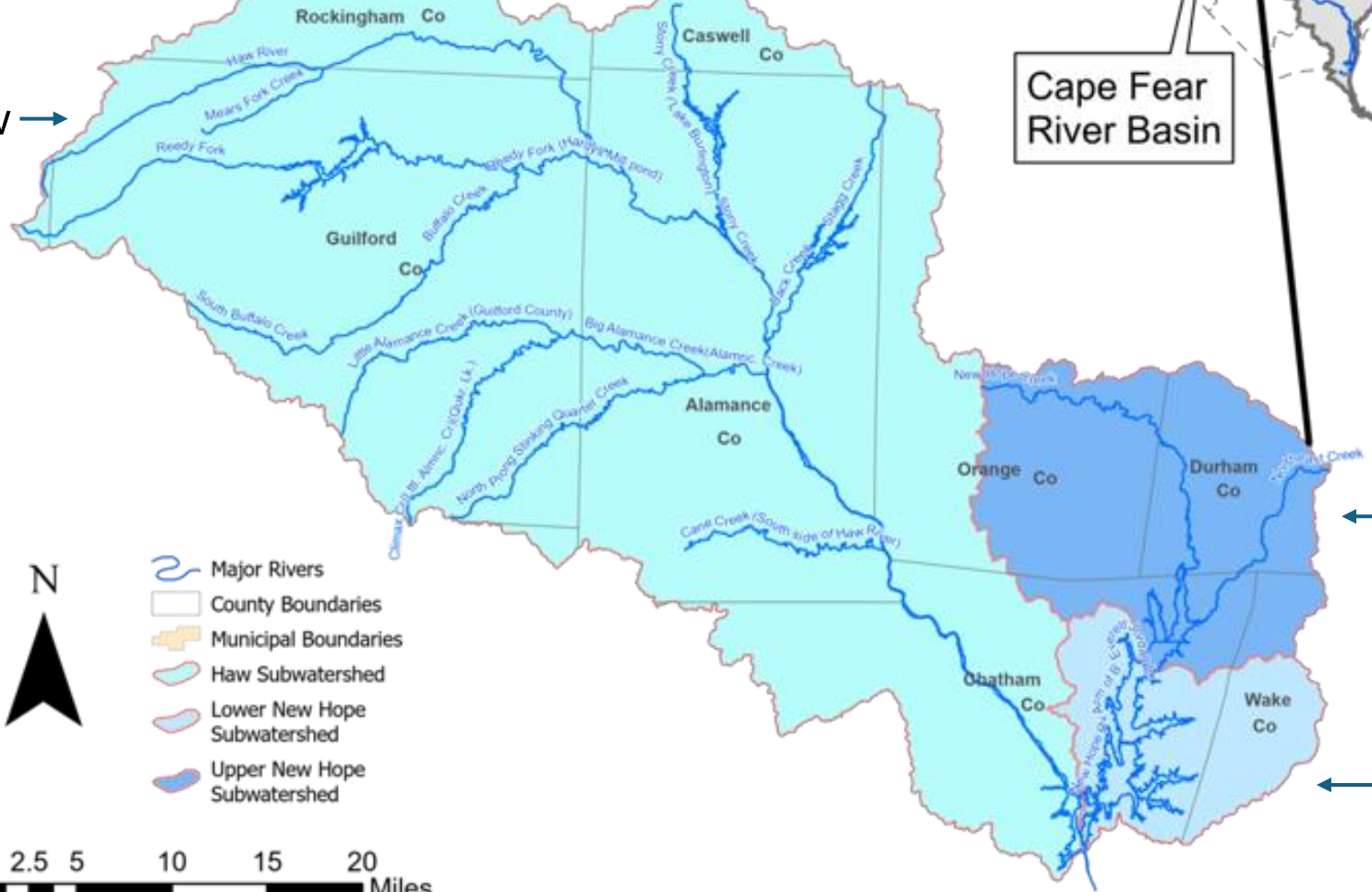
Introductions:

Name, Position/Affiliation



Jordan Lake Watershed

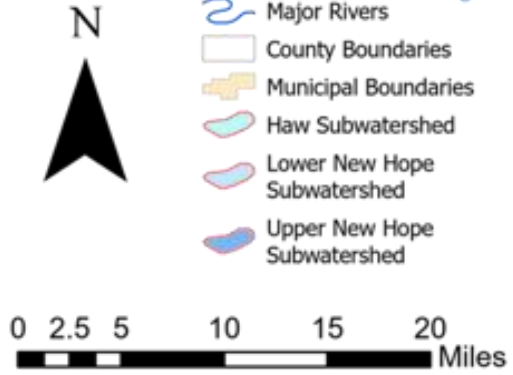
Haw →



Cape Fear River Basin

← Upper New Hope

← Lower New Hope



TAG Purpose & Process

- Purpose of TAGs: to get feedback from stakeholders on current implementation and rule revision concepts.
- TAG Process
 - May 1st TAG# 1 - Reviewed basics of current Jordan Existing Development Stormwater Rule (Stage 1), reviewed Falls IAIA program, and reached consensus/strong support for investment based option.
 - Oct 24th TAG#2 – Review draft rule concepts and language.
 - 3rd TAG (2025) – Review revised draft rule concepts and language.

