

Nutrient Scientific Advisory Board Meeting Summary
October 13, 2017 @ TJCOG
9:00 am – 11:30 pm

Attendees

Members / Advisors

Sally Hoyt - UNC
Josh Johnson - AWCK
Eric Kulz - Cary
Andy McDaniel - NCDOT
Haywood Phthisic - UNRBA
David Phlegar - Greensboro
Sarah Waickowski - NCSU
Allison Schwarz Weakley – Chapel Hill
Forrest Westhall - UNRBA
Michelle Woolfolk - Durham

Guests

Teresa Andrews - AWCR
Brian Burkhart - Chatham County
Tom Davis - Orange County
Diana Hales - Chatham County
Joey Hester - NCDACS DSWC
Alix Matos – Brown & Caldwell
Jen Schmitz - TJCOG
Celeste Whitman - Duke University

Facilitator – Dispute Settlement Center

Andy Sachs

DWR Staff www.deq.nc.gov/nps

Patrick Beggs
Trish D'Arconte
Tom Fransen
Rich Gannon
Jim Hawhee
John Huisman

Agenda Topics

1. NC Advisory Boards Related to Nutrients
2. NSAB Charter
3. SNAP 4 Tool

Meeting Materials are available online: www.deq.nc.gov/nps

Meeting Summary

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

The September 8, 2017 meeting summary was approved.

NC Advisory Boards Related to Nutrients

In the past few months the NSAB has asked for an explanation of the different state groups working on nutrient related issues. Jim Hawhee of the NCDWR Nonpoint Source Planning Section presented the following information.

Nutrient Scientific Advisory Board

- Authority: S.L. 2009-216
- Charge: Generally, evaluate existing development management approaches and “advise the Secretary on any other issue related to management and restoration of nutrient-impaired water bodies.”
- Organization: Up to 10 members representing various interests, convened and staffed by DWR. Charter amendments TBD...

North Carolina Policy Collaboratory Nutrient Study

- Authority: Collaboratory created by S.L. 2016-94 §11.8, nutrient study authorized and funded by §14.13(c).
- Nutrient study charge: “oversee a continuing study and analysis of nutrient management strategies (including in situ strategies) and compilation of existing water quality data specifically in the context of Jordan Lake and Falls Lake”
- Organization: Hosted at UNC-CH. Nutrient study conducted by team of academic PIs evaluating watershed, in-lake, economic, and policy aspects of J-F rules. Oversight by Collaboratory staff and advisory board.
- \$500K+ dedicated funding for 6 years
- Jordan recommendations due Dec. 31, 2018, Falls due Dec. 31, 2021
- The first year reports are [available online](#).

Jordan and Falls Stakeholder Working Group

- Authority: S.L. 2016-94 §14.13(d).
- Charge: “... provide input to the Environmental Management Commission regarding the revision to the [Falls and Jordan] Nutrient Strategies.”
- Organization: 32 representative stakeholders identified by EMC and convened in Dec. 2016.

Nutrient Criteria Development Plan (NCDP)

- Authority: NCDP mutually agreed to by DEQ, EPA
- Charge: Revisit statewide nutrient-related criteria by 2025
- Organization: Two external advisory groups staffed by DWR
- Scientific Advisory Council (SAC): evaluate scientific basis for nutrient criteria, recommend updated criteria
- Criteria Implementation Committee (CIC): provide pragmatic insights regarding implementation issues associated with criteria recommendations
- Pilot waterbodies under consideration: High Rock Lake, Central Cape Fear river system, and Albemarle Sound
- Statewide criteria recommendations to follow

Comments:

- Is the Collaboratory aware of the Jordan modeling work? Does it expect to remodel the lake?
- Is there coordination between all the stakeholders, all these efforts, and all the information?
- How does this info affect the status Jordan rulemaking and strategy implementation?
- Other related processes include:
 - Jordan Lake One Water Association
 - Reimagining Nutrient Management Through a Holistic One Water Approach

The NSAB decided to learn more about these groups and projects. **Guests from the NCDP and the NC Policy Collaboratory will attend the December 1, 2017 to share more about their programs.**

NSAB charter

The NSAB has been working on its charter the last few meetings. It is a result of multiple administrative decisions since 2010 which are now all found in one document.

The NSAB agreed to add the following sentence to the purpose:

The NSAB functions primarily as an advisory group to assist and guide the agency with effective implementation of nutrient management strategies for developed areas.

The NSAB approved all other parts of the charter, and would like to include an attendance expectation. A discussion of the attendance language to be included was begun at the October 13, 2007 NSAB meeting. Staff started with that language and suggests the following be added to the charter:

NSAB expects Primary Members or their alternates will attend each meeting and keep each other informed. Primary Members are expected to contact the convener ahead of the meeting if the Primary Member cannot attend. If neither the Primary Member nor alternate attend a meeting without notifying the convener, the convener will contact the Primary Member.]

The above suggestion will be presented at the Dec 1, 2017 meeting.

The NSAB discussed membership changes and open seats. Currently the Academic representative seat is empty and one of the possible six local governments seats is empty. DWR staff suggested Chatham County fill the empty local government seat. NSAB asked staff to contact Burlington to find out their opinion. (Burlington has been represented previously on the NSAB. Staff contacted Burlington who agreed they will not be on the NSAB as a Primary Member but as an Advisor.

The NSAB will discuss membership at the Dec 1, 2017 meeting.

Stormwater Nitrogen and Phosphorous Tool (SNAP 4)

DWR has been working on a new stormwater nutrient accounting tool for about 1.5 years. The current tool, JFSNAT2 (Jordan Falls Stormwater Nutrient Accounting Tool) needs improvement and is only useful for Falls and Jordan watersheds. SNAP4 includes many usability improvements and the data from the DEMLR Stormwater Credit Document (SCM). SNAP 4 has been shared widely in an unofficial status. DWR staff is ready to submit SNAP4 for DWR Director approval to be the official nutrient accounting tool for site-scale regulatory compliance of the following Jordan Lake and Falls Lake Nutrient Management Strategy Rules:

- 15A NCAC 02B .0265 - Jordan New Development
- 15A NCAC 02B .0277 - Falls New Development
- 15A NCAC 02B .0266 - Jordan Existing Development
- 15A NCAC 02B .0278 - Falls Existing Development
- 15A NCAC 02B .0271(10) - Jordan State and Federal Entities - accounting methods for non-NCDOT
- 15A NCAC 02B.0281(13) - Falls State and Federal Entities – accounting methods for non-NCDOT

Previous feedback suggested the NSAB supported SNAP4 and staff decided to ask NSAB for an endorsement to submit to the DWR Director.

Comments:

- Chapel Hill is using SNAP4 for tracking purposes.
- UNC-CH is using SNAP4 for compliance.
- We should use this moving forward, but not require back-calculating.

At this point in the meeting, one member needed to leave and there was no longer a quorum to be able to vote. NSAB agreed to try to vote by email. An email was sent out that afternoon and staff very quickly learned of an alternate view about the nitrogen effluent mean concentration (EMC) for sand filters. The nitrogen EMC for sand filters is 0.92mg/L (JFSNAT2) and 1.33 mg/L (SNAP4).

A discussion of this topic is on the December 1, 2017 meeting agenda.

Trish D'Arconte of the NCDWR Nonpoint Source Planning Section informed the NSAB of the need to begin a committee to discuss the development of SNAP Version 5.

Closing comments

Several members suggested having the NC Policy Collaboratory and NCDP on an upcoming agenda and expressed a desire to discuss the coordination among the numerous groups.