Today's Talk: Summary of the draft rule sections, take questions, and if time/needed will ask for feedback on pace of implementation, funding allocations, and reporting requirements.

Item 3 PROGRAMMATIC REQUIREMENTS. Aims to improve sub-watersheds through these additional requirements.

Requirements similar to MS4 (for non-MS4):

- Procedure for reporting of illicit discharges
- Public education and outreach program

Stormwater tracking:

- Stormwater infrastructure inventory and maintenance plan
 - o Geospatial mapping
 - o O&M procedures
 - o Mapping update procedures
- Procedure for tracking changes to built upon area on:
 - o Common plans of development
 - o Residential infill
 - o Construction of accessory structures, sheds, outbuildings, driveways, etc

Fertilizer application program for urban areas:

- Fertilizer management program



Item 4 CONVENTIONAL LOAD REDUCTION PROGRAM: Option for jurisdictions to determine loading from existing development stormwater and demonstrate how BMPs can reduce loading from those sites.

- A jurisdiction determines nitrogen and phosphorus annual mass loading from the local government's developed lands (Item 4(a)). The mass loading calculation can be based on a list of factors (Item 4(b)).
- Provide a plan and schedule for implementation of Division-approved nutrient practices identified either as applicable to Existing Development rules or eligible for trading/offset.
 - Pace of implementation and achieve a X percent (maybe 1% or 5%) reduction from baseline per X (maybe year or per 5 years). Include list of funding sources and amounts, duration of projects, maintenance plans.



Item 5 INDIVIDUAL ALTERNATIVE PROGRAM: Option for jurisdictions to commit to allocating a specific level of funding and implement practices from an approved list.

- Sub-Item 5(a) would specify the level of funding required per jurisdiction - must be determined through stakeholder engagement with local governments.
 - We are leaning toward putting the actual numeric requirement in rule language to reduce any confusion for jurisdictions trying to calculate the requirement every year.
 - Would have to account for inflation and possibly some way to revise over time.
- The list of approved practices, or way to create your own new practice with Division approval, is outlined in Sub-Item 5(c). 15% of practices can be for land conservation. Practices not included on the list can be approved by the Division if there is quantitative evidence that it is effective.
- A first attempt to provide ‘credit’ to jurisdictions that have implemented practices prior to the new baseline is outlined in Sub-Item 5(e). May quantify total funding for approved practices in sub-Item 5(c) implemented from 2009-2014 and offset annual funding requirement by 10%.



Item 6 GROUP COMPLIANCE OPTION. Option to join group compliance organization. Jurisdictions would be able to meet plan requirements collectively.

- The group compliance association would have to collectively meet the total of the individual programs – load based or investment.
 - Ex. If Durham had an allocation of \$600k and Cary had allocation of \$600k then a group compliance with just those two jurisdictions would be \$1,200,000.
- The organization will have reporting requirements to the Division.
- Members who have been removed or who have voluntarily withdrawn from the compliance association may not rejoin for a period of 5 years and will be required to comply with the conventional load reduction requirements (Item 4) or the individual load reduction requirements (Item 5).



Item 7. REPORTING.

- LGs have to report to Division what program they are choosing within 6 months and then 6 months to provide plans to the Division.
 - Annual report that includes the item 3 programmatic requirements, and item 4/5 requirements for the plan and schedule implementation, sources of funding, implemented practice type and locations and the load reductions achieved by each
- Group Compliance Org has 1 year to submit a collective program to the Division.
 - Annual report including following: list of members, members who have been removed from the group or who have voluntarily withdrawn, budget describing membership dues and total expenditures on practices, estimated lbs N and P load reduction/management, innovative practices, schedule of implementation and how identify new practices.
 - Practices and programs shall be grouped according to 8-digit Hydrologic Unit Code, and cumulative nutrient loading benefits for each practice and program shall be multiplied by the delivery factor of the local catchment where it was constructed or implemented;



Item 8-9. Sections REVISIONS and AUDITING.

- Programs can be revised – for instance if jurisdiction identifies more cost-effective strategies
- One audit will be conducted for each program within the first 10 years after Rule effective date. Subsequently, each subject local government shall be audited for compliance once every 5 years.



Questions

